



ORDINANCE No. 2530

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE REVISING SECTIONS OF THE NEVADA COUNTY GENERAL CODE

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

SECTION I:

Findings and Declarations

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Amendments to these Codes are part of an on-going effort to recodify and reorganize provisions of the Nevada County Codes.

SECTION II:

1. Chapter II: "FRANCHISES" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit A" attached hereto and incorporated by reference.
2. Chapter III: "BUSINESS REGULATIONS" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit B" attached hereto and incorporated by reference.
3. Chapter IV: "GENERAL REGULATIONS" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit C" attached hereto and incorporated by reference.
4. Chapter VI: "PRISON LABOR" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit D" attached hereto and incorporated by reference.
5. Chapter VII: "MISDEMEANORS" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit E" attached hereto and incorporated by reference.
6. Chapter IX: "WATERWAYS" of the Nevada County General Code is hereby revised and amended to read as shown in "Exhibit F" attached hereto and incorporated by reference.

SECTION III:

Severability. If any provision of these Articles or the application thereof to any person or circumstance is held invalid, the remainder of these Articles, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of these Articles are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph,

sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall be passed and adopted immediately after notice and a public hearing as required by statute, and shall take effect and be in force at the expiration of thirty (30) from and after its passage, and shall become operative on the 23rd day of November, 2023 and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of October, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

EXHIBIT A

**GENERAL CODE
CHAPTER II – FRANCHISES
SECTION 2.B: MISCELLANEOUS**

Sections:

Sec. G-II 2.B.1	Captions
Sec. G-II 2.B.2	Calculation of Time
Sec. G-II 2.B.3	Reserved
Sec. G-II 2.B.4	Connections to Cable System; Use of Antennae
Sec. G-II 2.B.5	Discrimination Prohibited
Sec. G-II 2.B.6	Transitional Provisions

Sec. G-II 2.B.1 Captions

The captions to sections throughout this Article are intended solely to facilitate reading and reference to the sections and provisions of this Article. Such captions shall not affect the meaning or interpretation of this Article. (Ord. 2415. (07/26/2016))

Sec. G-II 2.B.2 Calculation of Time

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Article or any franchise, and a period of time or duration for the fulfillment of doing thereof is prescribed and is fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of time. (Ord. 2415. (07/26/2016))

Sec. G-II 2.B.3 Reserved

Sec. G-II 2.B.4 Connections to Cable System; Use of Antennae

- A. **Subscriber Right to Attach.** To the extent consistent with federal law, subscribers shall have the right to attach VCRs, receivers, and other terminal equipment to a Franchisee's cable system. Subscribers also shall have the right to use their own remote-control devices and converters, and other similar equipment.
- B. **Removal of Existing Antennae.** A Franchisee shall not, as a condition of providing service, require a subscriber or potential subscriber to remove any existing antenna, or disconnect an antenna except at the express direction of the subscriber or potential subscriber, or prohibit installation of a new antenna, provided that such antenna is connected with an appropriate device and complies with applicable law. (Ord. 2415. (07/26/2016))

Sec. G-II 2.B.5 Discrimination Prohibited

- A. **No Retaliatory Actions.** A cable communications systems operator shall not discriminate among persons or the County of Nevada or take any retaliatory action against a person or the County of Nevada because of that entity's exercise of any right it may have under federal, state, or local law, nor may the cable communications systems operator require a person or the County of Nevada to waive such rights as a condition of taking service.
- B. **Employment and Hiring Practices.** A cable communications systems operator shall not refuse to employ, discharge from employment, or discriminate against any person in compensation or in terms, conditions, or privileges of employment because of race, color, creed, national origin, sex, sexual orientation, age, disability, religion, ethnic background, or marital status. A cable communications systems operator shall comply with all federal, state, and local laws and regulations governing equal employment opportunities, and hiring practices, as the same may be amended from time to time. (Ord. 2415. (07/26/2016))

Sec. G-II 2.B.6 Transitional Provisions

- A. **Persons Operating Without a Franchise.** The cable communications systems operator of any facility installed as of the effective date of this Article, for which a franchise is required under this Article, shall have three (3) months from the effective date of this Article to file one or more applications for a franchise. Any cable communications systems operator timely filing such an application under this Section shall not be subject to a penalty for failure to have such a franchise so long as said application remains pending; provided, however, nothing herein shall relieve any cable communications systems operator of any liability for its failure to obtain any permit or other authorization required under other provisions

of the County of Nevada's Codes, and nothing herein shall prevent the County of Nevada from requiring removal of any facilities installed in violation of the County of Nevada Codes.

- B. Persons Holding Franchises. Any person holding an existing franchise for a cable communications system may continue to operate under the existing County Code provisions to the conclusion of its present term (but not any renewal or extension thereof) with respect to those activities expressly authorized by the franchise; and provided further that, such person shall be subject to the other provisions of this Article to the extent permitted by law.

- C. Persons with Pending Applications. Pending applications shall be subject to this Article. A person with a pending application shall have thirty (30) days from the effective date of this Article to submit additional information to comply with the requirements of this Article governing applications. (Ord. 2415. (07/26/2016))

EXHIBIT A

GENERAL CODE

CHAPTER II – FRANCHISES

SECTION 3: FRANCHISES FOR SOLID WASTE SERVICES

Sections:

- Sec. G-II 3.1 Franchise Required**
- Sec. G-II 3.2 Incorporation of Article 1 of This Chapter by Reference**
- Sec. G-II 3.3 Authority to Use Streets, Public Easements**
- Sec. G-II 3.4 Duties of Franchise Holder**

Sec. G-II 3.1 Franchise Required

No person, partnership or corporation, without having first acquired from the Board of Supervisors a franchise, shall operate a solid waste service in any unincorporated area of the County of Nevada, where such service covers collection, transfer and disposal of garbage, trash, and other waste from residential, commercial and industrial properties.

Sec. G-II 3.2 Incorporation of Article 1 of this Chapter by Reference

All sections of this Chapter of the County of Nevada Code are hereby incorporated by reference and made a part of this Chapter as if set forth here in full.

Sec. G-II 3.3 Authority to Use Streets, Public Easements

Any garbage franchise holder shall have the right to use all public streets, highways, alleys, public properties or public easements of the County.

Sec. G-II 3.4 Duties of Franchise Holder

The County of Nevada operates two distinct Franchise Area Agreements, Eastern Nevada County and Western Nevada County. Every garbage franchise grantee under this Chapter shall:

- A. Develop and maintain garbage collection and recycling services within the franchise area. Maintain a regular pick-up schedule for all populated areas within the franchise area as specified in the franchise agreement.
- B. Dispose of all collected solid waste at a fully permitted solid waste facility.
- C. Comply with all conditions and terms of this Code regarding Waste Disposal.
- D. Operate any additional programs specified by the County of Nevada in the franchise agreement.
- E. Comply with all state regulations pertaining to solid waste collection, transportation, disposal, and operation of solid waste facilities.
- F. In addition, to the above requirements, the Franchise Holder for Western Nevada County shall:
 - 1. Operate the County owned Washington and North San Juan Transfer Stations.
 - 2. Operate the County owned McCourtney Road Recycling Facility.

EXHIBIT B

GENERAL CODE

CHAPTER III - BUSINESS REGULATIONS

SECTION 4: REGULATION OF MEDICAL TRANSPORTATION SERVICES

Sections:

Sec. G-III 4.1	Purpose
Sec. G-III 4.2	Definitions
Sec. G-III 4.3	Service Requirements
Sec. G-III 4.4	Initial Permit Application Procedures and Endorsement Levels
Sec. G-III 4.5	Provisional Permits
Sec. G-III 4.6	General Requirements Pertaining to the Display and Use of Permits
Sec. G-III 4.7	Grounds for Disapproval of Permit Application/Endorsement of Service Level
Sec. G-III 4.8	County Approval Prerequisite to Obtaining Business License
Sec. G-III 4.9	Operation Standards and Procedures
Sec. G-III 4.10	Required Personnel
Sec. G-III 4.11	Insurance Requirements
Sec. G-III 4.12	Vehicle Equipment
Sec. G-III 4.13	Requirements for Interior Configuration, Design and Dimensions of Ground Units
Sec. G-III 4.14	Station Requirements
Sec. G-III 4.15	General Requirements Regulating Air Ambulances
Sec. G-III 4.16	Drugs and Controlled Substances
Sec. G-III 4.17	Required Reporting
Sec. G-III 4.18	Inspections
Sec. G-III 4.19	Enforcement
Sec. G-III 4.20	Unprofessional Conduct
Sec. G-III 4.21	Appeal Hearing Process

Sec. G-III 4.22	Circumstances for Revocation and/or Suspension of Nevada County Service Permit Authorized by local EMS Agency
Sec. G-III 4.23	Grounds for Immediate Revocation or Suspension
Sec. G-III 4.24	Notice of Violation
Sec. G-III 4.25	Complaints
Sec. G-III 4.26	Compliance
Sec. G-III 4.27	Exemptions from Requirements for Permit
Sec. G-III 4.28	Miscellaneous Requirements
Sec. G-III 4.29	Special Events
Sec. G-III 4.30	Ambulance Rates
Sec. G-III 4.31	Interfacility Transfers
Sec. G-III 4.32	Disaster Operations
Sec. G-III 4.33	Reserved
Sec. G-III 4.34	Prohibited Acts

Sec. G-III 4.1 Purpose

The purpose of this Section is to enact formal policies and regulations for licensing and regulating the operation of medical transportation services with the County of Nevada, to protect the public by assuring that medical transportation services operate safely and to assure that adequate medical transportation services will be provided in all areas of the County.

Sec. G-III 4.2 Definitions

The following terms are defined as set forth below for the purposes of this Section:

A. **ADVANCED LIFE SUPPORT (ALS)** means special services designed to provide definitive pre-hospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorized personnel under supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during inter-facility transfer, and while in the emergency department of an

acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

B. AGENCY VEHICLE means a vehicle, which responds to an emergency, the attendants of which may treat but not transport patients and is operated and equipped at the ALS level by a provider agency under a permit issued pursuant to this Section.

C. AMBULANCE means a vehicle, permitted by the local EMS Agency, specially constructed, modified, equipped, and used for the purpose of transportation of sick, injured, convalescent, infirm, or otherwise incapacitated persons who may require measures to prevent loss of life or worsening of a traumatic injury or illness, or have sudden need of medical attention.

D. AMBULANCE SERVICE means the operation of any ambulance within the County of Nevada.

E. APPLICANT means any person, organization, or service provider who applies for a permit under this Section.

F. BASIC LIFE SUPPORT (BLS) means emergency first aid and cardiopulmonary resuscitation procedures which, at a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until advanced life support is available.

G. BOARD means the Governing Board of Directors of the Local EMS Agency.

H. COUNTY means The County of Nevada, California and its agencies, departments, committees, boards and commissions.

I. DEPARTMENT OF PUBLIC HEALTH means the Nevada County Department of Public Health.

J. EMERGENCY MEDICAL SERVICES SUBCOMMITTEE (EMSS) means the Nevada County subcommittee of the Nevada County Operational Area Emergency Services Council established pursuant to Cal. Health & Safety § 1797.270. of the California

K. EMERGENCY MEDICAL SERVICES means the services utilized in responding to a medical emergency.

L. EQUIPMENT means the equipment required in an ambulance, air ambulance or agency vehicle pursuant to this Section and equipment standards established by the Local EMS Agency.

M. LOCAL EMS AGENCY means the agency, department, or office having primary responsibility for administration of emergency medical services in the County of Nevada or Local EMS Agency or region.

N. MEDICAL TRANSPORT VEHICLE means a vehicle, not an ambulance, specifically constructed, modified, equipped, or arranged to accommodate a stretcher or wheelchair and operated for the purpose of transporting sick, injured, convalescent, infirmed, or otherwise incapacitated persons not requiring urgent transportation.

O. PATIENT means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless and who may be transported in an ambulance, air ambulance or medical transport vehicle.

P. PERMIT means the document authorized/issued by the local EMS Agency on behalf of the Board which issues a permit for a service to provide emergency care and/or medical transportation in the County of Nevada.

Q. PERMITTEE means a person who holds a permit.

R. PERSON means an individual, trust, firm, partnership, association, corporation or public entity.

S. PILOT means a person who is certified as a commercial pilot by the Federal Aviation Administration.

T. PUBLIC ENTITY SERVICE means a service which is provided primarily as a public service by an agency of local government.

U. REPORTS means records upon such forms as may be provided or prescribed by the Local EMS Agency concerning the dispatch, emergency care, or transportation of any patient within or beyond the limits of Nevada County. Such reports shall be available for inspection at any reasonable time and copies of such records shall be filed upon written request of the Local EMS Agency within two (2) working days.

V. SERVICE means the operation of an ambulance, air ambulance, agency or medical transport vehicle to provide medical care or patient transportation within the County of Nevada.

W. STATE means the State of California.

X. STATION means a facility from which an ambulance, air ambulance or medical transport vehicle is operated.

Y. SUBSTATION means a subsidiary facility from which an ambulance, air ambulance or medical transport vehicle is operated.

Z. TRANSFER means the movement of a patient by ambulance, air ambulance or medical transport vehicle, from one hospital to another hospital, a medical facility, a home or other location.

AA. TRANSPORT means the movement of a patient by ambulance, air ambulance or medical transport vehicle.

BB. VOLUNTEER means an individual who:

1. Acts as a driver or attendant of an ambulance or medical transport vehicle;
2. Does not receive more than 50% of their annual income from the EMS provider that is claiming volunteer status.

CC. VOLUNTEER SERVICE means a service which:

1. Transports patients without compensation, other than reimbursements to defray the actual expenses of providing such service and;
2. Is either wholly or partly subsidized or otherwise operated under the auspices of some governmental or public agency, body or group, or any industrial or nonprofit corporation and;

3. Uses volunteers.

Sec. G-III 4.3 Service Requirements

A. Except as provided in this Section, no person may furnish, operate, conduct, maintain, advertise or otherwise be engaged in, or profess to operate an ambulance, air ambulance or medical transport vehicle within the County of Nevada unless they hold a valid permit authorized/issued by the local EMS Agency pursuant to this Section.

B. A permit will be issued only when the permittee is in compliance with all applicable federal, state, and County codes and regulations, and County policies and procedures.

C. For the purpose of determining whether a service meets the requirements of this Section, the local EMS Agency may require the following information:

1. Location of storage, supply, or re-supply of drugs and controlled substances;
2. Station or substation location;
3. Location of business as listed on any business license;
4. Advertised business location, telephone number, and mailing address;
5. Site to which on-call employees respond when a request for service is received;
6. Location of back-up equipment supply or re-supply; and
7. Any additional information that may be required by the County or Local EMS Agency.

D. Whenever a service based outside Nevada County, but within the State of California, initiates a transport within Nevada County must hold a valid permit as described in this Section, unless otherwise exempted in this Section.

E. No permit is required if a valid provisional permit, issued by the local EMS Agency, exists.

F. A service permitted in accordance with this Section must provide emergency care to and transport any emergency patient regardless of the patient's ability to pay.

G. No permittee, under this Section shall cause or allow its ambulances, or air ambulances to respond to a location without receiving a specific request for that response, unless otherwise exempt.

Sec. G-III 4.4 Initial Permit Application Procedures and Endorsement Levels

A. Application for a permit must be made upon forms prescribed by the local EMS Agency in accordance with this Section. The local EMS Agency, after receipt of the completed application shall:

1. Confirm the applicant's approval as an ALS provider.
2. Cause an investigation to be made of the applicant, the applicant's proposed service and the information contained on the application and;
3. Upon completion of the investigation, either issue the permit or reject the application in writing on any grounds prescribed in this Section. The written rejection must set forth the reasons therefor and must notify the applicant of his right to appeal.

B. In accordance with the provision of this section, the local EMS Agency shall prepare an application form and shall require each applicant to furnish information as it deems necessary to determine the applicant's ability to meet the requirements of this Section.

C. The applicant must provide proof of insurance coverage as required by this Section.

D. The applicant must provide a statement of financial worth of the proposed ambulance service.

E. When the applicant is a firm or corporation, the officers, owners and managers shall provide their fingerprints for the purpose of identification and criminal background screening.

F. A permit expires on July 1, following the date of issuance, and must be renewed before that date. A renewal application must be submitted at least thirty (30) days

prior to the permit expiration date with the same requirements, limitations, terms and conditions applicable to issuance of a permit. A modified application form approved by the local EMS Agency shall be used for renewal applications for a permit.

G. The local EMS Agency shall not approve an application for operation unless that application is in compliance with the policies of the Local EMS Agency. The application shall include, at a minimum, a description of:

1. The name, current address, and certification level of the attendants who the service proposes to utilize;
2. How the service or agency proposes that its attendants will comply with requirements under this Section for continuing training and periodic certification;
3. Communications and 24-hour dispatch capabilities, including recording of telephone and radio communications of the service, recording maintenance and retrieval system, response times and the protocols used for dispatching the service;
4. How the equipment, supplies and drugs which the service uses on each BLS, ALS, or medical transport unit comply with Local EMS Agency policy; ambulances or air ambulances shall be removed from service if the unavailability of supplies/drugs interferes with the delivery of clinically necessary patient care.
5. How the service or agency proposes to maintain adequate medical records on the treatment of patients, and a general description of their internal quality assurance process and the individuals responsible;
6. The name of each base hospital to which patients will be transported;
7. The staffing necessary for the number of units to be operated by the service;
8. The service's plan for drug storage, supply and re-supply, including procedures to meet federal, state and local requirements;
9. The service's plan for handling and disposal of Biohazardous Materials;
10. The service's plan for Infection Control and;
11. The service's plan for the Incident Command System (ICS), and disaster training, equipment and supplies;
12. The schedule of proposed rates under which applicant will operate. Such rates may be based on a flat rate, or zone basis, time, mileage, or special service, or a combination thereof.

Sec. G-III 4.5 Provisional Permits

- A. The local EMS Agency may authorize/issue a provisional permit to operate an ambulance, air ambulance, or medical transportation service which is limited as to time, place and purpose, based on public need.
- B. No provisional permit may be issued for a period of time longer than six months.
- C. A provisional permit may be authorized for reissue at the discretion of the local EMS Agency, but in no case may more than one reissue be made.
- D. A provisional permit may be issued when the applicant is deemed by the local EMS Agency Medical Director to be ineligible for a regular permit because of an inability to meet, in the opinion of the local EMS Agency, any requirement of this Section and the service is deemed necessary for the safety of the public and not detrimental to patient care.

Sec. G-III 4.6 General Requirements Pertaining to the Display and Use of Permits

- A. Any permit or provisional permit issued pursuant to this Section shall be prominently displayed in the principal place of business of the permittee and shall not be altered or defaced in any way. If any official entry on any such permit is defaced, removed, obliterated or altered in any way, the permit shall be rendered immediately null and void and of no force and effect whatever.
- B. No permit issued pursuant to this Section is transferable.
- C. Each permitted vehicle shall display the issued permit decal in plain sight on each vehicle in the area deemed appropriate by the local EMS Agency.

Sec. G-III 4.7 Grounds for Disapproval of Permit Application/Endorsement of Service Level

- A. The local EMS Agency may refuse to issue a permit for one or more of the following reasons:

1. Failure to provide a complete application or a determination by the local EMS Agency that the applicant fails to meet the requirements of this Section;
2. If the provider's owners, officers and managers have previously had an applicable permit revoked or the status is directly at issue, which effects its present ability to serve;
3. If the provider's owners, officers and managers have a criminal record, as verified by the FBI and/or the Criminal Intelligence and Investigation, which is substantially related to the qualifications, functions, and duties of operating a service;
4. If there is reasonable cause to believe that the provider's owners, officers and managers will not provide emergency medical services or medical transport in a manner that will promote the health and general welfare of persons within the County who may need to utilize the applicant's proposed services;
5. If the provider's owners, officers and managers do not have the required equipment for the units;
6. If the provider's owners, officers and managers have not demonstrated, utilizing standard accounting practices and principles, sufficient financial stability or capitalization of a service to assure that the service will be run in an efficient and business-like manner for a period of at least one year or cannot meet the insurance requirements of Section G-III 4.11;
7. If the provider's owners, officers and managers propose to operate a service within a service area where another ambulance service or entity has been granted an exclusive operating area;
8. If the applicant for a permit to operate an air ambulance does not meet the Federal Aviation rules for certification under FAR Part 91 or Part 135, or both, as published in the Federal Register, January 1, 1985, as may be amended from time to time;
9. If the provider's owners, officers and managers commit fraud or deception in the completion of the application and/or;
10. Failure to comply with all applicable federal, state and County codes and regulations and Local EMS Agency policies/procedures.

B. If an application for a permit to operate a service, or an endorsement authorizing services at the ALS level is denied by the local EMS Agency for failure to meet the requirements of this Section, the applicant shall be notified by personal service or by certified mail within ten working days of that fact, stating the reason or reasons therefore and the applicant's right of appeal as provided for in this Section. No right of appeal exists if the permit is denied pursuant to the provisions of this Section.

Sec. G-III 4.8 County Approval Prerequisite to Obtaining Business License

Receipt of business license issued by any local governmental entity does not constitute a permit to operate an ambulance or medical transport service until a permit as required by this Section has been authorized/issued by the local EMS Agency.

Sec. G-III 4.9 Operation Standards and Procedures

- A. Any unit, unless exempt, in order to be placed into service, must be inspected by the California Highway Patrol and the Local EMS Agency and must have a current "Statement of Safe Operating Condition" issued by the California Highway Patrol to determine if it complies with this Section.
- B. Each unit must be maintained in a safe operating condition, including all engine parts, body parts, and all other operating parts and equipment used in and on the unit. (Note: In this connection the local EMS Agency shall periodically, and at least annually, require each permittee to certify that they have had inspected every unit under their control and supervision and that, in the opinion of a professional mechanic, the unit is in safe operating condition. Successful completion of an annual California Highway Patrol Ambulance Inspection is acceptable. A written copy of this certificate shall be submitted to the local EMS Agency within ten days of the inspection.) In the case of an air ambulance, maintenance must be in accordance with Federal Aviation Rules parts 43, 91 and 135 as applicable.
- C. Each ambulance shall be equipped with at least one primary mobile two-way radio capable of establishing and maintaining communication with the base hospital on the UHF designated MED NET 1-10 frequencies and the local fire authority. Each ambulance shall also be equipped with at least one portable back up communication device (cellular telephone is acceptable.) All communications equipment must meet manufacturer's specifications for power, output and antenna.

- D. Units shall be equipped with such lights, sirens, and special marking to designate it as an ambulance as are required by the regulations of the California Highway Patrol covering operation and equipment of ambulances used for emergency services.
- E. Every unit operated in the County of Nevada shall currently comply with all applicable laws and local ordinances relating to health, sanitation and safety.
- F. Relatives of a patient and other persons may ride in an ambulance or medical transport vehicle at the discretion of the attendant(s). Restraints for utilization by each passenger riding in an ambulance or medical transport vehicle must be available in ambulances or medical transport vehicles. Attendants shall require that all persons utilize such restraints.
- G. An ambulance service or entity granted an exclusive operating area as part of the local EMS Agency plan, may adopt dispatch protocols and procedures which must be approved by the local EMS Agency.

Sec. G-III 4.10 Required Personnel

A. In addition to any other requirements contained herein, no service may utilize a driver or pilot to operate a unit unless:

1. They are familiar with the geographic area of the organization's service area;
2. They have adequate knowledge of all the hospitals within the organization's service area;
3. They can operate a two-way radio and;
4. They can drive a unit under emergency conditions.

The service provider shall keep on file confirmation of demonstrated knowledge/ability of A.1 through 4, signed by the employee and management.

B. Each service or agency must provide written notice to the local EMS Agency within ten (10) days of any change in units unless an alternate plan has been approved by the local EMS Agency.

C. Services may utilize only those drivers and attendants who are appropriately licensed, certified and accredited by California and/or the local EMS Agency.

D. Every advanced life support transport unit when in operation must be staffed, at a minimum, by two personnel, one of whom must be State licensed and locally accredited as an EMT-P and one of whom must be certified in the State of California as an EMT-I.

E. Every Basic Life Support transport unit when in operation must be staffed, at a minimum, by two personnel, both of whom must be certified in the State of California as an EMT-I.

F. An agency vehicle approved at the ALS level must have at least one California licensed and locally accredited EMT-P.

G. An operational air ALS unit should be staffed by two EMT-P's or two registered nurses and, as a minimum, must be staffed by no fewer than one EMT-P or authorized registered nurse and one EMT-I.

H. No person, service or agency shall be out of compliance with Cal Gov't Code § 8355, in matters relating to providing a drug-free workplace.

I. Air ambulance attendants used by a service must have training in aeromedical physiology, aircraft safety, emergency aeromedical procedures, and any other specialized training required by the Local EMS Agency based on current Association of Air Medical Services (AAMS) national standards.

Sec. G-III 4.11 Insurance Requirements

A. The permittee shall obtain and keep in force during the term of said permit the following insurance coverage issued by a company authorized to do business in the State of California. The required insurance coverage may be revised as deemed necessary by the local EMS Agency, Nevada County Risk Manager or the County Administrative Officer.

1. Comprehensive General Liability Insurance to include coverage for bodily injury, property damage, blanket contractual, and personal injury.
2. Workers' Compensation Insurance for Statutory Compensation Coverage.
3. Comprehensive Auto Liability, combined Single Limit Bodily Injury and Property Damage; minimum coverage for medical transport vehicles and coverage for all permittees must include owned auto, non-owned auto, hired auto, and cross liability or severability of interest clause in policy.
4. Professional Liability for all employees providing service. Error or omission and failing to render professional services coverage, and minimum limits for medical transport vehicles and all other permittees.

B. Said insurance shall contain coverage expressly recognizing the indemnification obligations assumed by the ambulance business or applicant in accordance with this Section but shall not be construed to limit in any manner the amount of ambulance business or applicant's liability thereunder; providing further, where permitted by the carrier, said insurance shall expressly name County and local EMS Agency, its governing board, agents, officers and employees as additional insured.

C. Said insurance shall not be subject to cancellation or reduction without sixty (60) days prior written notice to County and local EMS Agency. The insurance carrier shall serve written notice to the Nevada County Risk Manager and local EMS Agency.

D. Each unit placed in operation shall be included within the scope of the required insurance coverage and limits and shall be operated pursuant to the permit issued in accordance with this Section.

E. Certificate(s) of insurance satisfactory to the Nevada County Risk Manager and local EMS Agency must be approved before ambulance service commences.

F. The provisions of this section regarding liability insurance do not apply to services provided by the State of California or its departments, divisions or agencies.

G. Upon receipt of any notice of cancellation or non-renewal of an insurance policy, the Nevada County Risk Manager or local EMS Agency shall either (1) confirm

that the provider immediately reinstates insurance coverage prior to cancellation; (2) In the absence of substitute provider coverage, order the permittee to cease service in the County of Nevada and to surrender any permit issued pursuant to this Section; (3) see that the insurance is reinstated at the provider's expense; or (4) obtain substitute provider coverage until the matter is resolved at provider's expense.

Sec. G-III 4.12 Vehicle Equipment

A. All services must adhere to the Local EMS Agency equipment inventory list.

B. All medical equipment and supplies on an agency vehicle must be stored to promote security and protection from the elements.

Sec. G-III 4.13 Requirements for Interior Configuration, Design and Dimensions of Ground Units

A. Each ground ambulance unit placed in service after July 1, 1991, must, when purchased, be configured to meet the mechanical and electrical standards established by the United States Department of Transportation in its specifications designated Docket KKK A 1822, as amended from time to time.

B. In addition to meeting the requirements in this Section, ALS units must, where noted:

1. Have space as required by Docket KKK-A-1822, as amended from time to time;
2. Have additional shelf and other storage space sufficient for controlled substances including locked storage;
3. Have proper storage of other medical equipment and supplies to prevent patient injury in transit and;
4. Have a system which will control temperature adequately to maintain the integrity of the medical supplies and drugs as well as the health and safety of the patients and attendants.

Sec. G-III 4.14 Station Requirements

A. Every station and substation used in a commercial or public entity service must meet the following requirements:

1. Local Building, Fire, Health, Sanitation and CalOSHA Codes;
2. Every station and substation must be properly located to permit any ambulance operating therefrom rapid and safe egress to a main thoroughfare;
3. Every station and substation must have adequate off-street parking space for all units operating therefrom;
4. Every station shall be in compliance with all applicable OSHA and ADA requirements;
5. Every station and substation must be in clean and sanitary condition and have suitable sleeping quarters for attendants who are scheduled to work a 24-hour shift which are private and separate from operational areas.

B. Every station and substation shall be inspected prior to the issuance of any permit and, thereafter, shall be inspected at least once yearly by County Risk Manager or local EMS Agency for the purpose of determining whether or not the station or substation is in compliance with this Section and any other Nevada County Department of Public Health regulations.

Sec. G-III 4.15 General Requirements Regulating Air Ambulances

An air ambulance must, in addition to other requirements in this Section, comply with Local EMS Agency policies and procedures.

Sec. G-III 4.16 Drugs and Controlled Substances

All administration, supply, re-supply, documentation, storage and security measures and destruction of drugs, controlled substances and hypodermic devices must be in compliance with all laws and regulations of the state and federal government, federal and state pharmacy regulations and the local EMS Agency. As used in this section, drugs and controlled substances have the meaning ascribed to them in State Board of Pharmacy Regulations. Any provider agency that stockpiles drugs shall have a medical director and/or a clinical pharmacist.

Sec. G-III 4.17 Required Reporting

- A. Any change in a service's ambulance fleet must be filed by the permittee with the local EMS Agency within ten (10) days of its occurrence.
- B. Each service shall submit such additional operational information as required by local EMS Agency within 10 days.
- C. Whenever a unit is involved in a crash and/or experiences mechanical problems resulting in a mission failure, the local EMS Agency shall be notified immediately.
- D. Any alleged violation of this Section must be reported by the service provider, to the local EMS Agency.

Sec. G-III 4.18 Inspections

- A. The Local EMS Agency shall inspect, or cause to be inspected, every unit before it is placed into use, and annually thereafter. Such inspections do not duplicate, and shall not be in lieu of, inspections performed or required by the California Highway Patrol.
- B. After inspection, a written report shall be prepared indicating every violation or omission of any requirements, standards or provisions contained in this Section with respect to the unit inspected. The report shall set a time period for correction of each violation or omission. A copy of the report shall be given to the permittee of the service concerned.
- C. In addition to the routine inspections required in this Section, the County and/or Local EMS Agency may make unannounced non-routine inspections of any ambulance, air ambulance or medical transport vehicle, station or substation regulated hereunder, for the purpose of determining whether or not any aspect of a service subject to this Section is, or is not, in compliance with this Section. A written report shall be prepared pursuant to this Section.

Sec. G-III 4.19 Enforcement

- A. Enforcement of this Section is the primary responsibility of the local EMS Agency.

B. An appeal process is established by the local EMS Agency.

Sec. G-III 4.20 Unprofessional Conduct

A. A person exhibits unprofessional conduct if they fail to maintain that standard of performance, exercise that degree of skill, care, diligence and expertise, or manifests that professional demeanor and attitude which is ordinarily exercised and possessed by other persons in similar positions in California. Unprofessional conduct includes, without limitation:

1. The use of obscene, abusive, slanderous or threatening language;
2. The use of unreasonable force which unnecessarily increases or inflicts pain upon a patient;
3. Conviction of an offense, a diversion status, a nolo contendere guilty plea if the acts involved have a direct bearing on entrusting the person to serve the public;
4. Disclosing the contents of examinations for certification or re-certification;
5. Violation of the confidentiality of health records except as allowed or required by law or regulation;
6. Possessing, diverting or using medical supplies, equipment or drugs for personal or unauthorized use; and
7. Possession of any firearms or other weapons while on duty or engaged in the performance of pre-hospital care duties per local EMS Agency policy.

B. All incidents listed above shall be reported to the Local EMS Agency.

Sec. G-III 4.21 Appeal Hearing Process

An appeal process shall be established and administered by the local EMS Agency. Providers shall be provided with a copy of this appeal process.

Sec. G-III 4.22 Circumstances for Revocation and/or Suspension of County of Nevada Service Permit Authorized by local EMS Agency

A. Any permit may be revoked after inspection by the local EMS Agency, the service provider to whom the permit or endorsement was issued does not comply fully with this Section within a reasonable period of time after receiving any request or order of the local EMS Agency to do so. "Reasonable period of time" as used

herein, is that period of time necessary to take immediate action with due regard for the public interest and for the ordering of necessary supplies and/or parts.

B. If a permit or endorsement to operate a service is suspended or revoked, the local EMS Agency may request that the business licensing authorities immediately institute proceedings to revoke any business license or permit issued to the person operating the service.

C. If an exclusive operating area is granted, the permits of existing ambulance services within the exclusive operating area not granted such exclusive operating area or not determined to be part of an entity granted such exclusive operating area, shall be revoked upon written notice of the local EMS Agency. Such notice shall indicate the date and time when the permit is revoked.

Sec. G-III 4.23 Grounds for Immediate Revocation or Suspension

A. The local EMS Agency may take any immediate disciplinary action when the local EMS Agency has reason to believe that a permitted service has violated any section of this Code Section, or any applicable statute, regulation or code.

B. Written notice will be furnished to the permittee specifying the reasons for the proposed disciplinary action and informing the permittee of their right to file an appeal with the local EMS Agency; except that such hearing, if the permit is revoked for the reasons stated, shall not delay any immediate suspension ordered by the local EMS Agency.

C. A Notice of Revocation or Suspension may state that the effective date of the revocation or suspension is:

1. Immediate if the local EMS Agency has determined through investigation that such suspension or revocation is in the best interest of the public or;

2. Stayed pending formal appeal and review of the proposed action.

D. Any ambulance or medical transport service who is served a notice of proposed suspension or revocation, other than for Insurance issues or a Notice of Violation , has ten (10) working days from the date of the notice to appeal that action in writing to the local EMS Agency. Upon receipt of the appeal, the County or local EMS

Agency shall conduct an appeal hearing. In case of immediate suspension or revocation, the decision of the local EMS Agency is final.

Sec. G-III 4.24 Notice of Violation

- A. Whenever the local EMS Agency has reasonable cause to believe that any section of these regulations other than sections concerning insurance coverage, has been violated, the local EMS Agency shall cause written notice to be served upon the person or persons responsible for the alleged violation. Such notice shall be sent to the person or person's address of record and a copy to the employer of record.
- B. The notice shall specify:
 - 1. The section or sections of this Section alleged to be violated;
 - 2. The facts alleged to constitute the violation; and
 - 3. An order to take corrective action within a specified time.
- C. Such an order becomes final unless, within ten (10) working days from the date of the notice, it is appealed in writing to the local EMS Agency. Upon receipt of an appeal, the local EMS Agency shall refer it to the appeal process.
- D. Failure to comply with a Notice of Violation shall result in the issue being referred to the local EMS Agency.

Sec. G-III 4.25 Complaints

- A. Complaints regarding alleged violations of this Section shall be made in writing. The local EMS Agency may require the complainant to specify:
 - 1. The section of the Section alleged to have been violated;
 - 2. The date, time and location of the alleged violation;
 - 3. The person and/or service involved and;
 - 4. The circumstances or details which support the allegation of a violation.
- B. The complainant may be requested to personally present additional information to substantiate the complaint.

- C. Based upon information obtained from the complainant, the local EMS Agency shall make a determination whether to proceed with the investigation and to set a priority for conducting the investigation.
- D. The person and service alleged to be in violation shall be notified by the local EMS Agency.
- E. The complaint investigation may include a review of any applicable records, tapes, personal statements, affidavits or other items deemed relevant by the local EMS Agency. A summary report detailing the findings of the investigation shall be prepared.
- F. At the conclusion of the investigation, the complainant shall be afforded the opportunity to receive copies of all appropriate documents associated with the complaint investigation.
- G. The local EMS Agency shall determine if permit suspension or other any disciplinary action should be taken at any time during the complaint investigation process.
- H. When the Local EMS Agency is separate from County of Nevada Government, complaints received by the Nevada County Public Health Director that are potential violations of Cal. Health & Safety Code § 1798.200, shall be referred to the Local EMS Agency for necessary action.

Sec. G-III 4.26 Compliance

Except as otherwise provided herein, every service must be in compliance with this Section within 90 days after its adoption by the County of Nevada Board of Supervisors.

Sec. G-III 4.27 Exemptions from Requirements for Permit

The following shall be exempt from the provisions of this Section:

1. The occasional (not to exceed twice annually unless previously authorized by the local EMS Agency) use of a vehicle or aircraft not ordinarily used in the business of transporting persons who are sick or injured when an authorized form of approved medical transportation is not available in a critical care situation;
2. A vehicle or aircraft not ordinarily used in case of a major catastrophe or emergency, when services with permits are insufficient to render the services required;

3. Persons rendering service as attendants or air attendants in case of a major catastrophe or emergency when permitted attendants cannot be secured;
4. An ambulance or medical transport vehicle based and properly permitted outside the County shall be authorized to transport a patient to or through the County but shall not be authorized to transport patients originating in the County;
5. Volunteer attendants based outside the County of Nevada;
6. Units owned and operated by search and rescue organizations chartered by the State as corporations not for profit or compensation, or otherwise existing as nonprofit associations which are not regularly used to transport patients except as part of rescue operations; or
7. Units owned and operated by an agency of the United States Government or the State of California.

Sec. G-III 4.28 Miscellaneous Requirements

The following miscellaneous provisions on the operation of units within the County of Nevada apply with respect to any permit:

1. No one within the County of Nevada may operate a medical transportation service in violation of this Section.
2. Personnel records of all certified or permitted personnel are confidential and may only be made available to the person who is the subject of the records, the Local EMS Agency, or as provided by law. Investigation of personnel complaints shall be coordinated with the local EMS Agency.
3. A registered nurse employed by a service is subject to this Section. Any violation of this Section by a registered nurse may result in investigation by the local EMS Agency and possible referral to the California State Board of Registered Nurses.
4. It is the responsibility of the employer of record to forward any notice issued under this Section to a person or persons in their employ, which is undeliverable to the address of record, to that person or persons at their next work shift.
5. Public Entity services and ambulance services shall demonstrate availability of mutual and/or automatic aid agreements, with adjacent ambulance service areas, which ensure dispatch of the nearest appropriate ambulance. Mutual and/or

automatic aid agreements must be reviewed by the Nevada County Operational Area Emergency Services Council and the local EMS Agency.

Sec. G-III 4.29 Special Events

- A. Permit applicants of high-risk and/or high-exposure events will be required to notify, in writing, the Office of Emergency Services (OES), the responsible law enforcement agency and the responsible fire protection agency 30 days prior to the event and have County of Nevada permitted ambulances with appropriate personnel and equipment present. Notification shall include:
1. Nature of the event;
 2. Anticipated attendance;
 3. Nature of the crowd;
 4. Geography and physical characteristics of the event site;
 5. Use of alcoholic beverages;
 6. Use of fireworks or other pyrotechnics;
 7. Amplified sound system; and
 8. Additional information pertinent to the event

The OES shall notify appropriate law and fire agencies upon receipt of the event notification.

- B. All permit applicants for special events expecting 2,500 participants and/or attendees shall submit appropriate medical plans, in a format established by the County, for approval by the County Public Health Officer. Public health and sanitation plans shall be submitted for approval to the Nevada County Public Health Officer. A copy of each of those plans shall be submitted to the responsible local law enforcement and fire protection authorities.
- C. Guidelines for the public health plans will be promulgated and approved by the Public Health Officer and guidelines for medical plans will be promulgated and approved by the County.

Sec. G-III 4.30 Ambulance Rates

- A. The Board of Supervisors may adopt procedures for reviewing and regulating ambulance rates in the County. If regulated, ambulance permittees shall not charge more than the rates adopted by the Board of

Supervisors. Alternatively, the Board of Supervisors may allow the marketplace to set rates subject to subsections B and D of this Section.

- B. No charge shall be made for transporting uninjured or well persons who accompany a patient to an emergency care facility.
- C. If regulated, the schedule of rates may be adjusted by the Board of Supervisors upon the receipt of a permittee request addressed to the Clerk of the Board of Supervisors. Upon request by the Board of Supervisors, the local EMS agency shall submit a written report and recommendation to the Board of Supervisors within thirty (30) calendar days of the request. If rates are regulated, the Board of Supervisors shall conduct a public hearing regarding the requested rate increase.
- D. Any rate change, even those approved by the Board of Supervisors, as applicable, shall be effective thirty (30) days from the date of approval, if by the Board of Supervisors, and first publication, as a display public notice, in a daily newspaper of general circulation within the County at least two (2) times and not less than five (5) calendar days apart.
- E. Current rate categories and charges shall be posted at each permittee's place of business.

Sec. G-III 4.31 Interfacility Transfers

- A. Each ambulance provider participating in the transfer of patients with an ambulance will conform to all laws, rules and regulations, including but not limited to, set forth in the California Health and Safety Code and Local EMS Agency policies applicable to inter-facility transfer of patients, and pursuant to any formal transfer agreements, including mutual aid agreements, between transferring and receiving facilities involved.
- B. Treatment performed by ambulance personnel for the patient in transport, shall be provided with appropriate medical care, including personnel and equipment, according to the California Health and Safety Code and applicable Local EMS Agency policies.

Sec. G-III 4.32 Disaster Operations

- A. Each permittee shall make ambulances available, when resources allow, to the Nevada County Office of Emergency Services during times of disaster or large

scale system emergencies in accordance with the Multi-Casualty Incident Plan. Ambulances shall report to a designated staging area via radio for direction. A designated dispatch center shall coordinate all dispatch functions for said ambulances during the event. All ambulances shall remain under the control of the Incident Commander until released.

- B. Permittee shall make every effort to call in off-duty personnel to staff additional ambulances as necessary to meet system demands.
- C. Permittee shall have on file with the Nevada County Office of Emergency Services and local EMS Agency, its disaster response and personnel call-back plan.
- D. All management and field personnel of permittee shall follow the guidelines and directions of the OES Region IV Multi-Casualty Incident Plan and the Nevada County Emergency Action Plan during the incident.
- E. At least once a year, permittee shall participate in an interagency organized disaster exercise. All of permittee's costs associated with their participation in the disaster exercise shall be the sole responsibility of the permittee.

Sec. G-III 4.33 Reserved

Sec. G-III 4.34 Prohibited Acts

- A. No person or service may represent, advertise or imply that it is authorized to provide ambulance or medical transport services unless the service has a current, valid permit issued by the local EMS Agency.
- B. No service or agency may use EMT-Ps and/or registered nurses unless the service or agency has a current, valid permit issued by the local EMS Agency and the service operates in accordance with all provisions of this Article.
- C. No person, service or agency shall be out of compliance with Cal. Gov't Code § 855, in matters relating to providing a drug-free workplace.

EXHIBIT B

GENERAL CODE

CHAPTER III: BUSINESS REGULATIONS

**SECTION 5 ENVIRONMENTAL HEALTH CERTIFICATE OF
OPERATION**

Sections:

Sec. G-III 5.1	Title
Sec. G-III 5.2	Authority
Sec. G-III 5.3	Reserved
Sec. G-III 5.4	Authorization of Fees
Sec. G-III 5.5	Cities
Sec. G-III 5.6	Scope
Sec. G-III 5.7	Restaurant
Sec. G-III 5.8	Retail Food Production and Marketing Establishment
Sec. G-III 5.9	Food Processing Establishment
Sec. G-III 5.10	Mobile Food Preparation Units
Sec. G-III 5.11	Reserved
Sec. G-III 5.12	Vending Machine
Sec. G-III 5.13	Food Vehicle
Sec. G-III 5.14	Roadside Stands
Sec. G-III 5.15	Public Swimming Pool
Sec. G-III 5.16	Permits Required
Sec. G-III 5.17	Violations of Conditions
Sec. G-III 5.18	Change in Conditions
Sec. G-III 5.19	Revoked Certificate
Sec. G-III 5.20	Application
Sec. G-III 5.21	Investigation: Issuance: Denial
Sec. G-III 5.22	Form
Sec. G-III 5.23	Term
Sec. G-III 5.24	Fees
Sec. G-III 5.25	Appeal
Sec. G-III 5.26	Decisions of the Health Director: Finality & Validity

Sec. G-III 5.27	Appeals Procedure
Sec. G-III 5.28	Appeals: Hearing and Determinations
Sec. G-III 5.29	Public Health Certificates of Operation Non-Transferrable
Sec. G-III 5.30	Certificate: Revocation
Sec. G-III 5.31	Certificate: Revocation Petitions
Sec. G-III 5.32	Certificates: Revocation Hearings & Determination
Sec. G-III 5.33	Scope
Sec. G-III 5.34	Standards
Sec. G-III 5.35	Restaurant
Sec. G-III 5.36	Retail Food Production & Marketing Establishment
Sec. G-III 5.37	Food Processing Establishment
Sec. G-III 5.38	Mobile Food Preparation Units
Sec. G-III 5.39	Itinerant Restaurant
Sec. G-III 5.40	Vending Machines
Sec. G-III 5.41	Vending Machine or Vehicle Identification
Sec. G-III 5.42	Food Vehicle
Sec. G-III 5.43	Roadside Stands
Sec. G-III 5.44	Public Swimming Pool
Sec. G-III 5.45	Violations: Penalties
Sec. G-III 5.46	Violations: Nuisance and Abatement
Sec. G-III 5.47	Permits to Distribute: Granting: Expiration Fees

Sec. G-III 5.1 Title

This Section may be known and may be cited and referred to as the Environmental Health Certificate of Operation Ordinance of the County of Nevada.

Sec. G-III 5.2 Authority

This Section is enacted pursuant to authority conferred by Cal. Health & Safety Code §§ 106500 – 119406.

Sec. G-III 5.3 Reserved

Sec. G-III 5.4 Authorization of Fees

It is the purpose of this Ordinance to authorize the prescription of such fees as will pay the reasonable expenses of the Environmental Health Director incurred in such enforcement as to the establishments, businesses or activities for which an environmental health certificate of operation is required by this Section.

Sec. G-III 5.5 Cities

The provisions of this Section shall apply within any City in the County when the Governing Body thereof consents to County Environmental Health administration for that City pursuant to Cal. Health & Safety Code §101375 ; and the schedule of fees authorized by this Section shall be applicable in the area in which the Environmental Health Director of this County enforces any statute, order, quarantine, rule or regulation prescribed by a State Health Director or Department relating to Public Health.

Sec. G-III 5.6 Scope

For the purposes of this Section, unless the provisions or the context indicates otherwise, the terms and words defined in this Section shall have the meaning set forth in this Section.

Sec. G-III 5.7 Restaurant

“Restaurant” shall mean any restaurant as defined by 21 CFR 1.328.

Sec. G-III 5.8 Retail Food Production and Marketing Establishment

“Retail Food Production and Marketing Establishment” means any such establishment as defined by Cal. Health & Safety Code § 28802.

Sec. G-III 5.9 Food Processing Establishment

“Food Processing Establishment” shall mean any establishment as defined by Section Cal. Health & Safety Code § 111955. **Sec. G-III 5.10 Mobile Food Facility**

“Mobile Food Facility” shall mean that term as defined by CCR tit. 17 Section 13601(a) of the California Administrative Code.

Sec. G-III 5.11 Reserved

Sec. G-III 5.12 Vending Machine

“Vending Machine” shall mean that term as defined by Cal. Health & Safety Code §113938.

Sec. G-III 5.13 Mobile food facility

“Food Vehicle” shall mean any “vehicle” as defined by Cal. Health & Safety Code § 113831.

Sec. G-III 5.14 Roadside Stands

“Roadside Stands” shall mean that term as defined by CCR tit. 17 Section 13640(k).

Sec. G-III 5.15 Public Swimming Pool

“Public Swimming Pool” shall mean that term as defined by Cal. Health & Safety Code § 115921.

Sec. G-III 5.16 Permits Required

No person shall maintain any of the following establishments, business or activities without a valid Public Health Certificate of Operation:

- A. Restaurant;
- B. Retail Food Production and Marketing Establishment;
- C. Food Processing Establishment;
- D. Mobile Food Preparation Unit;
- E. Reserved;
- F. Vending Machine;
- G. Mobile Food Facility ;
- H. Roadside Stand;

- I. Public Swimming Pool;
- J. Centralized Wastewater Collection, Treatment, and Disposal Systems.

Sec. G-III 5.17 Violations of Conditions

No person shall maintain any of the establishments or businesses or activities listed in violation of the conditions of an Environmental Health Certificate of Operation.

Sec. G-III 5.18 Change in Conditions

No person shall make a material change in any establishment, business, or activity listed above, without making application for a new Environmental Health Certificate of Operation.

Sec. G-III 5.19 Revoked Certificate

No person shall maintain any of the establishments, businesses, or activities listed above with a revoked Environmental Health Certificate of Operation.

Sec. G-III 5.20 Application

Any person required to apply for and obtain a certificate under the provisions of this Section shall prepare and submit to the Environmental Health Department an application for such certificate on forms provided for the purpose by the County.

Sec. G-III 5.21 Investigation: Issuance: Denial

The Environmental Health Director shall cause an investigation to be made of the facts stated in the application, and of the establishment, business, or activity for which the application is made. If the Environmental Health Director finds that the applicant is in compliance with the standards specified by this Section, the Environmental Health Director shall order the issuance of the Environmental Health Certificate of Operation. If they find that compliance with such standards can be obtained by the applicant, the Environmental Health Director may issue a Certificate subject to reasonable conditions. If they find that the applicant cannot comply with the standards specified by the Section, the Environmental Health Director shall deny the Certificate of Operation.

Sec. G-III 5.22 Form

All certificates issued pursuant to this Section shall be in the form approved by the Board of Supervisors.

Sec. G-III 5.23 Term

The term of an Environmental Health Certificate of Operation is one (1) year from July 1 of each year to June 30 of each succeeding year; every Environmental Health Certificate of Operation issued pursuant to the provisions of this Section shall terminate on June 30 following the date of issuance.

Sec. G-III 5.24 Fees

Each application shall be accompanied by the fees prescribed by resolution of the Board of Supervisors. Said fees shall in no event exceed the actual cost to the County to conduct the services required to satisfy the requirements of this Section for issuance of an Environmental Health Certificate of Operation.

Sec. G-III 5.25 Appeal

All decisions, determinations, and actions of the Environmental Health Director as to applications for Environmental Health Certificates of Operation may be appealed by the applicant to the Board of Supervisors.

Sec. G-III 5.26 Decisions of the Environmental Health Director: Finality & Validity

The decision of the Environmental Health Director rendered pursuant to the provisions of this Section shall be final, unless appealed within thirty (30) days after such decision is rendered in writing and notice of the same is given to the applicant by certified mail.

Sec. G-III 5.27 Appeals Procedure

Appeals from decisions of the Environmental Health Director shall be made in writing and shall specify and set forth the grounds for the appeal and shall be filed by the appellant with the Clerk of the Board. The matter shall be set for hearing no later

than thirty (30) days after such filing, and shall give the appellant and the Environmental Health Director no less than fifteen (15) days' written notice of such date of hearing.

Sec. G-III 5.28 Appeals: Hearing and Determinations

Upon hearing the appeal, an Environmental Health Certificate of Operation shall be granted or granted upon conditions, if it is found that the establishment, business, or activity applied for meets the standards prescribed by this Section. In the event that such establishment, business or activity fails to meet the standards prescribed by this Section, the application shall be denied. Other conditions or requirements may be imposed, on a showing of good cause, for issuance of an Environmental Health Certificate of Operation.

Sec. G-III 5.29 Environmental Health Certificates of Operation Non-Transferrable

Environmental Health Certificates of Operation issued under the provisions of this Section shall not be transferred, assigned, or set over by the Certificate to any other person. All Environmental Health Certificates of Operation issued under the provisions of this Section shall refer to and be limited to the establishment, business, or activity applied for. If such establishment, business, or activity is conducted upon a particular site, location, or address, such Certificate shall not be transferrable to any other site, location or address.

Sec. G-III 5.30 Certificate: Revocation

Any Certificate of Operation issued pursuant to this Section may be revoked by the Board upon a petition by the Environmental Health Director if the Board finds that:

- A. The establishment, business or activity has caused or becomes a public nuisance; or
- B. The permittee has violated a condition of the Certificate of Operation; or
- C. Due to a change of circumstances and conditions, the continuance of the establishment, business or activity is hazardous to the public health, welfare, or safety; or

D. The applicant for the Certificate of Operation made a material misrepresentation of fact; or

E. The establishment, business, or activity is maintained in violation of the standards described by this Section, or any State or Federal statute or regulation.

Sec. G-III 5.31 Certificate: Revocation Petitions

A petition to revoke a Certificate of Operation shall be filed with the Clerk of the Board by the Environmental Health Director, accompanied by a statement of the grounds or reasons for such action. Upon receipt of such a petition, the Clerk of the Board shall set the matter for a public hearing and shall serve the permittee with a Notice of Hearing by mail and a copy of such petition, no less than fifteen (15) days prior to the hearing.

Sec. G-III 5.32 Certificates: Revocation Hearings & Determination

Upon hearing the petition of the Environmental Health Director and the response of the permittee at such hearing, the Certificate of Operation may be revoked if it is found that any of the grounds set forth in this Section exist or have occurred. The petition for revocation shall be denied if it is found that none of such grounds for revocation exist or have occurred.

Sec. G-III 5.33 Scope

Applications for the issuance of Environmental Health Certificates of Operation and petitions for the revocation of Environmental Health Certificates shall be determined in accordance with the standards prescribed by this Section.

Sec. G-III 5.34 Standards

The standards shall consist of any statute, order, quarantine, rule or regulations prescribed by a state Director or department relating to Environmental Health or by this Section.

Sec. G-III 5.35 Restaurant

The standards of a restaurant include those specified for restaurants by the California Restaurant Act (Cal. Health & Safety Code §§ 109857 - 111929.4.)

Sec. G-III 5.36 Retail Food Production & Marketing Establishment

The standards for a retail marketing establishment include the rules specified for such an establishment by the Health and Safety Code of the State of California

Sec. G-III 5.37 Food Processing Establishment

The standards for a food processing establishment shall include those specified for such establishments by the Health and Safety Code of the State of California

Sec. G-III 5.38 Mobile Food Preparation Units

The standards for a mobile food preparation unit shall include those specified for such units by the Health and Safety Code of the State of California and regulations promulgated thereunder including all other regulations.

Sec. G-III 5.39 Reserved

Sec. G-III 5.40 Vending Machines

The standards for a vending machine shall include those specified for such machine the Health and Safety Code of the State of California

Sec. G-III 5.41 Vending Machine or Vehicle Identification

A. Each vending machine shall have affixed thereon, in an accessible place, an identification plate made of durable material setting forth the model number or symbol of the machine and the serial number identifying each machine.

B. In addition, there shall be affixed to each vending machine or food vehicle a decal or other identification tag furnished by the Environmental Health Director

indicating that the required health certificate fee has been paid for the current fiscal year.

Sec. G-III 5.42 Food Vehicle

The standards for a food vehicle shall include those specified for such vehicles by the Health and Safety Code of the State of California.

Sec. G-III 5.43 Reserved

Sec. G-III 5.44 Public Swimming Pool

The standards for a public swimming pool include those specified for such pools by the Health and Safety Code of the State of California.

Sec. G-III 5.45 Violations: Penalties

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by a fine or imprisonment, or both. Such person shall be deemed guilty of a separate offense for each and every day during a portion of which a violation of this Section is committed, continued, or permitted by such person.

Sec. G-III 5.46 Violations: Nuisance and Abatement

The operation of any business or activity that is listed in this Section, in violation of the provisions and standards of this Section is hereby determined to constitute a public nuisance. The maintenance and operation of such business or activity declared to be a public nuisance may be abated in any manner provided for by law.

Sec. G-III 5.47 Permits to Distribute: Granting: Expiration Fees

The Certificates required by the provisions of this Section may be granted at any time during the calendar year and shall remain in force until June 30 of the succeeding year unless sooner suspended or revoked for cause, and no Certificate shall be granted unless the applicant pays such fees as the Board of Supervisors may establish by resolution.

EXHIBIT B

GENERAL CODE

G-III BUSINESS REGULATIONS

SECTION 6: PROHIBITING THE DISTRIBUTION AND DISPLAY OF DRUG PARAPHERNALIA

Sections:

Sec. G-III 6.1	Reserved
Sec. G-III 6.2	Definition
Sec. G-III 6.3	Display of Drug Paraphernalia
Sec. G-III 6.4	Distribution of Drug Paraphernalia

Sec. G-III 6.1 **Reserved**

Sec. G-III 6.2 **Definition**

As used in this chapter, the following terms shall be ascribed the following meanings:

- A. **BUSINESS** means a fixed location, whether indoors or outdoors, at which merchandise is offered for sale at retail.
- B. **DISPLAY** means to show a patron or place in a manner so as to be available for viewing or inspection by a patron.
- C. **PATRON** means a person who enters a business for the purpose of purchasing or viewing as a shopper, merchandise offered for sale at the business.
- D. **DISTRIBUTE** means to transfer ownership or a possessory interest to another, whether for consideration or as a gratuity. "Distribute" includes both sales and gifts.
- E. **CONTROLLED SUBSTANCE** means those controlled substances set forth in Cal. Health & Safety Code §§ 11054, 11055, 11056, 11057 and 11058 of the , identified as Schedules I through V, inclusive as said sections now exist or may hereafter be amended.
- F. **DRUG PARAPHERNALIA** means all equipment, products, and materials of any kind which are intended by a person charged with a violation of this chapter for use in

planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any law of the State of California. “Drug Paraphernalia” includes, but is not limited to, all of the following:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
3. Isomerization devices intended for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances intended for use or designed for use in weighing or measuring controlled substances;
6. Dilutants and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, intended for use in cutting controlled substances;
7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining a controlled substance in violation of the law of the State of California;
8. Blenders, bowls, containers, spoons and mixing devices intended for use or designed for use in compounding controlled substances;
- 8.A Capsules, Balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of controlled substance;
9. Containers and other objects intended for use or designed for use in storing or concealing controlled substances; and
10. Hypodermic syringes, needles and other objects intended for use or designed for use in injecting, inhaling, or otherwise introducing a controlled substance in violation of the law of the State of California into the human body such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;

- d. Smoking and carburetion masks;
- e. Roach clips, meaning objects used to hold burning material of a controlled substance in violation of the law of the State of California that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons, and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Air-driven pipes;
- j. Bongs;
- k. Electric pipes; and
- l. Chillums.

In determining whether an object is “drug paraphernalia”, a court or other authority may consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. The proximity of the object to controlled substances;
3. The existence of any residue of controlled substances on the object;
4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom they know intend to use the object to facilitate a violation of the laws of the State of California relating to controlled substances;
5. Instructions, oral or written, provided with the object concerning its use;
6. Descriptive materials accompanying the object which explain or depict its use;
7. National and local advertising concerning its use;
8. The manner in which the object is displayed for sale;
9. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
10. The existence and scope of legitimate uses for the object in the community; and
11. Expert testimony concerning its use.

G. PERSON means a natural person or any firm, partnership, association, corporation or cooperative association.

Sec. G-III 6.3 Display of Drug Paraphernalia

A. Except as authorized by law, it shall be unlawful for any person to willfully maintain or operate any business knowing, or under circumstances where one reasonably should know, that drug paraphernalia is displayed at such business unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 years not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded. .

B. Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of 18 years to enter, be in, remain in or visit such room or enclosure unless that minor person is accompanied by their parent or legal guardian.

C. Unless authorized by law, no person under the age of 18 years shall enter, be in, remain in, or visit any room or enclosure in any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred, or given away unless accompanied by their parent or legal guardian.

Sec. G-III 6.4 Distribution of Drug Paraphernalia

Except as authorized by law, it shall be unlawful for any person to willfully distribute to another person drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the law of the State of California.

EXHIBIT B

GENERAL CODE

CHAPTER III: BUSINESS REGULATIONS

SECTION 7 RESERVED

EXHIBIT B

**COUNTY OF NEVADA GENERAL CODE
CHAPTER III: BUSINESS REGULATIONS
ARTICLE 11- RESERVED**

EXHIBIT B

GENERAL CODE

CHAPTER III – BUSINESS REGULATIONS

**SECTION 13 ADULT BUSINESS LICENSES AND OPERATING
REGULATIONS**

Sections:

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Sec. G-III 13.2	Definitions
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Sec. G-III 13.1 Reserved

Sec. G-III 13.2 Definitions

In addition to any other definitions contained in the County Code, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the County Code, these definitions shall prevail.

A. ADULT ARCADE shall mean a business establishment to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.” Such devices shall be referred to as “adult arcade devices.”

B. ADULT RETAIL STORE shall mean a business establishment having as a regular and substantial portion of its stock in trade, “adult oriented material”.

C. ADULT BOOTH/INDIVIDUAL VIEWING AREA shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:

1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”; or
2. Where “adult arcade devices” are located.

D. ADULT BUSINESS shall mean:

1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio; or

2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes “adult oriented material” or “sexually oriented merchandise,” or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” but not including those uses or activities which are preempted by state law.

E. ADULT CABARET shall mean a business establishment (whether or not serving alcoholic beverages) that features “adult live entertainment”.

F. ADULT CABARET DANCER shall mean any person who is an employee or independent contractor of an “adult cabaret” or “adult business” and who, with or without any compensation or other form of consideration, performs as a sexually oriented dancer, exotic dancer, stripper, go-go dancer or similar dancer whose performance on a regular and substantial basis focuses on or emphasizes the adult cabaret dancer’s breasts, genitals, and/or buttocks, but does not involve exposure of “specified anatomical areas” or depicting or engaging in “specified sexual activities”. “Adult cabaret dancer” does not include a patron.

G. ADULT HOTEL/MOTEL shall mean a “hotel” or “motel” (as defined in the County Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to “specified sexual activities” or “specified anatomical areas”.

H. ADULT LIVE ENTERTAINMENT shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which: (1) the performer (including but not limited to topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, “specified anatomical areas”; and/or (2) the performance or physical human body activity depicts, describes, or relates to “specified sexual activities” whether or not the specified anatomical areas are covered.

I. ADULT MODELING STUDIO shall mean a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays “specified anatomical areas” to be observed, sketched, photographed, filmed, painted,

sculpted, or otherwise depicted by persons paying for such services. “Adult modeling studio” does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

J. ADULT MOTION PICTURE THEATER shall mean a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically-generated reproductions that is characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

K. ADULT ORIENTED MATERIAL shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” .“Adult oriented material” shall include “sexually oriented merchandise”.

L. ESTABLISHMENT OF AN ADULT BUSINESS shall mean any of the following:

1. The opening or commencement of any “adult business” (as defined above) as a new business;
2. The conversion of an existing business, whether or not an “adult business,” to any “adult business”;
3. The addition of any “adult business” to any other existing “adult business”;
4. The relocation of any “adult business”; or
5. Physical changes that expand the square footage of an existing “adult business” by more than ten percent (10%).

M. OWNER/LICENSE HOLDER shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) the owner of a controlling interest in a corporation or L.L.C. that owns and operates an adult business; or (4) the person designated by the officers of a corporation or the members of an L.L.C. to be the license holder for an adult business owned and operated by the corporation.

N. PERFORMER shall mean a person who is an employee or independent contractor of an adult business or any other person who, with or without any compensation or other form of consideration, provides “adult live entertainment” for patrons of an “adult business.”

O. SEXUALLY ORIENTED MERCHANDISE shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

P. SPECIFIED ANATOMICAL AREAS shall mean and include any of the following:

1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
 - a. genitals, pubic region,
 - b. buttocks, anus, or
 - c. female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Q. SPECIFIED SEXUAL ACTIVITIES shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Ord. 2352. (07/10/2012))

Sec. G-III 13.3 Regulations Non-Exclusive

The provisions of this Chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse non-compliance with any other provisions of the County Code and/or any other regulations pertaining to the operation of businesses as

adopted by the County Board of Supervisors of the County of Nevada. (Ord. 2352. (07/10/2012))

Sec. G-III 13.4 Adult Business Regulatory License Required

All adult businesses are subject to the adult business regulatory license requirements of this Chapter as well as all other applicable ordinances of the County and laws of the State of California.

A. It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the County of Nevada unless the person first obtains, and continues to maintain in full force and effect, an adult business regulatory license as herein required. Any occurrence of the “establishment of an adult business”, as defined in this Chapter, shall require a new application for an adult business regulatory license. The adult business regulatory license shall be subject to the development and operational standards of this Chapter and the underlying zone where the facility is located.

B. The Nevada County Community Development Agency shall grant, deny and renew adult business regulatory licenses in accordance with these regulations. (Ord. 2352. (07/10/2012))

Sec. G-III 13.5 Application—Renewals

A. License applicants shall file a written, signed and verified application on a form provided by the Licensing Department.

B. The completed application shall be accompanied by a non-refundable application fee. The amount of such fees shall be set by the County Board of Supervisors.

C. The completeness of an application for an adult business regulatory license shall be determined by the Nevada County Planning Department within ten (10) working days. If the Department determines that the license application is incomplete, the Department shall immediately notify in writing the license applicant of such fact and the reasons therefore, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within ten (10) County business days following the receipt of an amended application or supplemental information, the Department shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.

D. The fact that a license applicant possesses other types of state or county licenses does not exempt the license applicant from the requirement of obtaining an adult business regulatory license.

E. The license shall be renewed every two (2) years. The licensee shall file an application for renewal in accordance with this Code. (Ord. 2352. (07/10/2012))

Sec. G-III 13.6 Investigation and Action on Application

A. Upon receipt of a completed application and payment of the application fees, the application shall immediately be stamped as “Received” and, in conjunction with County staff, shall promptly investigate the information contained in the application to determine whether an adult business regulatory license shall be granted. Investigation shall not be grounds for the County to unilaterally delay in reviewing a completed application, nor is it grounds to extend the time period to conduct a hearing pursuant to this Section.

B. A written decision on the application for an adult business regulatory license within thirty (30) County business days of receipt of the complete application required by this Section. The failure to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to compliance with all operational standards and all County zoning requirements including those found in the Nevada County Codes governing Land Use and Development, specifically all zoning regulations, and shall be subject to appeal pursuant to this Code. The decision shall be hand delivered or mailed to the applicant at the address provided in the application and shall be provided in accordance with the requirements of this Code.

C. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the County of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on applications.

D. An application shall be granted or denied in accordance with the provisions of this Section, and so notify the applicant as follows:

1. The application shall be marked “Granted” or “Denied” with the date and signature of the County employee making the decision.
2. If the application is denied, a statement of the reasons for the denial shall be attached to the application.

3. If the application is granted, an adult business regulatory license shall be attached to the application.

4. The applicant is required to personally appear to sign for the license.

E. The approval of an application and issuance of an adult business regulatory license upon findings that the proposed business meets, or will meet, all of the development and operational standards and requirements of this Chapter, and the locational requirements of Codes governing Land Use and Development, unless the application is denied based upon one or more of the criteria set forth below s.

F. If the application is granted, the applicant may begin operating the adult business for which the license was sought, subject to strict compliance with the development and operational standards and requirements of this Chapter. The license holder shall post the license conspicuously in the premises of the adult business. (Ord. 2352. (07/10/2012))

Sec. G-III 13.7 Grounds for Denial of Application

The application shall be denied if the applicant fails to establish any of the following:

1. The adult business complies with the County's zoning requirements as to its underlying zoning designation and other locational requirements of the Nevada County Land Use and Development Codes, and Zoning Regulations.

2. The adult business complies with the development, operational or performance standards found in this Chapter.

3. The license applicant is at least eighteen (18) years of age, unless alcoholic beverages are to be served on premises, then twenty-one (21) years of age and subject to Alcoholic Beverage Control ("ABC") regulations.

4. The applicant has not been convicted or pled guilty to offenses set forth in this Code.

5. The required application fees have been paid.

6. The application complies with licensing requirements of this Code. (Ord. 2352. (07/10/2012))

Sec. G-III 13.8 Re-Application and Renewals

A permittee, applicant or substantially related entity wherein the new application is made by an individual or previous entity exercising management or oversight or control of the adult facility, cannot re-apply for an adult business regulatory license for a particular

location within one (1) year from the date of prior denial. Renewals are subject to the information requirements of the original application. A review of law enforcement responses to the licensed business and a criminal background check, at the applicant's expense, shall be required prior to any renewal. (Ord. 2352. (07/10/2012))

Sec. G-III 13.9 Appeal of Decision

Any affected person may appeal the decision in writing within ten (10) days in accordance with the provisions of this Code. (Ord. 2352. (07/10/2012))

Sec. G-III 13.10 Operating Standards

A. Hours of Operation: It shall be unlawful for any owner, operator, manager, employee or independent contractor of an adult business to allow such adult business to remain open for business, or to license any employee, independent contractor or performer to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 9:00 a.m. of any day excepting an "adult hotel/motel."

B. Exterior Lighting Requirements: All exterior areas, including parking lots, of the adult business shall be designed consistent with the County Codes governing Land Use and Development : Lighting, and in addition illuminated at a minimum of 1.50 foot-candles, maintained and evenly distributed at ground level with appropriate devices to screen, deflect or diffuse the lighting in such manner as to prevent glare or reflected light from creating adverse impacts on adjoining and nearby public and private properties. Inoperable and/or broken lights shall be replaced within 24 hours.

C. Interior Lighting Requirements: All interior areas of the adult business excepting therefrom adult hotels/motels shall be illuminated at a minimum of 1.00 foot-candles, maintained and evenly distributed at floor level. Inoperable and/or broken lights shall be replaced within 24 hours, excepting an "adult hotel/motel."

D. Regulation of Adult Booth/Individual Viewing Area:

1. No adult booth/individual viewing area shall be occupied by more than one individual at a time;
2. Each adult booth/individual viewing area within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the adult booth/individual viewing area from the main aisle. Any adult business may have more than one manager station in order to ensure compliance with this regulation. At all

times, the manager station(s) shall be maintained to ensure a clear line of sight into the interior of the adult/booth individual viewing area. Further, no one shall maintain any adult booth/individual viewing area in any configuration unless the entire interior wherein the picture or entertainment that is viewed is visible from the manager station(s). The entire body of any patron in any adult booth/individual viewing area must be visible from the main aisle and the manager station(s) without the assistance of mirrors or any other device;

3. No doors are permitted on an adult booth/individual viewing area. No partially or fully enclosed adult booth/individual viewing areas or partially or fully concealed adult booth/individual viewing areas shall be maintained;

4. No holes or other openings shall be permitted between adult booths/individual viewing areas. Any such hole or opening shall be repaired within 24 hours using "pop" rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates;

5. No beds, couches or chairs with a sitting area greater than 24" wide shall be permitted in an adult booth/individual viewing area;

6. When a booth is occupied the manager must be at the station.

E. On-Site Manager: All adult businesses shall have a responsible person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. No performer may serve as the manager. The individual(s) designated as the on-site manager shall provide their name to the County Department to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises. The responsible person shall in no way obstruct law enforcement in the execution of their duties.

F. Security: All adult businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

1. Adult businesses featuring live entertainment shall provide at least one security guard at all times while the business is open;

2. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty;

3. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guard(s) shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act

as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard;

4. Between the hours of 8:00 p.m. and thirty (30) minutes after the established closing time of the facility, security guard(s) shall regularly patrol the parking lot and adjacent outdoor areas of the facility to maintain order therein and prevent any illicit or nuisance activity;

5. Additional security may be required based on occupancy maximums established by the County building department and/or applicable fire department.

G. Interior of Premises: No exterior door or window on the premises of an adult business shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque coverings at all times.

H. Displays of Adult Oriented Materials: All displays of materials characterized or distinguished on matters describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Code, shall be completely screened from public view as viewed from adjacent sidewalks or public rights-of-way.

I. Signs: All adult businesses shall comply with the following sign requirements, in addition to those of the Nevada County Land Use and Development Codes. Should a conflict exist between the requirements of the Nevada County Codes governing Land Use and Development and this subsection, the more restrictive shall prevail.

1. If an adult business does not serve alcohol, it shall post a notice inside the establishment, within ten feet (10') of every entrance used by customers for access to the establishment, stating that persons below the age of eighteen (18) years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the notice shall be no less than six inches (6") by six inches (6"), with a minimum typeface of 25 points. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department. Identification shall be required as necessary to ensure compliance with this Section.

2. No adult oriented material shall be displayed in window areas or any area where it would be visible from any location other than within the confines of the adult business.

J. Regulation of Public Restroom Facilities: If the adult business provides restrooms for patron use, the restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time., Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.

K. Trash: All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag or with individually bagged trash at least once a day. At least four (4) times a

day, the front and rear exteriors of any adult business, along with the parking lot, shall be inspected for trash and debris and any trash and debris found shall be immediately removed and placed into a single locked trash bin lined with a plastic bag. (Ord. 2352. (07/10/2012))

Sec. G-III 13.11 Adult Business Offering Adult Live Entertainment—Additional Operating Requirements

The following additional requirements shall apply to adult businesses providing adult live entertainment:

1. No person shall perform adult live entertainment for patrons of an adult business except upon a permanently fixed stage at least 18 inches (18") above the level of the floor, and surrounded with a three-foot (3') high barrier or by a fixed rail at least thirty inches (30") in height. No patron shall be permitted on the stage while the stage is occupied by a performer(s) and/or adult cabaret dancer(s). This provision shall not apply to an individual viewing area where the performer is completely separated from the area in which the performer is viewed by an individual by a permanent, floor to ceiling, solid barrier.
2. No performer or adult cabaret dancer shall be within six feet (6') of a patron, measured horizontally, while the performer or adult cabaret dancer is performing adult live entertainment. While on stage, no performer or adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any performer or adult cabaret dancer.
3. As to off stage performances, no performer or adult cabaret dancer shall perform "adult live entertainment" off stage. As to an adult cabaret dancer performing off stage, a distance of at least six feet (6') shall be maintained between the adult cabaret dancer and the patron(s) at all times. During off stage performances, no adult cabaret dancer shall have physical contact with any patron, and no patron shall have physical contact with any adult cabaret dancer.
4. In addition, while on the premises, no performer or adult cabaret dancer shall have physical contact with a patron and no patron shall have physical contact with a performer or adult cabaret dancer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft of the buttocks, perineum, anal region, or female breast with any part or area of any other person's body either before or after any adult live entertainment or off stage performances by such performer or adult cabaret dancer. Patrons shall be advised of the no touching requirements by signs and, if necessary, by employees, independent contractors, performers, or adult cabaret dancers of the establishment. This prohibition does not extend to incidental touching.
5. Patrons shall be advised of the separation and no touching requirements by signs conspicuously displayed and placed on the barrier between patrons and performers and

utilizing red or black printing of letters not less than one inch (1") in size. And, if necessary, patrons shall also be advised of the separation and no touching requirements by employees or independent contractors of the establishment.

6. All employees and independent contractors of the adult facility, except therefrom performers while performing on the fixed stage, while on or about the premises or tenant space, shall wear at a minimum an opaque covering which covers their specified anatomical areas.

7. Patrons shall not throw money to performers, place monies in the performers' costumes or otherwise place or throw monies on the stage. If patrons wish to pay or tip performers, payment or tips may be placed in containers. Patrons shall be advised of this requirement by signs conspicuously displayed and placed on the barrier between patrons and performers and utilizing red or black printing of letters not less than one inch (1") in size. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.

8. The adult business shall provide dressing rooms for performers, that are separated and exclusively dedicated to the performers' use and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.

9. The adult business shall provide an entrance/exit to the establishment for performers that is separate from the entrance/exit used by patrons, which the performers shall use at all times.

10. The adult business shall provide access for performers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three-foot (3') wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers and the patrons must also be three feet (3') away from the walk aisle. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility. (Ord. 2352. (07/10/2012))

Sec. G-III 13.12 Adult Motion Picture Theater—Additional Operating Requirements

The following additional requirements shall apply to adult motion picture theaters:

A. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

1. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the hall or auditorium area;
2. Have a continuous main aisle alongside the seating areas in order that each person seated in the hall or auditorium area shall be visible from the aisle at all times; and
3. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

B. If an adult motion picture theater is designed to permit outdoor viewing by patrons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those patrons may not be seen from any public right-of-way, child day care facility, public park, school, campground or camp, religious institution or any residentially zoned property occupied with a residence, which may include, but not be limited in those properties zoned R1, R2, R3, RA and AG. (Ord. 2352. (07/10/2012))

Sec. G-III 13.13 Employment of and Services Rendered to Persons Under the Age of Eighteen (18) Years Prohibited—Twenty-One (21) if Liquor is Served

A. Employees/Independent Contractors: Employees and independent contractors of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employees, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least eighteen (18) years of age. If liquor is served at the adult business, employees and independent contractors of the adult business must be at least twenty-one (21) years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not twenty-one (21) years of age. Said persons shall exercise reasonable care in ascertaining the true age of persons seeking to contract with, be employed by, or otherwise service the adult business, with identification verification and any additional requirements as may be imposed by Alcoholic Beverage Control licensing.

B. Patrons: Patrons of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, independent contractor, or other person in charge of any adult business to permit to enter or remain within the adult business

any person who is not at least eighteen (18) years of age. If liquor is served at the adult business, patrons must be at least twenty-one (21) years of age. If liquor is served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, shareholder with a ten percent (10%) or greater interest, employee, independent contractor, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least twenty-one (21) years of age, said persons shall exercise reasonable care in ascertaining the true age of persons entering the adult business.

C. X-Rated Movies: The selling, renting and/or displaying of X-rated movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to the establishment to persons under eighteen (18) years of age sells, rents, or displays movies, videos, DVDs, CDs or laser disks that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment where these items are not visible to persons under the age of eighteen (18) and from which persons under the age of eighteen (18) shall be prohibited. (Ord. 2352. (07/10/2012))

Sec. G-III 13.14 Inspections

Each owner, operator, manager, employee or independent contractor of an adult business or other person in charge of an adult business shall permit representatives of the Sheriff's Department, County Health Department, applicable Fire Department, Planning Department, Code Compliance Division and other County departments, to inspect the adult business for the purpose of insuring compliance with the laws and operating standards applicable to adult businesses at any time it is occupied or open for business. Such inspections shall be conducted in a reasonable manner. (Ord. 2352. (07/10/2012))

Sec. G-III 13.15 Transfer of Adult Business License

A. A license holder shall not operate an adult business under the authority of an adult business license at any place other than the address of the adult business stated in the application for the license.

B. In the event of a transfer of ownership of the adult business, the new owner shall be fully informed of the requirements of this Chapter, including the operational and development standards herein.

C. In the event of a transfer of the adult business or the adult business license, the transferee must provide the Licensing Department with the applicant information as set forth in Section G-III 13.5 of this chapter, at least twenty-one (21) days prior to the transfer. The application shall be reviewed in accordance with above Section on application. (Ord. 2352. (07/10/2012))

Sec. G-III 13.16 Suspension or Revocation of Adult Business License

On determining that grounds for license suspension or revocation exist, the Licensing Department shall furnish written notice of the proposed suspension or revocation to the license holder. Such notice shall set forth the time and place of a hearing and the ground or grounds upon which the hearing is based, the pertinent County Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the license holder, or shall be delivered to the license holder personally, at least ten (10) days prior to the hearing date. Hearings pursuant to this Section shall be noticed in accordance with California Gov't Code §§ 65091 and 65905 conducted by the Licensing Department or their designee, which may include a third party hearing officer. Hearings pursuant to this Section shall be conducted in accordance with procedures established by the Licensing Department but, at a minimum, shall include the following:

1. All parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel.
2. The hearing shall not be bound by the formal rules of evidence.
3. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness at the request of the license holder. Extensions of time or continuances sought by a license holder shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on license suspensions or revocations.
4. The decision may be appealed in accordance with Section G-III 13.19. (Ord. 2352. (07/10/2012))

Sec. G-III 13.17 Causes for Suspension or Revocation

The license to operate may be suspended and an order for the adult business to close issued, pending a suspension or revocation hearing if it is determined that the closure is necessary

to protect the public health and safety. A license may be suspended or revoked based on the following causes arising from the acts or omissions of the license holder, or an employee, independent contractor, partner, director, or manager of the license holder:

A. The building, structure, equipment, or location used by the adult business fails to comply with all provisions of these regulations and this Section relating to adult businesses, including the adult business operational standards contained in Section G-III 13.10 above and Nevada County Land Use and Development Code, Chapter II, Zoning Regulations, and all other applicable building, fire, electrical, plumbing, health, and zoning requirements of the County of Nevada County Code;

B. The license holder has failed to obtain or maintain all required County licenses;

C. The license holder has made any false, misleading, or fraudulent statement of material fact in the application for an adult business license;

D. The license is being used to conduct an activity different from that for which it was issued;

E. That an individual employed by, or performing in, the adult business (whether classified as an employee or independent contractor) has been convicted of two (2) or more sex-related offenses that occurred in or on the licensed premises within a twelve (12) month period and was employed by, or performing in, the adult business at the time the offenses were committed;

F. That the use for which the approval was granted has ceased to exist or has been suspended for six (6) months or more;

G. That the transferee/new owner of an adult business or adult business license failed to comply with the requirements of this Chapter;

H. The license holder, partner, director, or manager has knowingly allowed or permitted, or has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business; or a licensee has been convicted of violating any of the following state laws on the premises of the adult business:

1. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
2. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
3. Any conduct constituting a criminal offense which requires registration under Cal. Penal Code § 290;
4. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Cal. Penal Code §§ 315, 316, 318 or subdivision (b) of Section 647 ;

5. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to Sections 311 through 313.4;
6. Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance specified in Cal. Health & Safety Code §§ 11054, 11055, 11056, 11057, or 11058;
7. An act or omission in violation of any of the requirements of this Chapter if such act or omission is with the knowledge, authorization, or approval of the license holder or is as a result of the license holder's negligent supervision of the employees or independent contractors of the adult facility. This includes the allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property. (Ord. 2352. (07/10/2012))

Sec. G-III 13.18 Decision following Hearing

After holding the hearing in accordance with the provisions of this Section, if the Licensing Department finds and determines that there are grounds for suspension or revocation, the Department shall impose one of the following:

- A. Suspension of the license for a specified period not to exceed six (6) months; or
- B. Revocation of the license.

The Licensing Department shall render a written decision that shall be hand delivered or overnight mailed to the license holder within five (5) days of the public hearing.

In the event a license is revoked pursuant to this Section, another adult business license to operate an adult business shall not be granted to the licensee or an entity related to the licensee within twelve (12) months after the date of such revocation. (Ord. 2352. (07/10/2012))

Sec. G-III 13.19 Appeal Procedures

After approval, denial, suspension or revocation of a license, any affected person may appeal the decision to the County Board of Supervisors in writing within ten (10) days after the written decision.

A. Consideration of an appeal of the decision shall be at a public hearing, notice of which shall be given pursuant to California Gov't Code §§ 65091 and 65905 and which hearing shall occur within thirty (30) days of the filing or initiation of the appeal.

B. The County Board of Supervisors action on the appeal of the decision shall be by a majority vote of the members present and upon the conclusion of the de novo public hearing, the County Board of Supervisors shall grant or deny the appeal. The County Board of Supervisors' decision shall be final and conclusive and shall be rendered in writing within four (4) County business days of the hearing, such written decision to be mailed to the party appealing the Licensing Department's decision.

C. In reaching its decision, the County Board of Supervisors shall not be bound by the formal rules of evidence.

D. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the County of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the County or constitute failure by the County to provide for prompt decisions on applications.

E. Failure of the County Board of Supervisors to render a decision to grant or deny an appeal of a license denial within the time frames established by this Section shall be deemed to constitute an approval of the adult business license.

F. The time for a court challenge to a decision of the County Board of Supervisors is governed by Cal. Civ. Proc. § 1094.8.

G. Notice of the County Board of Supervisors' decision and its findings shall include citation to Cal. Civ. Proc. §§ 1094.8.

H. Any applicant or license holder whose license has been denied pursuant to this Section shall be afforded prompt judicial review of that decision as provided by Cal. Civ. Proc. § 1094.8. (Ord. 2352. (07/10/2012))

Sec. G-III 13.20 Violations

Any owner, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including license revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

In addition to the remedies set forth in above, any adult business that is operating in violation of these provisions regulating adult businesses is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

The restrictions imposed pursuant to this Section constitute a licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of the County of Nevada County Code, the County does not impose a criminal penalty for violations of the provisions of this Ordinance related to sexual conduct or activities. (Ord. 2352. (07/10/2012))

Sec. G-III 13.21Reserved

EXHIBIT C

GENERAL CODE

CHAPTER IV – GENERAL REGULATIONS

ARTICLE 1 - ANIMAL CONTROL

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Sec. G-IV 1.2	Short Title
Sec. G-IV 1.3	Purpose
Sec. G-IV 1.4	Definitions
Sec. G-IV 1.5	Administration: General Powers and Authority
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- Sec. G-IV 1.64 Absence of Liability**
- Sec. G-IV 1.65 Penalties for Violations of Provisions of this Article**
- Sec. G-IV 1.66 Reserved**

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 Title

This Article shall be known and may be cited as the Nevada County Animal Regulation Ordinance.

Sec. G-IV 1.3 Purpose

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 intended, the following terms as used in this Article are defined as follows:

- A. ANIMAL means and includes any reptile, avian, fish, or mammal, other than homosapiens.
- B. 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.
- C. 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.

D. ANIMALS OF HUSBANDRY means domestic animals normally associated with farming.

E. ANIMAL RESCUE OR SHELTER 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).

F. 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.

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.

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.

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

M. 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.

- N. 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.
- Y. 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.
- Z. 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.

AA. 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.

BB. IMPOUNDMENT means any taking custody, taking up, or confining of any 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.

HH. 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.

II.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.

JJ. 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:

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, 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.

Sec. G-IV 1.5 Administration: General Powers and Authority

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.

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

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 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

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

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.

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 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 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 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 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 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 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 or Animal Control Officer within five (5) days of such examination; and
- C. The Sheriff or 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, 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 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 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, Animal Control Officers, or peace 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 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 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 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 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.

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

No person shall have, keep or maintain any wild, exotic or non-domestic animal without first applying to, and receiving special authorization from, the 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, and an Administrative Development Permit from the Planning Department. The Administrative Permit is subject to the standards set forth in this code.

The Sheriff 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 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 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 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 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 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 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 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 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 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 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, 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

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

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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

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.

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 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 Stage Corporations as per Cal. Pub. Util. Code §§ 1031 – 1046.
- 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. 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.

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 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 or their authorized representative.

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

B. Purpose: The purpose of this chapter 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 approval of that designation, they 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 must be made to Caltrans as may be permitted by Caltrans.

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. .

Sec. G-IV 3.B.6 Application

Applications for a permit for a non-legal load 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 information . 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, including restoration of the highway, placement of mailboxes, etc.

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

This Chapter 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

SECTION 6: SIGNS—WRITTEN AUTHORIZATION

Sections:

- Sec. G-IV 6.1 Signs Upon County Roadways Property – Encroachment Permit Required**
- Sec. G-IV 6.2 Signs Upon County Property - Written Authorization or Encroachment Permit - Not to be Issued for Strictly Private Signs**
- Sec. G-IV 6.3 Signs Upon County Property - Written Authorization - To be Issued with Limitations if Public Benefit Shown**
- Sec. G-IV 6.4 Violations/Infractions**

Sec. G-IV 6.1 Signs Upon County Roadways – Encroachment Permit Required

No signs shall be erected, placed or maintained upon any county road without first obtaining from the Director of Public Works an encroachment Permit.

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

The Director of Facilities nor the Director of Public Works shall not grant a Written Authorization 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 - To be Issued with Limitations if Public Benefit Shown

Where a sign is proposed by a private individual and/or company and the Director of Facilities determines that there will be a public benefit. 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 Facilities using accepted engineering practices.
4. The Director of Facilities shall collect the costs provided herein prior to the issuance of the written authorization. No charge shall be made for signs placed and maintained for governmental entities.
5. The Director of Facilities may limit the term of the written authorization.

Sec. G-IV 6.4 Violations/Infractions

- A. Violation of the provisions of this Section 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: CalGov't Code § 25132.)

- B. The Nevada County Code Enforcement Officer(s) shall be responsible for the enforcement of this Section.

EXHIBIT C

NEVADA COUNTY GENERAL CODE CHAPTER IV: GENERAL REGULATIONS 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/Privatey Financed Facilities**
- Sec. G-IV 17.5 Identification**

Sec. G-IV 17.1 On Street Parking

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

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.

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.

D. 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. 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 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.

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.

EXHIIBIT C

GENERAL CODE

CHAPTER IV - GENERAL REGULATIONS

SECTION 23: SMOKING POLLUTION CONTROL

Sections:

Sec. G-IV 23.1 Title

Sec. G-IV 23.2 Reserved

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

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

Sec. G-IV 23.1 Title

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

Sec. G-IV 23.2 Reserved

Sec. G-IV 23.3 Definitions

The following words and phrases, whenever used in this 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 this Code, 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 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 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; and
2. Is not within 20 feet of main exit, entrance, and operable windows of all county buildings.
3. Is determined not to create a fire risk.

B. In any dispute arising out of the smoking area designations made by the County Administrator under this Chapter, 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 Cal. Health & Safety Code § 1250, including waiting rooms, public hallways and lobbies, except in specially designated smoking areas of long-term health care facilities.

B. Reserved.

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 all restaurants.

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 in cafeterias, lunchrooms, and employee lounges.
3. In any dispute arising under the smoking policy, the rights of the non-smoker shall be given precedence.
4. 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 provisions of this Section, every employer shall 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;

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;
- 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,;
- F. Within any 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.

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 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, the County Administrator or their designated representative may 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)).

C. Any place of employment conducted or operated without compliance with the provisions 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 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 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 their designee may enforce 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 Section; or

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

E. Any employer who violates workplace smoking restrictions 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, 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 childcare or health care facility.
- B. Twenty percent of hotel and motel rooms rented to guests.
- C. Retail tobacco stores and private smoking lounges.
- D. Reserved.
- 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.
- F. Cabs of motortrucks, if nonsmoking employees are not present.
- G. Patient smoking areas in long-term health care facilities, as defined in Cal. Health & Safety Code § 1418.

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 § 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 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.

EXHIBIT D

GENERAL CODE

**CHAPTER VI: WORK FURLOUGH PROGRAM & WORK RELEASE
PROGRAM SECTION 1 IN GENERAL**

Sections:

Sec. G-VI 1.1	Work Furlough Program
Sec. G-VI 1.2	Work Release Program
Sec. G-VI 1.3	Reserved
Sec. G-VI 1.4	Reserved
Sec. G-VI 1.5	Reserved
Sec. G-VI 1.6	Reserved
Sec. G-VI 1.7	Reserved
Sec. G-VI 1.8	Reserved
Sec. G-VI 1.9	Reserved
Sec. G-VI 1.10	Reserved
Sec. G-VI 1.11	Work Furlough Program
Sec. G-VI 1.12	Reserved
Sec. G-VI 1.13	Reserved
Sec. G-VI 1.14	Reserved
Sec. G-VI 1.15	Reserved
Sec. G-VI 1.16	Reserved
Sec. G-VI 1.17	Alternative Sentencing Program - As Permitted by Section 4024.2 of the Penal Code
Sec. G-VI 1.18	Alternative Sentencing Program – Nevada County Probation Department to be Program Administrator
Sec. G-VI 1.19	Alternative Sentencing Program – Guidelines

Sec. G-VI 1.1 Work Furlough Program

On the basis of local employment conditions, the state of the county jail facilities, and other pertinent circumstances considered, the Board of Supervisors finds that the

operation of a work furlough program as provided for in California Penal Code section 1208, is feasible. The Sheriff is designated as the officer who shall perform the functions of the work furlough administrator.

Sec. G-VI 1.2 Work Release Program

A Work Release Program is hereby authorized for all persons confined in jail pursuant to California Penal Code section 4024.4.

Sec. G-VI 1.3 Reserved

Sec. G-VI 1.4 Reserved

Sec. G-VI 1.5 Reserved

Sec. G-VI 1.6 Reserved

Sec. G-VI 1.7 Reserved

Sec. G-VI 1.8 Reserved

Sec. G-VI 1.9 Reserved

Sec. G-VI 1.10 Reserved

Sec. G-VI 1.2 Work Furlough Program

On the basis of local employment conditions, the state of the county jail facilities, and other pertinent circumstances considered, the Board of Supervisors finds that the operation of a work furlough program as provided in California Penal Code section 1208, is feasible. The Sheriff is designated as the officer who shall perform the functions of the work furlough administrator.

Sec. G-VI 1.12 – Reserved

Sec. G-VI 1.14 Reserved

Sec. G-VI 1.15 Reserved

Sec. G-VI 1.16 Reserved

Sec. G-VI 1.17 Work Release Program

A Work Release Program is hereby authorized for all persons confined in jail pursuant to Penal Code section 4024.2

Sec. G-VI 1.17 Alternative Sentencing Program - As Permitted by Section 4024.2 of the Penal Code

The Nevada County Alternative Sentencing program is hereby made available for all persons confined in jail as authorized by Section 4024.2, as amended, of the California [Penal Code](#).

Sec. G-VI 1.18 Alternative Sentencing Program - Nevada County Probation Department to be Program Administrator

The Nevada County Probation Department, through its Chief Probation Officer, is designated as the officer who shall perform the functions of the Alternative Sentencing Program Administrator. As such, the department shall prepare standard forms for services and procedures, community service agency agreements, instructions for supervisors, application forms, request forms and other supporting documents.

Sec. G-VI 1.19 Alternative Sentencing Program - Guidelines

The guidelines for the Alternative Sentencing Program are as follows:

1. Alternative sentencing may only be imposed as a voluntary condition of probation. The probationer has no right to an alternative sentence. It is a privilege granted by the courts and supervised by the Probation Department. No one will be placed in the Alternative Sentencing Program prior to a screening interview and acceptance by the Probation Department. Alternative Sentencing Program screening and recommendation shall be made to the court prior to sentencing.

2. Agencies providing work for program participants will provide adequate liability insurance. Agencies will be screened by the Probation Department.
3. Probationers assigned to the Alternative Sentencing Program will report in person to the Probation Department within 24 hours. They will be assigned a program and given the name of the worksite supervisor and given a time and place to report.
4. Probationers shall not be assigned duties which are inappropriate because of physical limitations.
5. The probationer will report to the worksite supervisor at the assigned time and place. Worksite supervisor will explain all duties clearly to probationer to insure that the objectives of the program and the expectations of the worksite supervisor are understood. A mutually agreed upon work schedule will be set up at this time, and it shall be reported to the Probation Department.
6. The probationer will provide his/her own transportation to and from the worksite. The probationer will report for work promptly and dressed appropriately.
7. Worksite supervisors and program participants will keep a record of hours served and will present them to the Probation Department upon completion of assigned hours. They will also be available to the Probation Officer upon request.
8. Worksite supervisors will inform the Probation Department immediately of any problems with participants. This shall include absences, unsatisfactory work, or poor attitude, and may result in referral to the court for appropriate action.
9. No probationer shall be absent from assigned work, except for illness, prior work commitment, or with prior approval of the Probation Officer and worksite supervisor. In cases of illness, the probationer is to notify the worksite supervisor as soon as possible. In cases of illness, the Probation Officer can require that the probationer provide a doctor's release.
10. Persons with a history of assaultive behavior, sex offenders, narcotics addicts, or other conditions which would make them a poor candidate for this program will only be considered if so ordered by the court.
11. No probationer is to report for work in possession or under the influence of any alcoholic beverage, illegal drug, or controlled substance. Violation of this condition will result in the matter being returned to court for possible revocation of probation.
12. Probationer shall be credited for one day of jail time for successful completion of ten (10) hours of community service. No good time or work credit apply to community service in lieu of jail time.
13. Placement in the Alternative Sentencing Program will be in lieu of a suspended jail sentence or fine. The probationer may be removed from the program and ordered to serve the remainder of his/her jail sentence. Such recommendation for termination will be reviewed at an administrative hearing. The probationer will be provided written notice of this hearing and his/her right to be present. The supervising probation officer will recommend if the program is to be terminated

and the ordered jail sentence or fine begun. The actual reinstatement of any jail sentence can only be ordered by the sentencing court.

EXHIBIT E

GENERAL CODE

CHAPTER VII - MISDEMEANORS

SECTION 1: IN GENERAL

Sections:

Sec. G-VII 1.1	Business Premises - Preventing Persons from Entering
Sec. G-VII 1.2	Curfew - Established
Sec. G-VII 1.3	Curfew - Responsibility of Parents or Guardian
Sec. G-VII 1.4	Curfew - Permitting Minors to Remain on Premises After Curfew
Sec. G-VII 1.5	Curfew - Penalty for Violation of Two Preceding Sections
Sec. G-VII 1.6	Curfew - Arrest and Disposition of Violators
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Sec. G-VII 1.13	Employment - Hindering by Means of Opprobrious Remarks
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Sec. G-VII 1.17	Loitering, Obstructing Sidewalks, Highways, etc.
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Sec. G-VII 1.21	Standards of Beach and Swimming Apparel in Public Places - Penalty for Violation
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- Sec. G-VII 1.25 Establishing Identification Requirements During Criminal Investigation**
- Sec. G-VII 1.26 In Prohibition of Urinating or Defecating in Public**
- Sec. G-VII 1.27 Discharging a Firearm**
- Sec. G-VII 1.28 Prohibition on Use of Steel Jaw Leghold Traps**
- Sec. G-VII 1.29 School Truancy Prohibited**
- Sec. G-VII 1.30 Penalty for Violation**

Sec. G-VII 1.1 Business Premises - Preventing Persons from Entering

It is unlawful for any person to beset or picket the premises of another, or any approach thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate or meet together in the vicinity of the premises of another, or upon the streets, highways or approaches thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

Sec. G-VII 1.2 Curfew - Established

Every person under the age of eighteen years who loiters in or about any public street or other public place or any place open to the public in the unincorporated territory of the county between the hours of 10:30 p.m., and the time of 6:00 a.m. of the following day, when not accompanied by his parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one years of age, is guilty of a misdemeanor.

A violation of this section or any provision thereof is punishable as a misdemeanor.

Sec. G-VII 1.3 Curfew - Responsibility of Parents or Guardian

It shall be unlawful for any parent, guardian, or other person lawfully entitled to the care, custody and control of any minor under the age of eighteen years, to knowingly suffer or permit such minor to be unlawfully upon the streets, roads or highways or other public place or in any place open to the public in the county between the hours of 10:30 p.m. and 6:00 a.m. within the meaning of the preceding section.

Sec. G-VII 1.4 Curfew - Permitting Minors to Remain on Premises After Curfew

It shall be unlawful for the owner of any place open to the public in the county, or their manager, agent or employee, to suffer or permit any minor under the age of eighteen years to be in such place of business between the hours of 10:30 p.m. and 6:00 a.m. within the meaning of the two preceding sections.

Sec. G-VII 1.5 Curfew - Penalty for Violation

Any person violating the provisions regarding curfew shall be deemed guilty of a misdemeanor.

Sec. G-VII 1.6 Curfew - Arrest and Disposition of Violators

Any person violating under age eighteen (18) violating curfew shall be taken in custody of the Sheriff, Probation Officer or any other peace officer of the county and turned over to the Juvenile Court of the County to be dealt with under the laws of the State.

Sec. G-VII 1.7 Reserved

Sec. G-VII 1.8 Reserved

Sec. G-VII 1.9 Reserved

Sec. G-VII 1.10 Drunkenness

A. PROHIBITION AGAINST OPEN CONTAINERS: Any person possessing any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed in or

on any public street, sidewalk or other public right-of-way in any of the following designated areas shall be guilty of an infraction:

1. TOWN OF TRUCKEE, CALIFORNIA: A strip of land 100 feet on each side of the following described lines:

Part 1: Beginning at a point in the center of Donner Pass Road, County Road No. 664AF1 at the intersection of said Donner Pass Road and High Street, County Road No. 686BA2 as shown on the Nevada County Road System Map, 1980; thence from said point of beginning northeasterly along the center line of Donner Pass Road, County Road No. 664AF1 to the intersection of Donner Pass Road and Bridge Street, County Road No. 686AR2 and State Highway 267. Thence northwesterly along the center line of Bridge Street and East Main Street. County Road No. 686AF2 to the end of the first part of said strip of land.

Part 2: Beginning at the center of State Highway 267 at the intersection of State Highway 267 and Bridge Street, County Road No. 686AR2 and Donner Pass Road, County Road No. 664AF1. Thence along the center line of said State Highway 267 in a northeasterly direction to the section in between Section 10 and Section 15, Township 17 North, Range 16 East, M.D. & M. to the end of the second portion of said strip of land.

2. NORTH SAN JUAN, CALIFORNIA: A strip of land 100 feet on each side of the following described land:

Beginning at a point on the center of State Highway 49, 500 feet southwest of the intersection of said Highway 49 and School Street (County Road Number 713AF2) as shown on the Nevada County Road System Map dated 1980. Thence northerly along the center line of said Highway 49 to the intersection of said Highway 49 and Oak Tree Road, County Road No. 713AK2, as shown on the Nevada County Road System Map dated 1980. To the end of said strip of land.

3. WASHINGTON, CALIFORNIA: A strip of land 100 feet each side of the following described line:

Beginning at the most Southerly corner of Lot 18 as shown on the Record of Survey of the Townsite of Washington filed in Book 2 of surveys at Page 11, Nevada County Records. Said point of beginning also being in the center of

Washington Road, County Road No. 637AD1 as shown on the County Road System Map, 1980. Thence from said point of beginning northwesterly and northeasterly along the center line of said Washington Road to the most northerly corner of Lot 42 of said Townsite Map being the end of said strip of land.

B. EXCEPTION - PERMITS FOR SPECIAL CIVIC EVENTS: The enforcement of this Section may be suspended as to any location upon application of any non-profit organization for a period not exceeding 12 hours when the suspension is in conjunction with any special civic event organized by the non-profit organization and which meets the following criteria:

1. Has a security plan for the control of those individuals' consuming alcohol which plan shall be submitted to and approved by the Nevada County Sheriff's Office.

2. Shall be limited to a single special event.

3. Any permit issued hereunder shall specify that alcoholic beverages shall be consumed only out of plastic or paper cups and shall prohibit the consumption of such beverages from glass bottles or metal cans.

4. Payment of a processing fee.

5. A clean-up plan to be approved, in advance, by the Department of Public Works and shall require a cleaning deposit.

A special event is defined as one which is conducted for the benefit of the local community and includes, but is not limited to, street dances, concerts, fairs, art shows.

Any person who is convicted of a violation of this section after having previously been convicted three times within the preceding 12-month period of a violation thereof shall be guilty of a misdemeanor if the defendant has admitted said convictions or they are alleged in the accusatory pleading and proved. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged and sufficient proof thereof.

Sec. G-VII 1.11 Employment - Hindering by Means of Processions, etc.

It shall be unlawful for any person to form, or to aid in forming, or to ride in, any parade, or procession of two or more motor vehicles formed or moving along any highway for the purpose of inducing any person, by means of compulsion, coercion, intimidation or fear, from entering into or carrying on their employment, upon or

about any business, mine, mill, mine property, farm, ranch, packing shed or any other place of employment.

Sec. G-VII 1.12 Employment - Hindering by Picketing, etc.

It is unlawful for any person to beset or picket the premises of another, or any approach thereto, where any person is employed or seeks employment, or any place or approach thereto where such employee or person seeking employment lodges or resides, for the purpose of inducing such employee or person seeking employment by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit their employment or to refrain from seeking or freely entering into employment.

Sec. G-VII 1.13 Employment - Hindering by Means of Opprobrious Remarks

It is unlawful for any person to utter to, or within the hearing of another, any derogatory, indecent opprobrious epithets or language, or to use any gesture, or to make demonstrations of any kind, for the purpose of inducing any person, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit their employment or to refrain from seeking or freely entering into employment, or to refrain from patronizing, negotiating with or transacting business with any other person.

Sec. G-VII 1.14 Reserved

Sec. G-VII 1.15 Reserved

Sec. G-VII 1.16 Reserved

Sec. G-VII 1.17 Loitering, Obstructing Sidewalks, Highways, etc.

A. PROHIBITIONS ON PRIVATE PROPERTY¹. No person shall remain upon any private or business premises after being expressly notified to keep off, keep away or remove themselves by the owner, owner's agent, or other person in lawful possession or by any peace officer who has received a request from the foregoing persons.

2. No person, without permission of the owner, owner's agent, or other person in lawful possession of the private property or business premises, shall re-enter upon such premises within 14 days of being notified to keep off, keep away or

remove themselves by the owner, owner's agent, or other person in lawful possession of the private property or business premises or by a peace officer who has received a request from the foregoing persons.

3. The owner, the owner's agent, or the person in lawful possession of the property shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. Detailed and identifying information shall be given to the peace officer describing the specific person or persons to be removed from the property.

4. A single request for a peace officer's assistance may be made to cover a limited period of time not to exceed 30 days and identified by specific dates, covering that period of time in which the owner, the owner's agent, or person in lawful possession is absent from the premises or property.

5. No person shall park or leave standing a vehicle upon privately owned and maintained off-street parking facilities unless such person has the permission of the owner, the owner's agent, lessee or other person in charge of said premises and facilities.

6. Notwithstanding any other county ordinance to the contrary, the provisions of this section shall only apply to private property generally open to the public or to business premises if said property or premises is posted with signs which expressly forbid remaining or re-entering on such property without the expressed permission. Such posting shall be located at all clearly defined entry ways and shall not be required on any property not generally open to the public.

B. PROHIBITIONS ON PUBLIC PROPERTY: It is unlawful for any person to willfully stand, sit or position their body in or upon any public highway, alley, walkway, sidewalk or crosswalk so as to hinder, delay or obstruct the free passage thereon of persons or vehicles passing or attempting to pass along the same.

C. APPLICATION - EXCEPTIONS: None of the provisions of this chapter shall apply when any of the following circumstances exists:

1. The provision violates a federal or state civil rights act or any other provision of law relating to the prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin.
2. The provision results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers.
3. The provision results in an interference with or inhibition of peaceful, lawful labor picketing or other lawful labor activities.
4. The provision results in an unlawful interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech.

5. The person who is upon another's property is there under reasonable claim or color of legal right.

D. PENALTIES: Violation of the provisions regarding trespass on private or public property shall be an infraction. The first and second violation of the provision regarding reentry of this Section shall be an infraction punishable pursuant to Cal. Gov't Code § 25132. However, after two convictions of reentry, any further violation of that Section shall be a misdemeanor.

Sec. G-VII 1.18 Remarks Tending to Create Breach of Peace

It shall be unlawful for any person to utter, publish, or use any seditious language, words, remarks or epithets, or to address to another, any such language, words, remarks or epithets, which create or provoke or tend to create or provoke a breach of peace.

Sec. G-VII 1.19 Smoking in Open Areas

A. WHERE PROHIBITED. Smoking is prohibited while traveling on foot, cycle, or domestic animal in grain, grass, stubble, brush, timber or other inflammable vegetative cover and on roads and trails or in other areas posted against smoking between the first day of June and the thirty-first day of October of each year.

B. WHERE PERMITTED. Smoking is permitted as follows:

1. In improved campgrounds; or
2. Inside vehicles on roads; or
3. At places of habitation; or
4. While stopped in a cleared or barren area of at least three feet in diameter; provided, however, that in all instances burning and glowing substances are completely extinguished before being discarded.

Each violation of this Section shall constitute a misdemeanor punishable by imprisonment in the County Jail or fine or both as provided for in California statute.

The State Forester and all their agents duly authorized by the laws of the State and all U.S. Forest Officers, are hereby declared to be peace officers of Nevada County for the purpose and with the right of enforcing all provisions of this Section.

Sec. G-VII 1.20 Standards of Beach and Swimming Apparel in Public Place

A. DEFINITION. Whenever in this Section the word “nude” is used, it shall mean devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person. Whenever in this Section the term “public right-of-way” is used, it shall mean any place of any nature which is dedicated to use of the public for pedestrian and vehicular travel, and includes, but is not limited to a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, hall, court, way, avenue, boulevard, road, roadway, viaduct, tunnel, bridge, thoroughfare, square, and any other similar public way.

B. NUDITY PROHIBITED. No person over the age of 10 years shall be nude and exposed to public view in or on any public right-of-way, public park, public beach, or waters adjacent thereto, or other public lands, or in or on any private property open to the public, or open to public view from any public right-of-way, public beach, public park, or other public land.

C. The provisions of this Section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment.

D. Any violation of this code shall constitute a misdemeanor and shall be punishable by imprisonment in the County jail or fine, or both, as provided for by California statute.

Sec. G-VII 1.22 Prohibition of Fireworks

Every person, firm or corporation is prohibited from using, discharging or possessing any fireworks as same is defined in Cal. Health & Safety Code §12511 within the unincorporated territory of the County of Nevada. Notwithstanding the foregoing, this Section shall not apply to any person, firm, or corporation engaged in using, discharging or possessing said fireworks under the direction, guidance and supervision of a pyrotechnic operator.

Sec. G-VII 1.23 Reserved

Sec. G-VII 1.24 Violation

Every person, firm or corporation who violates the provisions prohibiting fireworks shall be guilty of a misdemeanor, punishable by imprisonment in the County jail or fine, or both, as provided for by California statute. In addition, thereto, such person, firm or corporation may be assessed any fire suppression cost that may be incurred by any public agency for the suppression of any fire caused by a violation of these sections.

Sec. G-VII 1.25 Establishing Identification Requirements During Criminal Investigation

A. Any person lawfully detained by a peace officer for investigatory questioning shall, upon request of a peace officer, produce identification sufficient to indicate their name and date of birth or place of residence. A verbal or written statement of name and birthdate or residence address shall constitute sufficient identification.

B. Any person refusing to produce sufficient identification as defined in subsection A shall be guilty of a misdemeanor and shall be punished by a fine. If a defendant consents thereto, the District Attorney may elect to prosecute any such violation as an infraction for which the applicable fine shall not exceed \$25.00.

C. Any person who knowingly gives false information to a peace officer acting pursuant to the provisions of this ordinance shall be guilty of a misdemeanor punishable by imprisonment in the County jail, or a fine or both such fine and imprisonment.

Sec. G-VII 1.26 In Prohibition of Urinating or Defecating in Public

It shall be unlawful for any person to urinate or defecate within 100 feet of any building or structure, or upon or within 50 feet of any public or private roadway, or upon or within 50 feet of any public or commercial parking facility or lot, except in an appropriate sanitary facility.

A person violating this Section shall be guilty of an infraction. Every person convicted of a violation of this Section shall be punished by a mandatory fine of not less than \$25.00 nor more than \$100.00 upon a first conviction, by a mandatory fine of not less than \$50.00 nor more than \$200.00 upon a second conviction within

twelve months, and by a mandatory fine of not less than \$100.00 nor more than \$250.00 upon a third or subsequent conviction within one year.

Nothing in this Section is intended or shall be construed to effect, amend, or repeal any sanitary ordinance of the County of Nevada.

Sec. G-VII 1.27 Discharging a Firearm

- A. It shall be unlawful for any person to discharge a firearm of any sort on or into property owned by the County of Nevada, including, but not limited to, the sanitary landfill, convenience stations, Administration Building, maintenance yards, airport property, cemeteries, and parks.
- B. It shall be unlawful for any person to:
 - 1. Discharge any firearm on any parcel zoned by the County of Nevada as R1, R2, R3, or on any parcel zoned RA and that is comprised of fewer than 5 acres.
 - 2. Discharge any firearm within 150 yards (450 feet) of any dwelling house, residence, or other building or any barn or any outbuilding used in connection therewith.
 - 3. Discharge any firearm within 1,000 feet of any public or private school or public park grounds.
 - 4. Except when hunting, to discharge any firearm in such a manner that the bullet (projectile) does not remain on the lot or parcel from which it was fired.

Notwithstanding the foregoing, the provisions of subparagraph (B) shall not prohibit:

- 1. The discharge of a firearm within 150 yards (450 feet) of any such dwelling house, residence, etc. if all buildings within 150 yards (450 feet) of the point of discharge are owned by (a) the person discharging the weapon, (b) a member of their family, or (c) an invited guest thereof.
 - 2. The discharge of a firearm for the express purpose of the lawful slaughtering of animals.
- C. It shall be unlawful for any person to discharge any firearm from 6 p.m. to 9 a.m. other than allowed by Federal or State law.

- D. It shall be unlawful for any person to discharge any firearm continuously, for two or more hours without at least a two-hour break.
- E. It shall be unlawful for any person to discharge any firearm that results in any noise which unreasonably disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing within the limits of the county.

The county may consider these factors in determining whether a violation of this subsection has occurred and whether to issue a citation for a violation:

1. The volume or intensity of the noise;
 2. The proximity of the noise to neighboring dwelling houses, residences, or other buildings;
 3. The proximity of the noise to offices, places of business, or other areas where work is carried on;
 4. The nature and zoning of the area within which the noise emanates;
 5. The time of day the noise occurs and the relationship of this time to the normal activities of the area in which it occurs and in relation to the other factors listed in this subsection;
 6. The duration, continuousness, or repetitive nature of the noise, and whether the noise is recurrent, intermittent, or constant for more than two hours without an equal break absent of the noise or related sound for at least two hours; and
 7. Whether the person or business responsible for the noise or related sound has been previously warned that complaints have been received about the noise or related sound and such person or business has failed to reduce such noise to a reasonable level.
- F. It shall be unlawful for any person to discharge any firearm during a Red Flag Warning or a Fire Weather Watch issued by The National Weather Service in the location subject to the Red Flag Warning or Fire Weather Watch. This subsection shall not apply to persons legally engaged in hunting for non-game mammals and/or furbearers in accordance with Title 14, Sections 466 and 474, of the California Code of Regulations.

- G. The provisions of subparagraphs B, C, D, E and F shall not apply to any shooting range operated by law enforcement agencies.
- H. The provisions of subparagraphs B, D, and E shall not apply to any permitted commercial shooting range or grandfathered commercial shooting range that has been determined to be exempt from applicable permitting requirements.
- I. The provisions of subparagraph F shall not apply to any permitted commercial shooting range or grandfathered commercial shooting range that has been determined to be exempt from applicable permitting requirements on an annual basis, provided that the range has obtained annual approval by an applicable fire authority and with supervision on site.
- J. The provisions of the ordinance codified in this Section shall not apply to the discharge of a firearm in the defense of a direct threat to life or to protect property. The provisions of the ordinance codified in this Section shall not apply to any person conducting a predatory control program on behalf of or licensed by any federal, state or county agency.
- K. Any violation of the ordinance codified in this Section shall constitute a misdemeanor; provided however that any violation shall be an infraction subject to the procedures of Cal. Penal Code §§ 19.6, 19.7, and 19.8, when:
 - 1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they is arraigned, after being informed of their rights, elects to have the case proceed as a misdemeanor; or
 - 2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.
- L. The provisions of this Section shall not apply to any permitted commercial indoor shooting range or grandfathered commercial indoor shooting range that has been determined to be exempt from applicable permitting requirements. (Ord. 2459. (12/11/2018); Ord. 2495. (08/24/2021))

Sec. G-VII 1.28 Prohibition on Use of Steel Jaw Leghold Traps

1. DEFINITIONS

- A. **ANIMAL** means all vertebrate animal species.

- B. PERSON means any individual, partnership, association, corporation, trust, joint-venture, or any officer, employee, agent, department, or instrumentality of the County of Nevada or any political subdivision located therein.
- C. STEEL-JAW LEGHOLD TRAP means any spring powered pan or gear activated device with two opposing steel jaws whether bare, padded or with teeth which is designed to capture an animal by snapping closed upon an animal's limb or part thereof. Mouse or rat traps shall not be classified as steel jaw leghold traps for the purposes of this ordinance.

2. PROHIBITION

- A. Except as expressly permitted herein, it shall be unlawful for any person to manufacture, sell, offer for sale, possess, import, transport, set or cause to be set an animal trap of the steel-jaw leghold type within the limits of the County of Nevada. It shall be unlawful for any person to take or attempt to take any animal by means of a trap of the steel-jaw leghold type within the limits of the County of Nevada.
- B. The possession of a trapping device referred to in Paragraph 1 of this section shall be prima facie evidence of a violation of this Section.
- C. This ordinance does not prohibit the use of traps other than the steel-jaw leghold trap for animal damage control or other purposes.

3. EXCEPTION

Upon declaration, by the Department of Health, of a rabies epidemic, authorization to use such traps for a time period commensurate with the rabies epidemic may issue.

4. EXEMPTIONS

- A. Nothing in this ordinance shall prohibit the possession of steel-jaw leghold traps for display or exhibition purposes by a non-profit organization.
- B. Nothing in this ordinance shall prohibit the possession of steel-jaw leghold traps by persons in the act of disposing of such traps.
- C. Nothing in this ordinance shall prohibit the possession of steel-jaw leghold traps by collectors or hobbyists, provided that such devices be kept indoors and disengaged at all times.

5. PENALTIES

Any person who violates Section 2 (Prohibition) of this law shall be guilty of an infraction punishable by a fine \$100.00 for the first violation, \$200.00 for a second violation and a fine of \$500.00 for each additional violation within the same year. Conviction under Section 2 of this law shall result in confiscation of all equipment, animals and pelts used in or obtained by reason of a violation of Section 2 of this law and each illegal trap manufactured, sold, offered for sale, possessed, imported, transported or set shall be considered a separate violation and shall be punishable as a separate offense.

(Adopted by Initiative Ordinance “Measure H”, (11/8/1988); Measure H ruled invalid and enforcement by County prohibited in Dept. of Fish & Game v. County of Nevada, Nevada County Superior Court Case No. 40445, 11/23/1994.)

Sec. G-VII 1.29 School Truancy Prohibited

A. School Truancy Prohibited. It shall be unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory full-time education or to compulsory continuation education, to loiter, idle, wander or to aimlessly remain without any visible purpose, reason or explanation for such conduct, to be in or upon any public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement or entertainment, or vacant lots between the hours of 9:00 a.m. and 2:00 p.m. on days when school is in session, as defined herein, within the unincorporated areas of the County of Nevada . This Section shall also apply to minors whose enrollment status is that of suspension, expulsion, or transfers in progress.

B. Definitions. For the purposes of this Section, the following words and phrases shall be construed as set forth in this Section, unless it is apparent from the context that a different meaning is intended:

1. ABSENT FROM SCHOOL shall mean being found away from a public school facility, during school attendance hours.
2. COMPULSORY EDUCATION or COMPULSORY CONTINUING EDUCATION shall have the meaning set forth in Cal. Educ. Code §§ 48200 - 48361, et seq.

3. SCHOOL ATTENDANCE REVIEW BOARD (SARB) shall mean and include any administrative panel established by a school district governing the operation of secondary schools within the County.
4. MINOR shall mean any person between the ages of 6 and 17 years of age.
5. EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to the following: a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
6. GUARDIAN means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. An authorized representative of a public or private agency with whom the minor has been placed by court order; or
 - c. A person at least eighteen (18) years of age exercising care and custody of the minor and having written authorization to do so.
7. PARENT means a person who is a natural parent, adoptive parent, or step-parent of a minor.
8. PUBLIC PLACE means any place to which the public or a substantial group of the public has access including, but not limited to, streets, highways, parks, playgrounds, and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, theaters, game rooms, stores, shops, shopping malls, or any other public place of business.
9. STREET means any way or place, of whatever nature, open to the use of the public as a matter of right for the purpose of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term "street" includes the legal right-of-way including, but not limited to, the traffic lanes, curbs, sidewalk, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term "street" applies regardless of what the legal right-of-way is formally named or called, whether alley, avenue, court, road or otherwise.

C. Exceptions. This Section shall not apply if a minor has one of the following circumstances:

1. The minor is going directly to or returning directly from an event or activity sponsored, sanctioned, or arranged by their school in which the minor is authorized to participate, or the minor is otherwise under the supervision of school personnel.
2. The minor is absent in connection with or required by a school-approved or school-related business, trade, profession, occupation or program in which the minor is lawfully engaged, such as a work study or work experience program, subject to verification by a proper school authority.
3. The minor has written permission from the school or the school district to be absent from a school campus, and has in their possession a valid, dated, school-issued off-campus permit.
4. The minor is traveling directly to or from a medical appointment or that of the minor's dependent child, provided the minor has possession of a written, dated, verification of the medical appointment.
5. The minor's own illness.
6. The minor is subject to lawful quarantine order.
7. The minor is authorized to be absent pursuant to the provisions of Cal. Educ. Code § 48205(a), or any other applicable State or Federal law.
8. The minor is on an emergency errand on behalf of their parents, or on behalf of a responsible adult for a specific purpose, or on behalf of school authorities for a school-related purpose and the errand involves no detour or stops along the way.
9. The minor is on the sidewalk outside the place where the minor resides.
10. The minor is engaged in a speech or religious rights activity protected by the United States or California Constitution, such as the free exercise of religion, freedom of speech, and the right to peaceful assembly.
11. The minor is traveling directly to or from their place of gainful employment with a valid school-work permit.
12. The minor is on their authorized lunch period.

13. The minor has permission to leave their school and has in possession a valid school issued off-campus permit.
14. The minor is receiving home or private school instruction pursuant to Cal. Educ. Code § 48222 or is receiving instruction by a qualified tutor pursuant to Cal. Educ. Code § 48224 or is otherwise exempt by law from compulsory education or continuation education.
15. The minor is on a specialized school schedule.
16. The minor is married or emancipated in accordance with Cal. Fam. Code §§ 7000 – 2002.

D. Penalties. The violation by a minor of any of the provisions of this Section shall be deemed an infraction. A minor in violation of this Section shall be subject to the following penalties:

1. Upon a minor's first violation of this Section, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of \$25.00 (plus court costs and assessments) or by making arrangements to perform twelve (12) hours of supervised community service during non-school hours.
2. Upon a minor's second violation of this Section, occurring within a twelve-month period, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of \$50.00 (plus court costs and assessments) or by making arrangements to perform twenty-four (24) hours of supervised community service during non-school hours.
3. Upon any third or subsequent violation of this Section, occurring within a twelve-month period, the issuance of a citation by any peace officer advising the minor of the opportunity to clear the violation without further proceedings by paying a penalty sanction in the amount of \$75.00 (plus court costs and assessments) or by making arrangements to perform thirty-six (36) hours of supervised community service during non-school hours.

E. Enforcement Action. Before taking enforcement under this Section, the peace officer shall inquire of the minor as to their age and reason for being out in public. No citation shall be issued if the officer is reasonably satisfied that the minor is

outside after curfew for one of the reasons or excuses as provided herein. If the officer is not reasonably satisfied that such is the case, then a citation shall be issued.

A peace officer may detain or assume temporary custody, during school hours pursuant to the provisions of Cal. Educ. Code § 48264, of any minor subject to compulsory full-time education or to compulsory continuation education away from their home and who is absent from school without valid excuse within the unincorporated area of the County of Nevada or any school district therein.

G-VII 1.30 Penalty for Violation

Any person who violates these provisions, unless otherwise specified, shall be guilty of a misdemeanor punishable by imprisonment, or a fine, or both such fine and imprisonment as provided for by California Penal Code.

EXHIBIT F

GENERAL CODE

CHAPTER IX: WATERWAYS AND WATERCRAFT

SECTION 1 IN GENERAL

Sections:

Sec. G-IX 1.1	Applicability of Chapter
Sec. G-IX 1.2	Definitions
Sec. G-IX 1.3	Littering Beaches or Waterways
Sec. G-IX 1.4	Shooting Across Waterways; Hunting of Waterfowl
Sec. G-IX 1.5	Prohibited Areas for Swimming
Sec. G-IX 1.6	Method of Establishing Boat Launching Areas, Swimming Areas, Areas Where Boats Prohibited, and other Designations
Sec. G-IX 1.7	Reserved
Sec. G-IX 1.8	Penalty for Violations

Sec. G-IX 1.1 Applicability of Chapter

This chapter shall be applicable to and govern all public waters including lakes and rivers or portions thereof situated within the boundaries of the County of Nevada over which the County has police power jurisdiction, either exclusively or concurrently with the United States or the State of California, or both, insofar as the provisions of this chapter do not conflict with applicable statutes or regulations of the United States or the State of California.

Sec. G-IX 1.2 Definitions

The following words and phrases when used in any provision of this chapter shall be construed to have the following meaning:

A. BOAT. The term "boat" shall mean any vessel as defined in Cal. Harb. & Nav. Code § 651(d).

B. MOTORBOAT. The term “motorboat” shall mean any vessel as defined in Cal. Harb. & Nav. Code § 651(n-).

C. AQUAPLANE: The term “aquaplane” shall mean any device including, but not limited to, skis, wakeboards, and other flotation devices used for the transportation of one or more persons upon the surface of the water, and which is pulled or towed by any boat, vehicle or other motive power by means of a rope, chain, cable, wire or other connection. “Aquaplane” shall also mean “Planing”.

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

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

Sec. G-IX 1.3 Littering Beaches or Waterways

It shall be unlawful to throw, place, deposit or dump, or cause to be thrown, placed, deposited or dumped, any garbage, swill, cans, bottles, papers, ashes, refuse, carcass of any dead animal, offal, trash, rubbish, wire, tacks or any noisome, nauseous or offensive matter or to throw, place, deposit or dump any other substance likely to injure any person, animal or boat upon any of the public beaches or waterways within the County.

Sec. G-IX 1.4 Shooting Across Waterways; Hunting of Waterfowl

It shall be unlawful for any person to shoot any firearms or gun operated by compressed gases or a spring from any boat or across or over any portion of the waters of any lake or reservoir; provided, however, that nothing in this section shall prohibit the shooting of a shotgun from a boat or across a lake or reservoir waters during the lawful waterfowl hunting season for the purpose of killing waterfowl.

Sec. G-IX 1.5 Prohibited Areas for Swimming

It shall be unlawful for any person to swim in any area designated as a no swimming area, or to swim in a location or in such a manner as to create a hazardous or dangerous condition to the swimmer or any other person or object. The provisions of this Section shall not apply to an organized swim event.

Sec. G-IX 1.6 Method of Establishing Boat Launching Areas, Swimming Areas, Areas Where Boats Prohibited, and other Designations

The Board of Supervisors by resolution as to waters under its jurisdiction and the authorized representative of any other public agency as to water under its jurisdiction may designate and cause to be appropriately marked boat launching areas, areas designed exclusively for swimming, areas where swimming is prohibited, areas where boats are prohibited, areas of restricted speed or “slow-areas” and other boating and personnel control signs and devices and change same from time to time as the public safety and welfare may require, and when so marked, it shall be unlawful for any person to fail to comply with such designations.

Sec. G-IX 1.7 Reserved.

Sec. G-IX 1.8 Penalty for Violations

Any person violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by imprisonment in the County Jail , or by both such fine and imprisonment. However, at the time a particular action is commenced, the judge may, considering the recommendation of the prosecuting attorney, reduce the charged offense from a misdemeanor to an infraction. Any person convicted of the offense after such a reduction shall be punished by a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000).

EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 2 WATERCRAFT REGULATIONS

Sections:

Sec. G-IX 2.1 Owner's Responsibility

Sec. G-IX 2.2 Supervised Boat Racing

Sec. G-IX 2.3 Supervised Water Shows

Sec. G-IX 2.1 Owner's Responsibility

It shall be unlawful for any person owning, possessing or in charge of any boat to knowingly permit such boat to be operated in violation of any of the provisions of this Chapter.

Sec. G-IX 2.2 Supervised Boat Racing

No provision of this Chapter shall be construed to prohibit or restrict the operation of any boat actually competing in a race or regatta over a marked racing course which is previously authorized in writing by the public agency having jurisdiction over the waters of such racing course or its duly authorized agent for such purpose, nor to conflict with any of the rules adopted by the agency governing the navigation regulations and other rules governing the conduct of such races.

Sec. G-IX 2.3 Supervised Water Shows

No provision of this Chapter shall be construed to prohibit or restrict the operation of any boat, aquaplane or water skier actually participating in a water show which is previously authorized in writing by the public agency having jurisdiction over the waters on which the water show is conducted or its duly authorized agent for such purpose.

EXHIBIT F

GENERAL CODE

CHAPTER IX: WATERWAYS AND WATERCRAFT

SECTION 3 SMALL LAKE REGULATIONS

Sections:

Sec. G-IX 3.1 Small Lake Fishing Special Use Areas

Sec. G-IX 3.2 Speed - Maximum Speed of 10 Miles Per Hour

Sec. G-IX 3.1 Small Lake Fishing Special Use Areas

Milton Reservoir, Martis Creek and Rucker Lake shall be designated as fishing\special use areas. It shall be unlawful to operate any internal combustion engine on such lakes. Said restrictions shall be effective with respect to said lakes upon the posting of notice of said restrictions by signs erected at each established launch ramp at such lakes or at a well-established common entry point.

Sec. G-IX 3.2 Speed - Maximum Speed of 10 Miles Per Hour

The following lakes shall be restricted to a maximum speed of ten miles per hour:

- A. Prosser.
- B. Fuller.
- C. Meadow.
- D. Independence.
- E. Fordyce.
- F. Weaver.
- G. French.
- H. Jackson.
- I. Lower Scott's Flat.
- J. Tollhouse.
- K. Sterling.
- L. Catfish.
- M. McMurray.

- N. Sawmill.
- O. Carr.
- P. Feeley.
- Q. White Rock.
- R. Blue.

The speed limit established by this Section shall become effective with respect to each lake when notices of said restrictions are posted by signs erected at each established launch ramp at such lakes or at a well-established common entry point.

EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 4 ROLLINS RESERVOIR

Sections:

Sec. G-IX 4.1 Boating Regulations - Rollins Reservoir

Sec. G-IX 4.2 Maximum Speeds

Sec. G-IX 4.3 Speed Zones

Sec. G-IX 4.4 Area Restrictions

Sec. G-IX 4.5 Chartlet

Sec. G-IX 4.6 Exceptions

Sec. G-IX 4.7 Implementation

Sec. G-IX 4.8 Non-Marked Areas

Sec. G-IX 4.9 Amendments

Sec. G-IX 4.10 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 4.11 Greenhorn Creek Inlet - Day Use Only

Sec. G-IX 4.1 Boating Regulations - Rollins Reservoir

Vessels operated on those waters of Rollins Reservoir situated in the County of Nevada and those same waterways Shared with the County of Placer, shall be subject to the restrictions in this Section.

Sec. G-IX 4.2 Maximum Speeds

The maximum speed of any vessel on the waters of Rollins Reservoir, not otherwise indicated, is fifty (50) miles per hour during those hours from official sunrise to official sunset, and ten (10) miles per hour during those hours from official sunset to official sunrise.

Sec. G-IX 4.3 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hours which are identified and defined as “flat wake” zones:

A. LAUNCH AND MOORING AREAS:

Orchard Springs;
Mouth of Greenhorn Inlet;
Peninsula Launch Ramp Area.

B. FISHING AREAS:

Head of Greenhorn Creek;
Head of Bear River.

Sec. G-IX 4.4 Area Restrictions

SWIM AREAS. Vessels, except non-powered lifeguard boats, rafts, canoes and paddleboats, are prohibited within the following swim areas:

Greenhorn Inlet;
Peninsula Campground Launch Area;
Orchard Springs.

Sec. G-IX 4.5 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “ROLLINS RESERVOIR USE RESTRICTION CHARTLET”.

B. Restrictions shown on portions of Rollins Reservoir situated in Placer County are shown for informational purposes only.

C. Said Chartlet shall be posted at all boat entries to Rollins Reservoir in Nevada County, and copies shall be made available to the general public at Marinas, and at the Nevada County Sheriff Office.

Sec. G-IX 4.6 Exceptions

These restrictions do not apply to marked enforcement vessels sanctioned by the Counties of Nevada or Placer, to vessels operated by any governmental entity or to vessels participating in a race sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 4.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 4.8 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2. in those areas of Rollins Lake not marked pursuant to this Section.

Sec. G-IX 4.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing this “Chartlet” and “Implementation” contained within this Section.

Sec. G-IX 4.10 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Sec. G-IX 4.11 Greenhorn Creek Inlet - Day Use Only

Use of the beach area at the Greenhorn Creek Inlet shall be restricted to day use only. Day use is defined as that period of time between official sunrise and official sunset. The beach area is more specifically identified as that portion of land extending from the water level of Rollins Lake to 100 yards inland. Inlet shall be restricted to day use only. No campfires shall be allowed at any time.

Rollins Reservoir Use Restrictions Chartlet

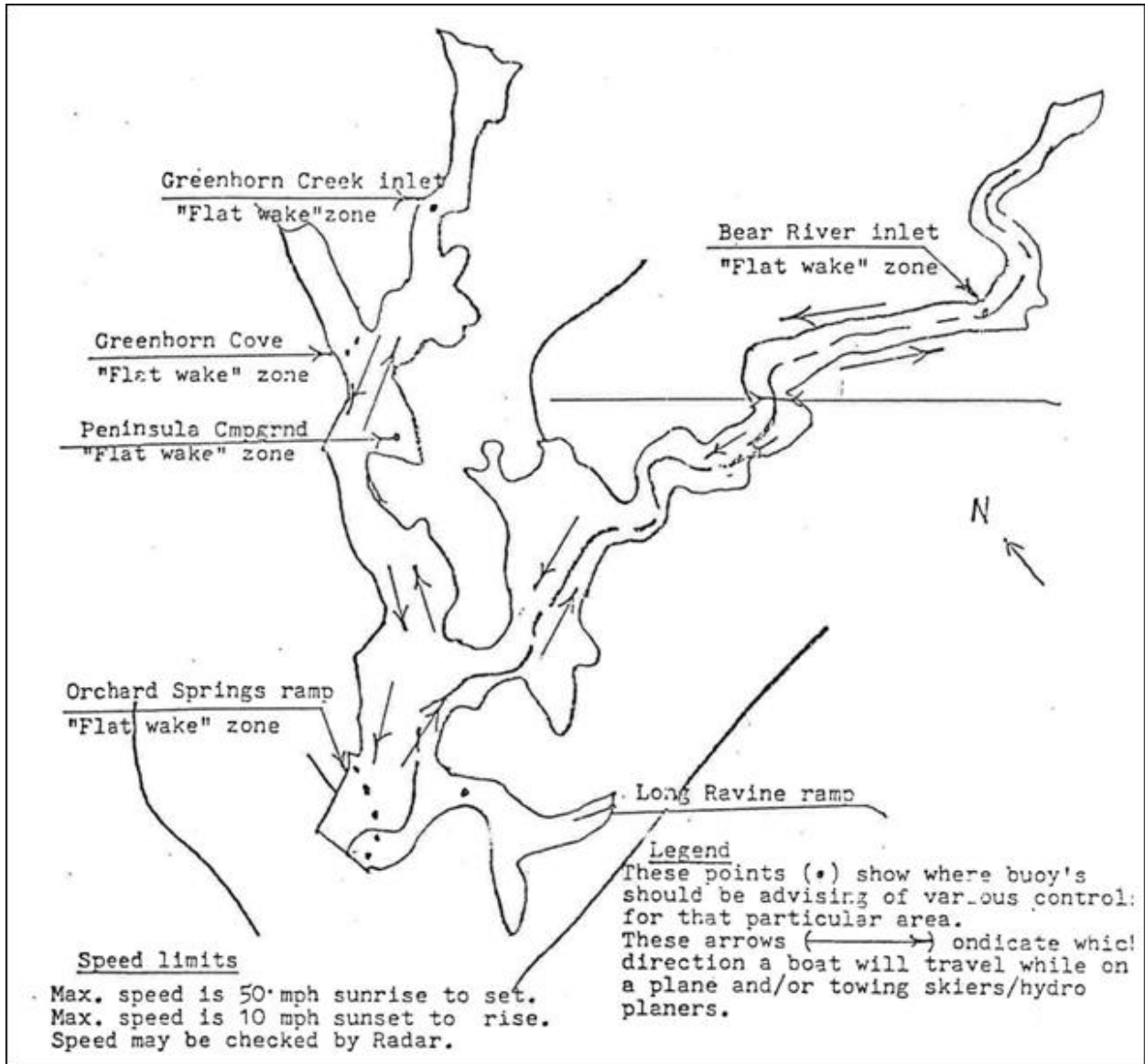


EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 5 LAKE WILDWOOD

Sections:

Sec. G-IX 5.1 Boating Regulations - Lake Wildwood

Sec. G-IX 5.2 Maximum Speeds

Sec. G-IX 5.3 Speed Zones

Sec. G-IX 5.4 Area Restrictions

Sec. G-IX 5.5 Chartlet

Sec. G-IX 5.6 Exceptions

Sec. G-IX 5.7 Implementation

Sec. G-IX 5.8 Non-Marked Areas

Sec. G-IX 5.9 Amendments

Sec. G-IX 5.10 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 5.11 Dam Spillway Restriction

Sec. G-IX 5.1 Boating Regulations - Lake Wildwood

Vessels operated on those waters of Lake Wildwood situated in the County of Nevada shall be subject to the restrictions in this Section.

Sec. G-IX 5.2 Maximum Speeds

The maximum speed of any vessel on the waters of Lake Wildwood, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset;

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour;

The maximum speed on weekends and holidays between sunset and 8:00 a.m. is ten (10) miles per hour.

At any time of heavy use or other conditions affecting public safety or convenience, the Sheriff of Nevada County may put a special maximum speed limit of five (5) miles per hour into effect on the entirety of the lake. Said special maximum speed limit shall become effective upon the flying of a red flag from the Marina Yardarm accompanied by public address announcements notifying boaters that the restriction is in effect. The Sheriff may authorize the Lake Wildwood Association to make such notice and announcements at times the special speed limit is in effect.

Sec. G-IX 5.3 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour which are identified and defined as “Flat Wake” zones.

- A. Within the Marina or within two hundred (200) feet of its entrance.
- B. Waters of the Wildwood Creek Inlet South of Pine Island.
- C. Waters of the Deer Creek Inlet East of the channel entrance adjacent to Forest Circle park.
- D. All waters within 100 feet of shoreline or designated swim areas.

Sec. G-IX 5.4 Area Restrictions

SWIM AREAS. Vessels, except non-powered lifeguard boats, are prohibited within these areas. Swim areas are roped off at Commodore Park (two), Meadow Park, Explorer Park and Vista Park Beaches.

Sec. G-IX 5.5 Chartlet

A. The Chartlet included at the end of this Section, indicating Speed Zones and Restricted Areas, shall constitute an integral part of this Section, and shall be known as the “LAKE WILDWOOD USE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at the Boat Launch and Marina entrance to Lake Wildwood, and copies shall be made available to all Lake Wildwood Association members by mail. Additional copies will be made available at entry gates, at the Marina and at the Nevada County Sheriff Office.

Sec. G-IX 5.6 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada, to vessels operated by any governmental entity or to the Lake Wildwood Security Patrol Vessel. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 5.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 5.8 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Lake Wildwood not marked pursuant to this Section.

Sec. G-IX 5.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained in this Section.

Sec. G-IX 5.10 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Sec. G-IX 5.11 Dam Spillway Restriction

It shall be unlawful for any person to swim within 100 feet of, or stand, walk or sit on the spillway of Lake Wildwood Dam.

Lake Wildwood Use Restriction Chartlet

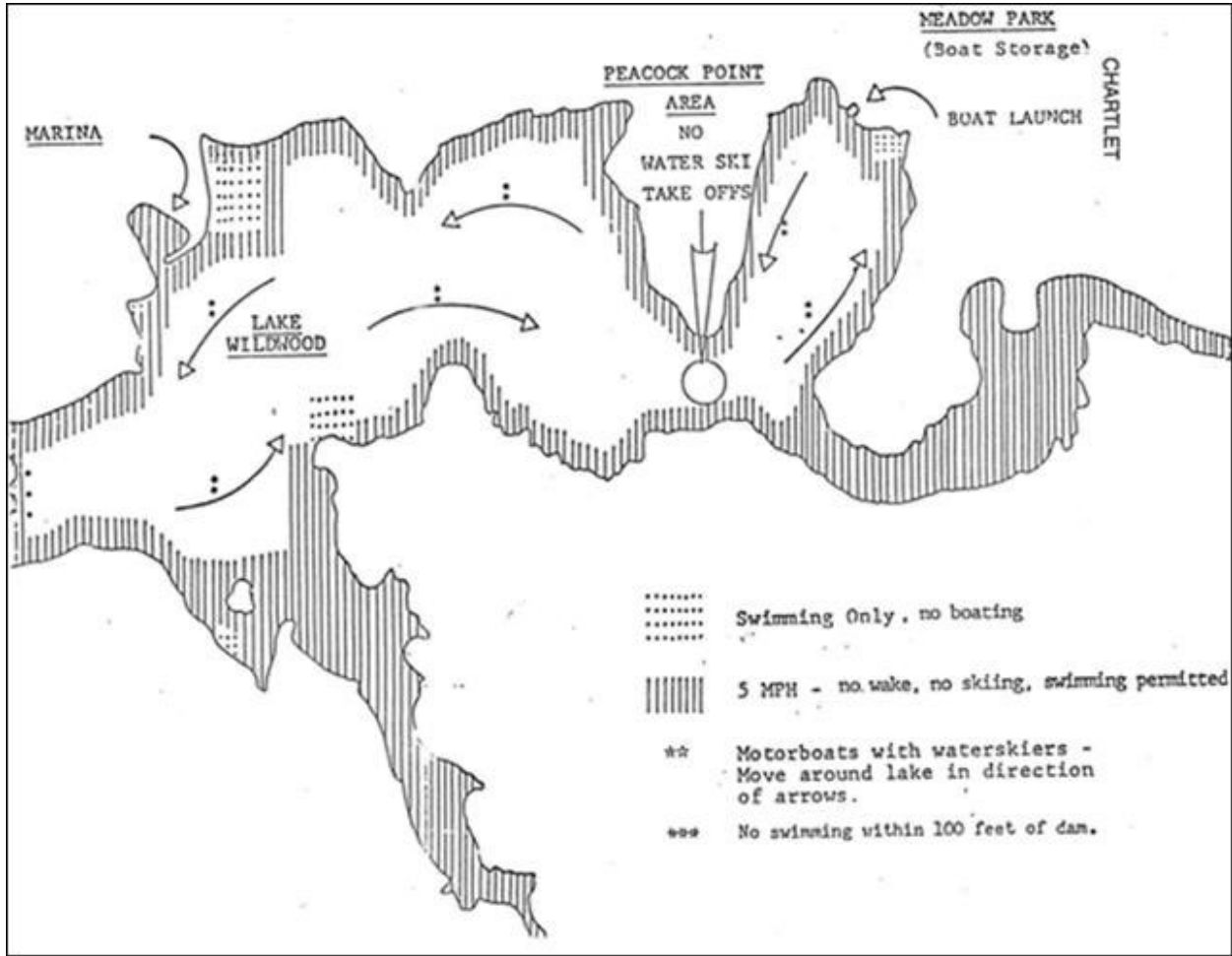


EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 6 ENGLEBRIGHT LAKE

Sections:

Sec. G-IX 6.1 Boating Regulations – Englebright Lake

Sec. G-IX 6.2 Vessel Operation Permit

Sec. G-IX 6.3 Maximum Speeds

Sec. G-IX 6.4 Water Skiing Restrictions

Sec. G-IX 6.5 Chartlet

Sec. G-IX 6.6 Exceptions

Sec. G-IX 6.7 Implementation

Sec. G-IX 6.8 Non-Marked Areas

Sec. G-IX 6.9 Amendments

Sec. G-IX 6.10 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 6.11 Dam and Spillway Restrictions

Sec. G-IX 6.12 Speed Zones

Sec. G-IX 6.1 Boating Regulations – Englebright Lake

Vessels operated on those waters of Englebright Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Sec. G-IX 6.2 Vessel Operation Permit

A. All privately owned vessels, described as fishing barges, pontoon boats or similar vessels, operated on project waters, will require an operational permit. This permit must be carried aboard the craft at all times and may be revoked at any time if the vessel is found to be unsafe. The Army Corps of Engineers Project Manger shall have the authority to issue such operation permits and inspect for unsafe conditions.

B. No watercraft of this type with a hull size exceeding a beam width of 10 feet or a length of 30 feet, shall be placed on these reservoirs. Hull measurements will be overall, including pontoons decking, walkways or any other appurtenances.

C. Effective this date, no new craft of this type, which utilizes drums, barrels, bottles, flasks or similar unsafe materials for flotation, will be issued an operational permit. Further, operational permits for existing craft utilizing these types of flotation will not be renewed after 1 January 1978.

D. All Federal State or County water pollution and sanitation rules and regulations are in effect at these reservoirs. Therefore, all watercraft containing a toilet or galley facility must be in conformance with applicable rules and regulations before use will be permitted.

Sec. G-IX 6.3 Maximum Speeds

The maximum speed of any vessel on the waters of Englebright Lake, not otherwise indicated, is fifty (50) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise is twenty (20) miles per hour unless otherwise indicated.

Sec. G-IX 6.4 Water-Skiing Restrictions

A. No water skiing shall be permitted upstream from the Eastern end of Upper Boston Bar.

B. The Sheriff of the County of Nevada may close additional areas to water-skiing or open any restricted areas whenever they deems it necessary to protect the public health and safety.

Sec. G-IX 6.5 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the "ENGLEBRIGHT LAKE USE RESTRICTION CHARTLET."

B. Said Chartlet shall be posted at all boat entries to Englebright Lake. Copies shall be made available at the Nevada County Sheriff's Office and the project office at Englebright Lake.

Sec. G-IX 6.6 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 6.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 6.8 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Englebright Lake not marked pursuant to this Section.

Sec. G-IX 6.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained within this Section.

Sec. G-IX 6.10 Aquaplaning and Water-Skiing Restriction

The operation of any boat on watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Sec. G-IX 6.11 Dam and Spillway Restrictions

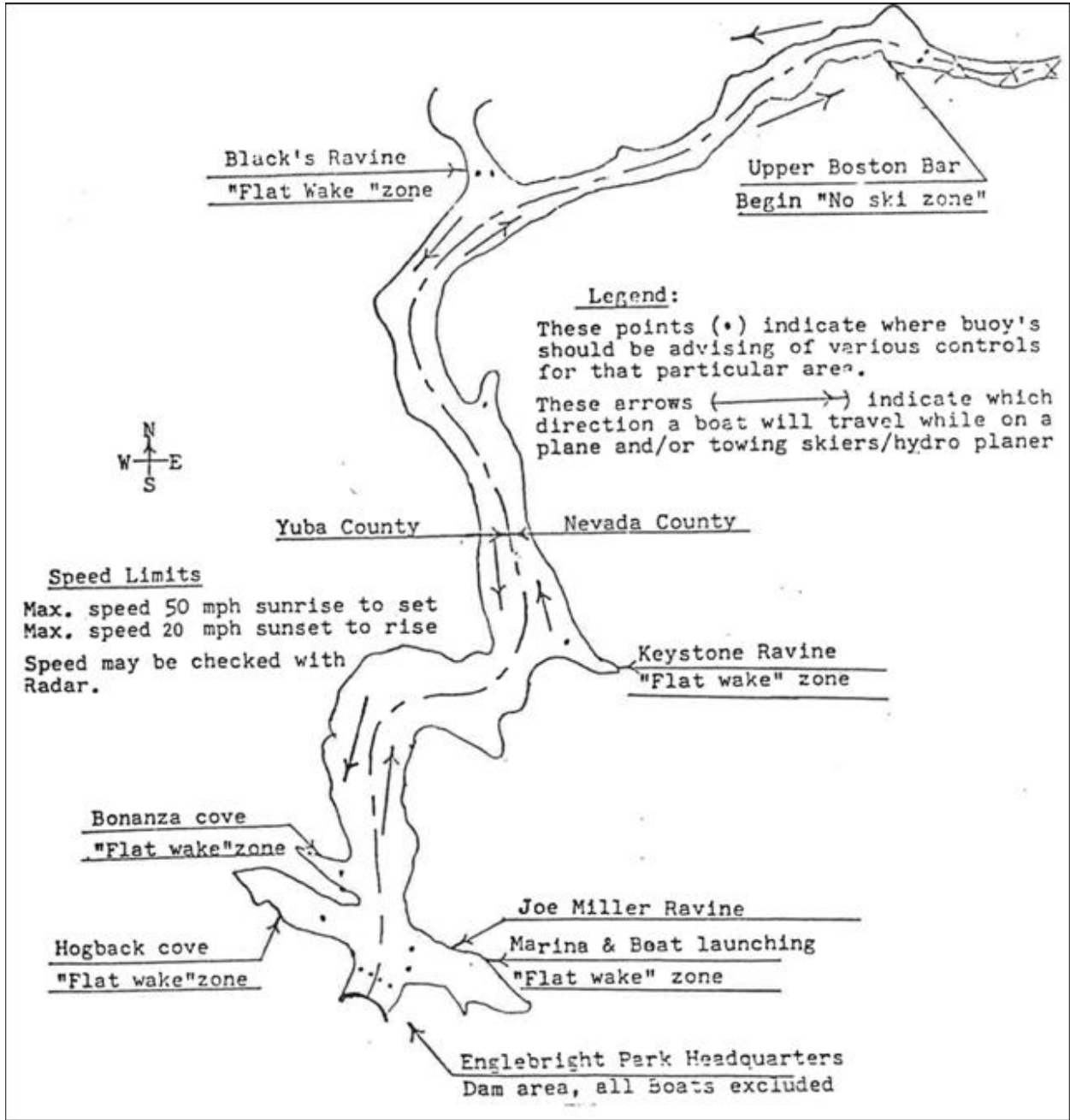
All boats and watercraft are prohibited within the area enclosed by the buoy line in the vicinity of the dam and spillway. It shall be unlawful for any person to swim within 100 feet of, or stand, walk or sit on the spillway of Englebright Dam.

Sec. G-IX 6.12 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “flat wake” zones.

- A. Within the marina area.
- B. Keystone Ravine.
- C. Longs Cove.
- D. South Yuba.
- E. Upstream of the Confluence of the North Yuba and South Yuba below Pt. Defiance.
- F. Hogback Ravine.
- G. Bonanza Cove.
- H. Black’s Ravine.

Englebright Lake Use Restriction Chartlet



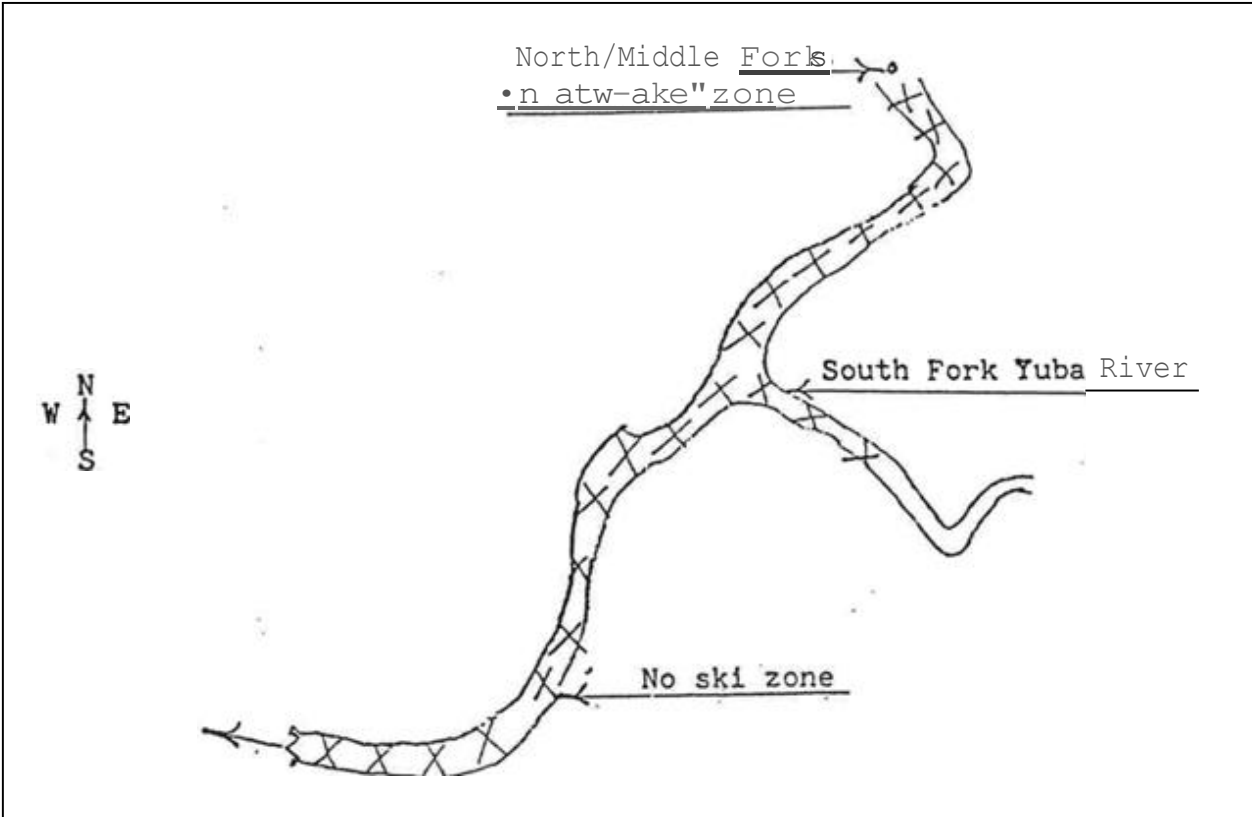


EXHIBIT F

GENREAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 7 DONNER LAKE

Sections:

Sec. G-IX 7.1 Boating Regulations - Donner Lake

Sec. G-IX 7.2 Maximum Speeds

Sec. G-IX 7.3 Speed Zones

Sec. G-IX 7.4 Chartlet

Sec. G-IX 7.5 Exceptions

Sec. G-IX 7.6 Implementation

Sec. G-IX 7.7 Non-Marked Areas

Sec. G-IX 7.8 Amendments

Sec. G-IX 7.9 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 7.1 Boating Regulations - Donner Lake

Vessels operated on those waters of Donner Lake situated in the County of Nevada shall be subject to the restrictions of this Section.

Sec. G-IX 7.2 Maximum Speeds

The maximum speed, unless otherwise restricted, of any vessel on the waters of Donner Lake is thirty-five (35) miles per hour from official sunrise until official sunset and is ten (10) miles per hour from official sunset until official sunrise.

Sec. G-IX 7.3 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas set forth below is five (5) miles per hour, which are identified and defined as “Flat Wake” zones.

- A. Within 200 feet of the west end of Donner Creek outlet launch ramp area;
- B. Within 200 feet of the “public” or north side launch ramp area;

- C. Within 200 feet of the “Tahoe Donner” properties or east side launch area;
- D. Within the mouth of the Donner Creek inlet on the east side.

Sec. G-IX 7.4 Chartlet

- A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the “DONNER LAKE USE RESTRICTION CHARTLET.”
- B. Said Chartlet shall be posted at all boat entries to Donner Lake and copies shall be made available at the Nevada County Sheriff’s Office.

Sec. G-IX 7.5 Exceptions

These restrictions do not apply to marked law enforcement vessels operated by the County of Nevada, to vessels operated by any governmental entity. Any exemptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 7.6 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 7.7 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Donner Lake not marked pursuant to this Section. .

Sec. G-IX 7.8 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the “Chartlet” and “Implementation” contained within this Section.

Sec. G-IX 7.9 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake.

Donner Lake Use Restriction Chartlet

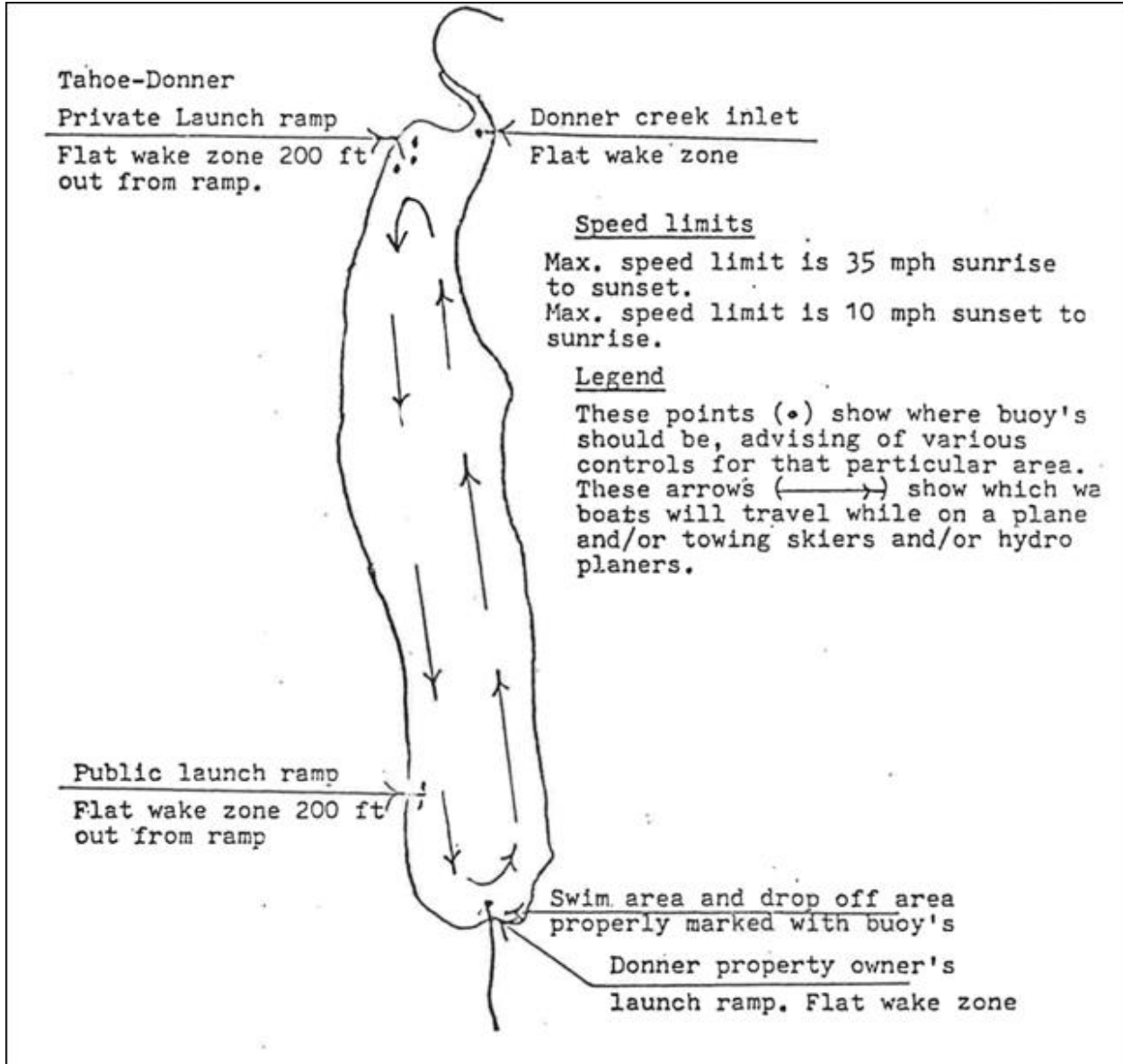


EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 8 LAKE OF THE PINES

Sections:

Sec. G-IX 8.1 Boating Regulations - Lake of the Pines

Sec. G-IX 8.2 Maximum Speeds

Sec. G-IX 8.3 Speed Zones

Sec. G-IX 8.4 Area Restrictions

Sec. G-IX 8.5 Chartlet

Sec. G-IX 8.6 Exceptions

Sec. G-IX 8.7 Implementation

Sec. G-IX 8.8 Regulation of Lake

Sec. G-IX 8.9 Amendments

Sec. G-IX 8.10 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 8.1 Boating Regulations - Lake of the Pines

Vessels operated on those waters of Lake of the Pines situated in the County of Nevada shall be subject to the restrictions of this Section.

Sec. G-IX 8.2 Maximum Speeds

The maximum speed of any vessel on the waters of Lake of the Pines not otherwise restricted to five (5) miles per hour, as set forth in this Section, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is five (5) miles per hour.

The maximum speed on weekends and holidays between official sunset and 7:00 a.m. is five (5) miles per hour.

Sec. G-IX 8.3 Speed Zones

FLAT WAKE ZONES: For the purpose of this Section, Flat Wake Zones are those portions of Lake of the Pines lying between the shore and the 5 mph buoys. The maximum speed of any vessel within a Flat Wake Zone is five (5) miles per hour. Flat Wake Zones are identified in the Chartlet, All aquaplaning is prohibited within 10 feet of any buoy.

Sec. G-IX 8.4 Area Restrictions

SWIM AREAS. Swim areas are roped off at the Main Beach, Shadow Cove Park Beach, Sandy Point Park Beach, Southshore Park Beach, Green Valley Park Beach, and Sun Terrace Park Beach. Vessels, except non-powered lifeguard boats, are prohibited within these areas. Swim areas are identified in the Chartlet.

Sec. G-IX 8.5 Chartlet

- A. The Chartlet included at the end of this Section indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the “LAKE OF THE PINES USE RESTRICTION CHARTLET”.
- B. Said Chartlet shall be made available to all Lake of the Pines Association members and shall be posted at significant access points to the lake.

Sec. G-IX 8.6 Exceptions

These restrictions do not apply to marked law enforcement vessels operated by the County of Nevada or governmental entity, or to the Lake of the Pines Association marked security vessels.

Sec. G-IX 8.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 8.8 Regulation of Lake

It is the intent of the County of Nevada by adoption of this ordinance to fully regulate the time-of-day, speed zones, and special use areas upon all portions of the lake as authorized by Cal. Harb. & Nav. Code § 660.

Sec. G-IX 8.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the "Chartlet" and "Implementation" contained within this Section.

Sec. G-IX 8.10 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning or towing shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Lake of the Pines Use Restriction Chartlet

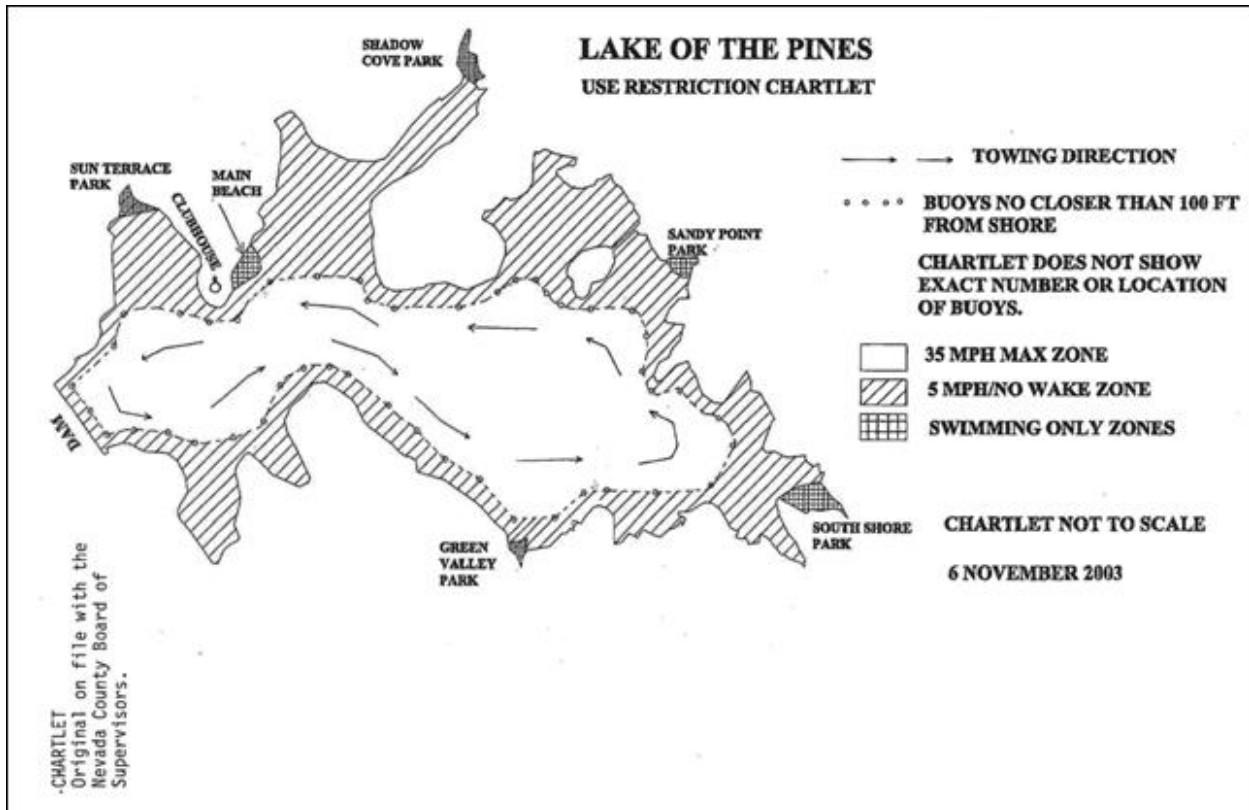


EXHIBIT F
GENERAL CODE
CHAPTER IX WATERWAYS AND WATERCRAFT
SECTION 9 BOCA RESERVOIR

Sections:

- Sec. G-IX 9.1 Boating Regulations - Boca Reservoir.**
- Sec. G-IX 9.2 Maximum Speeds**
- Sec. G-IX 9.3 Speed Zones**
- Sec. G-IX 9.4 Chartlet**
- Sec. G-IX 9.5 Exceptions**
- Sec. G-IX 9.6 Implementation**
- Sec. G-IX 9.7 Non-Marked Areas**
- Sec. G-IX 9.8 Amendments**
- Sec. G-IX 9.9 Aquaplaning and Water-Skiing Restriction**

Sec. G-IX 9.1 Boating Regulations - Boca Reservoir

Vessels operated on those waters of Boca Reservoir situated in the County of Nevada shall be subject to the restrictions of this Section.

Sec. G-IX 9.2 Maximum Speeds

The maximum speed of any vessel on the waters of Boca Reservoir, not otherwise indicated, is forty-five (45) miles per hour from official sunrise to official sunset. The maximum speed from official sunset to official sunrise, not otherwise indicated, is ten (10) miles per hour.

Sec. G-IX 9.3 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “flat wake” zones.

- A. South Cove.
- B. Boca Campground Cove.
- C. North Cove.
- D. Dry Creek Cove.
- E. Boca Rest Campground Cove.
- F. Ski Jump Cove.
- G. East Cove.
- H. West Cove.

The maximum speed of any vessel in the speed zone areas designated above is forty-five (45) miles per hour when the vessel is operated by a member of the waterski club during a marine event conducted over the courses established, marked, and controlled by the authority of the Nevada County Sheriff's Office. This paragraph shall not be effective until the waterski club has obtained a permit from the Nevada County Sheriff's Office pursuant to Cal. Harb. & Nav. Code § 268. The permit shall specify on what day(s) and between such hours the event may be conducted. The fee for the permit shall be set by resolution of the Board of Supervisors. (Ord. 2413.(06/28/2016)).

Sec. G-IX 9.4 Chartlet

A. The Chartlet included at the end of this Section indicating speed zones and restricted areas, shall constitute an integral part of this Section and shall be known as the "BOCA RESERVOIR USE RESTRICTION CHARTLET."

B. Said Chartlet shall be posted at all boat entries to Boca Reservoir. Additional copies will be made available at the Nevada County Sheriff's Office.

Sec. G-IX 9.5 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada, nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 9.6 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the Cal. Code Regs. tit.14 §§ 7000 – 7009.

Sec. G-IX 9.7 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § Section 655.2 in those areas of the Boca Lake not marked pursuant to this Section.

Sec. G-IX 9.8 Amendments

Amendments to the Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing the "Chartlet" and "Implementation" contained within this Section.

EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 10 SCOTTS FLAT LAKE

Sections:

Sec. G-IX 10.1 Boating Regulations – Scotts Flat Lake

Sec. G-IX 10.2 Maximum Speeds

Sec. G-IX 10.3 Speed Zones

Sec. G-IX 10.4 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 10.5 Chartlet

Sec. G-IX 10.6 Exceptions

Sec. G-IX 10.7 Implementation

Sec. G-IX 10.8 Non-Marked Areas

Sec. G-IX 10.9 Amendments

Sec. G-IX 10.10 Personal Watercraft Prohibited

Sec. G-IX 10.11 Overnight Camping Prohibitions

Sec. G-IX 10.1 Boating Regulations – Scotts Flat Lake

Vessels operated on those waters of Scotts Flat Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Sec. G-IX 10.2 Maximum Speeds

The maximum speed of any vessel on the waters of Scotts Flat Lake, not otherwise indicated, is forty-five (45) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Sec. G-IX 10.3 Speed Zones

FLAT WAKE ZONES. The maximum speed of any vessel in the speed zone areas designated below is five (5) miles per hour, which are identified and defined as “Flat Wake” zones.

- A. Within Deer Creek inlet.
- B. Within the west side marina and launch area.
- C. Within 200 feet of Cascade Shores launch area.

Sec. G-IX 10.4 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Sec. G-IX 10.5 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “SCOTTS FLAT LAKE USE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Scotts Flat Lake. Copies shall be made available at the Nevada County Sheriff’s Office.

Sec. G-IX 10.6 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 10.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 10.8 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Code Harb. & Nav. § 655.2 in those areas of Scotts Flat Lake not marked pursuant to this Section.

Sec. G-IX 10.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of governing “Chartlet” and “Implementation” contained within this Section.

Sec. G-IX 10.10 Personal Watercraft Prohibited

Scotts Flat Lake is hereby designated a special use area for the purpose of prohibiting the use of personal watercraft on Scotts Flat Lake. Personal watercraft, as defined in Cal. Harb. & Nav. Code § 651, shall be prohibited from operating on Scotts Flat Lake. Personal watercraft shall include, but not be limited to, any vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Personal watercraft shall include jet skis, Wave Runners, Sea-Doos, and other recreational personal watercraft. This Section shall not apply to any type of fishing boat, sailboat, yacht, recreational, or water-ski boat, or any boat of a similar nature and purpose.

Sec. G-IX 10.11 Overnight Camping Prohibitions

Use of the shoreline at Scotts Flat Lake shall be restricted to day use only, except for those areas designated for overnight camping. Day use is defined as that period of time between official sunrise and official sunset. Overnight camping, mooring of boats (except in designated areas), and all campfires shall be prohibited with the exception of those portions of the Scotts Flat Lake which are designated for overnight use.

Scotts Flat Lake Use Restriction Chartlet

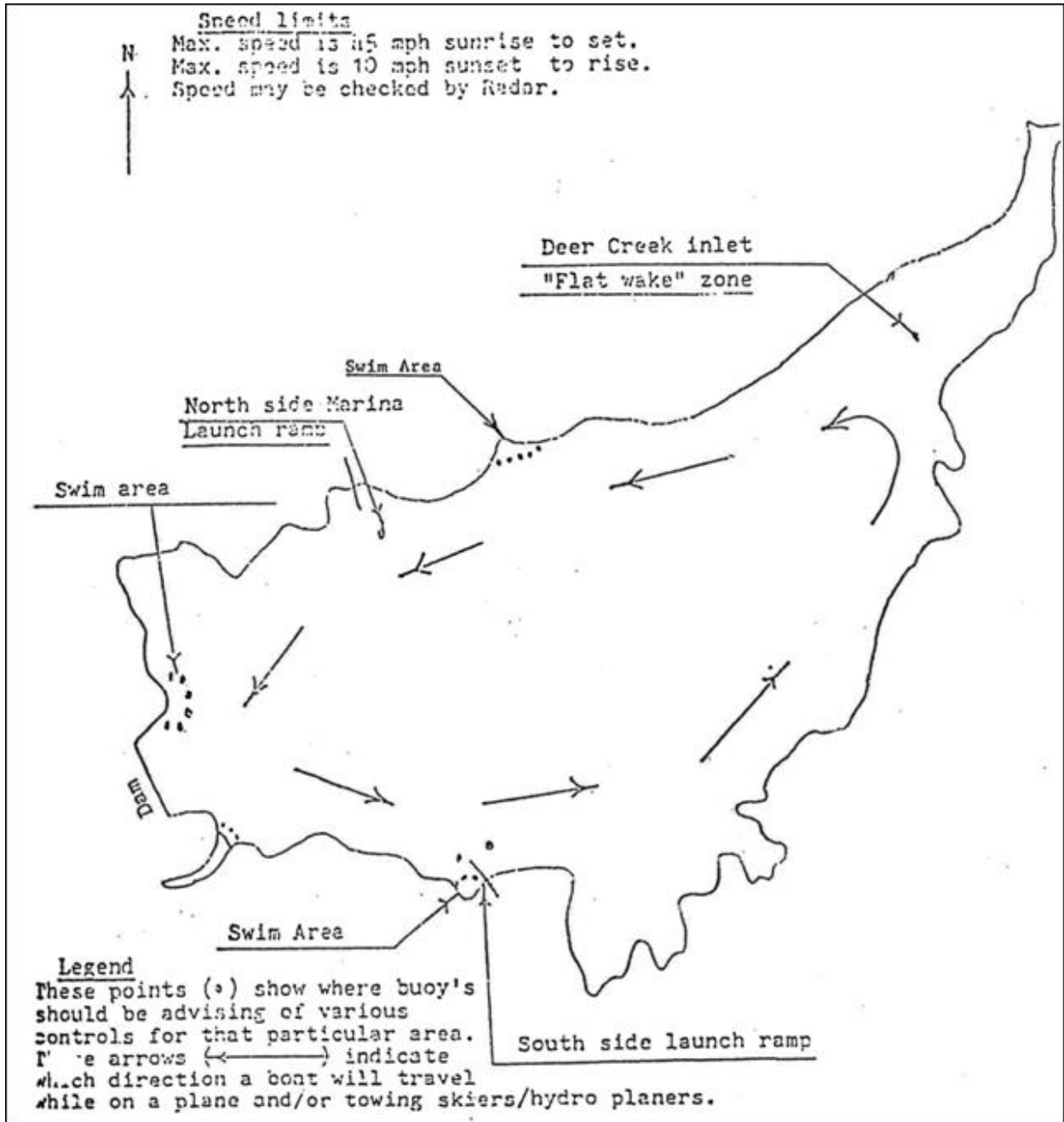


EXHIBIT F

GENERAL CODE CHAPTER IX WATERWAYS AND WATERCRAFT SECTION 11 SPAULDING LAKE

Sections:

Sec. G-IX 11.1 Boating Regulations – Spaulding Lake

Sec. G-IX 11.2 Maximum Speeds

Sec. G-IX 11.3 Speed Zone

Sec. G-IX 11.4 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 11.5 Chartlet

Sec. G-IX 11.6 Exceptions

Sec. G-IX 11.7 Implementation

Sec. G-IX 11.8 Non-Marked Areas

Sec. G-IX 11.9 Amendments

Sec. G-IX 11.1 Boating Regulations – Spaulding Lake

Vessels operated on those waters of Spaulding Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Sec. G-IX 11.2 Maximum Speeds

The maximum speed of any vessel on the waters of Spaulding Lake, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Sec. G-IX 11.3 Speed Zone

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is identified and defined as a “Flat Wake Zone”.

A Within 200 feet of boat launch ramp, dams or operating facilities of Pacific Gas and Electric Company.

Sec. G-IX 11.4 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on Chartlet.

Sec. G-IX 11.5 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “SPAULDING LAKE USE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Spaulding Lake. Copies shall be made available at the Nevada County Sheriff’s Office.

Sec. G-IX 11.6 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 11.7 Implementation

The speed zone and area restrictions of this Section shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 § 7000 – 7009.

Sec. G-IX 11.8 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Spaulding Lake not marked pursuant to this Section.

Sec. G-IX 11.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing "Chartlet" and "Implementation" contained within this Section.

Spaulding Lake Use Restriction Chartlet

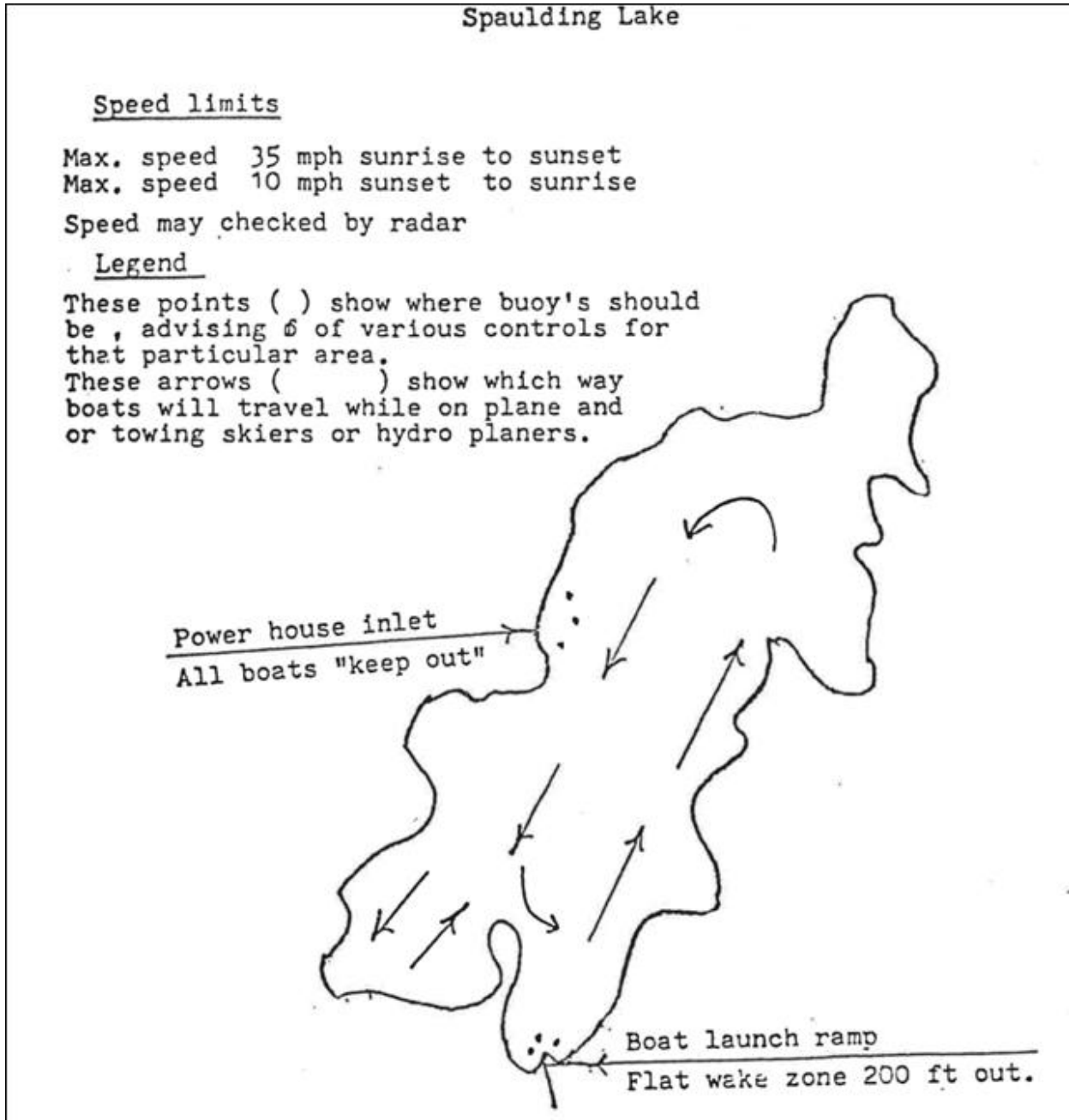


EXHIBIT F

GENERAL CODE

CHAPTER IX: WATERWAYS AND WATERCRAFT

SECTION 12 - COMBIE LAKE

Sections:

Sec. G-IX 12.1 Boating Regulations – Combie Lake

Sec. G-IX 12.2 Maximum Speeds

Sec. G-IX 12.3 Speed Zones

Sec. G-IX 12.4 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 12.5 Chartlet

Sec. G-IX 12.6 Exceptions

Sec. G-IX 12.7 Implementation

Sec. G-IX 12.8 Non-Marked Areas Sec.

Sec. G-IX 12.9 Amendments

Sec. G-IX 12.1 Boating Regulations – Combie Lake

Vessels operated on those waters of Combie Lake situated in the County of Nevada shall be subject to the restrictions provided in this Section.

Sec. G-IX 12.2 Maximum Speeds

The maximum speed of any vessel on the waters of Combie Lake, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise during weekdays is ten (10) miles per hour.

Sec. G-IX 12.3 Speed Zones

The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is identified and defined as a “Flat Wake” zone.

Both coves on the north side of the Lake or on each side of the launch ramp on the Nevada County side.

Sec. G-IX 12.4 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake, as shown on the Chartlet.

Sec. G-IX 12.5 Chartlet

A. The Chartlet included at the end of this Section, indicating speed zones and restricted areas, shall constitute an integral part of this Section, and shall be known as the “COMBIE LAKE RESTRICTION CHARTLET”.

B. Said Chartlet shall be posted at all boat entries to Combie Lake in Nevada County. Copies shall be made available at the Nevada County Sheriff’s Office.

Sec. G-IX 12.6 Exceptions

These restrictions do not apply to marked enforcement vessels operated by the County of Nevada nor to vessels operated by any governmental entity. Any exceptions other than those above must be sanctioned by the Board of Supervisors of the County of Nevada.

Sec. G-IX 12.7 Implementation

The speed zone and area restrictions of this article shall be in full force and effect when marked pursuant to the California Waterway Marking System, Cal. Code Regs. tit. 14 §§ 7000 – 7009.

Sec. G-IX 12.8 Non-Marked Areas

The provisions of this article do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Combie Lake not marked pursuant to this Section.

Sec. G-IX 12.9 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions of sections governing “Chartlet” and “Implementation” contained within this Section.

Combie Lake Use Restriction Chartlet

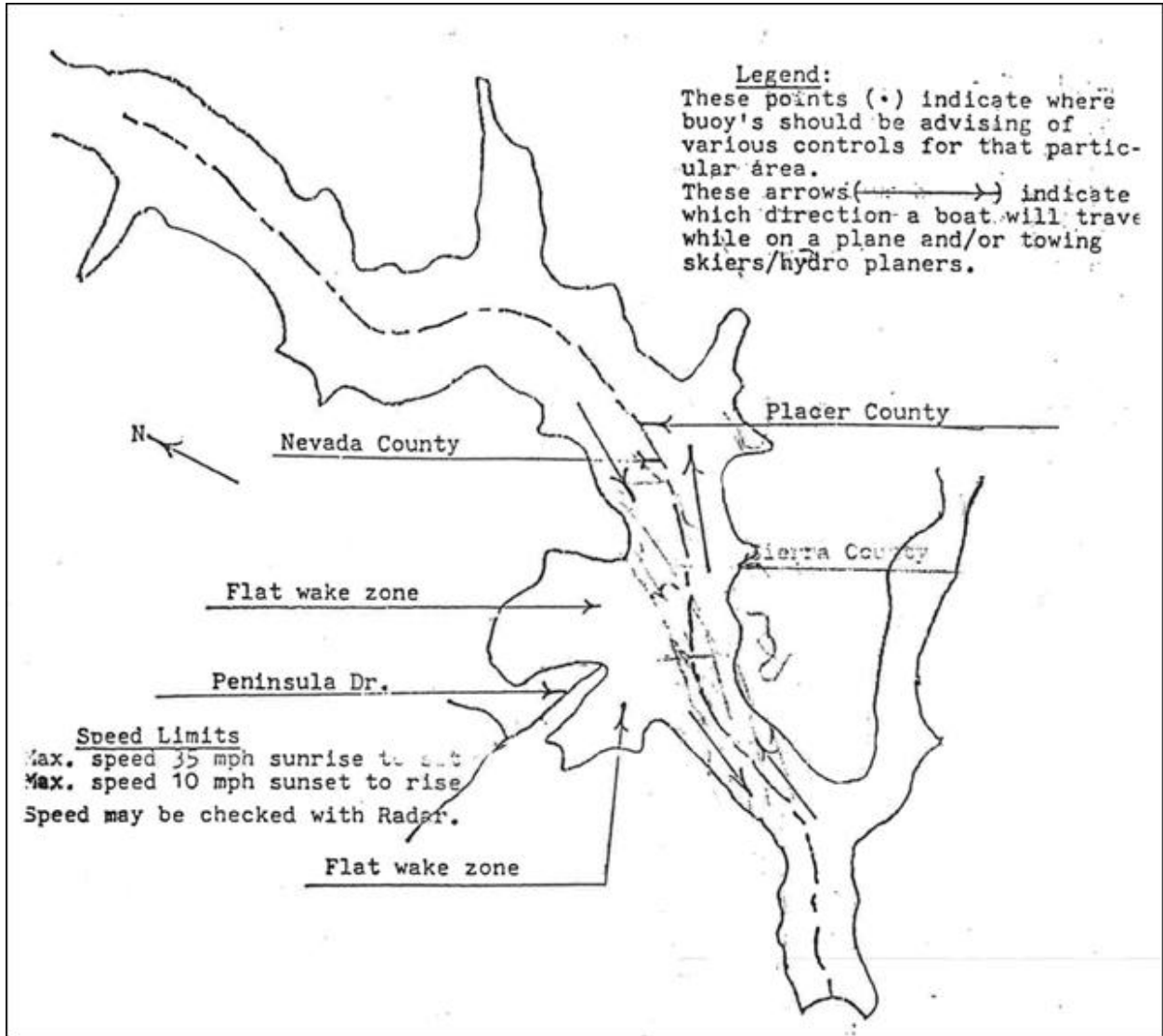


EXHIBIT F

GENERAL CODE

CHAPTER IX: WATERWAYS AND WATERCRAFT

SECTION 13 - JACKSON MEADOWS RESERVOIR

Sections:

Sec. G-IX 13.1 Boating Regulations – Jackson Meadow Reservoir

Sec. G-IX 13.2 Maximum Speeds

Sec. G-IX 13.3 Speed Zones

Sec. G-IX 13.4 Aquaplaning and Water-Skiing Restriction

Sec. G-IX 13.5 Chartlet

Sec. G-IX 13.6 Exceptions

Sec. G-IX 13.7 Non-Marked Areas

Sec. G-IX 13.8 Amendments

Sec. G-IX 13.1 Boating Regulations – Jackson Meadow Reservoir

Vessels operated on those waters of Jackson Meadows Reservoir situated in the County of Nevada shall be subject to the restrictions in this Section.

Sec. G-IX 13.2 Maximum Speeds

The maximum speed of any vessel on the waters of Jackson Meadows Reservoir, not otherwise indicated, is thirty-five (35) miles per hour from official sunrise to official sunset.

The maximum speed from official sunset to official sunrise is ten (10) miles per hour.

Sec. G-IX 13.3 Speed Zones

FLAT WAKE ZONE. The maximum speed of any vessel in the speed zone area set forth below is five (5) miles per hour, which is defined as a “Flat Wake” zone.

Within 200 feet or within the cove area known as Woodcamp Boat Launch.

Sec. G-IX 13.4 Aquaplaning and Water-Skiing Restriction

The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Sec. G-IX 13.5 Chartlet

A. The Chartlet included at the end of this Section indicating speed zones and restricted areas shall constitute an integral part of this Section , and shall be known as the “Jackson Meadows Reservoir Restriction Chartlet”.

B. Said Chartlet shall be posted at all boat entries to Jackson Meadows Reservoir in Nevada County. Copies shall be made available at the Nevada County Sheriff’s Office.

Sec. G-IX 13.6 Exceptions

These restrictions do not apply to any marked enforcement vessels sanctioned by any governmental entity.

Sec. G-IX 13.7 Non-Marked Areas

The provisions of this Section do not preclude the operation of Cal. Harb. & Nav. Code § 655.2 in those areas of Jackson Meadows Reservoir not marked pursuant to this Section.

Sec. IX 13.8 Amendments

Amendments to this Section pertaining to speed zones and restricted areas shall not be effective until marked and distributed in Chartlet form under the provisions governing “Chartlet” and “Implementation” contained within this Section.

Jackson Meadows Reservoir Use Restriction Chartlet

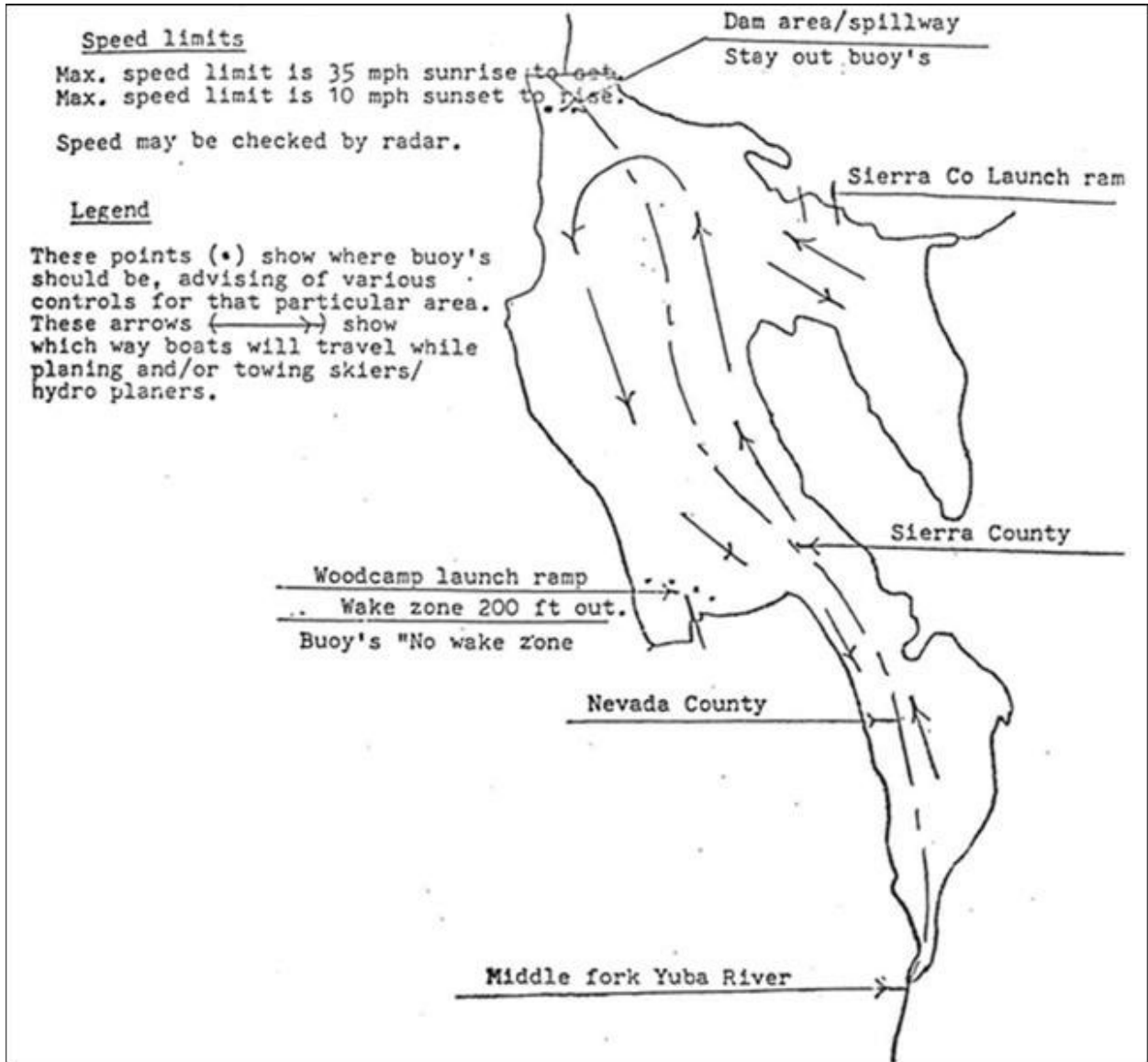


EXHIBIT F

GENERAL CODE

CHAPTER IX WATERWAYS AND WATERCRAFT

SECTION 14 AQUATIC INVASIVE SPECIES PREVENTION

Sections:

Sec. G-IX 14.1 Purpose

Sec. G-IX 14.2 Findings

Sec. G-IX 14.3 Definitions

Sec. G-IX 14.4 Prohibition

Sec. G-IX 14.5 Watercraft Inspections and Decontamination

Sec. G-IX 14.6 Fees

Sec. G-IX 14.7 Public Nuisance Declaration

Sec. G-IX 14.8 Violation of Section

Sec. G-IX 14.1 Purpose

The purpose of this Section is to protect all native and desired aquatic species, aquatic habitat, commerce and recreation in waters of the County of Nevada east of the Sierra crest by preventing the introduction and spread of Aquatic Invasive Species.

Nothing herein shall be deemed to or construed as creating an affirmative duty on the County to enforce the provisions of this Section, and no General Fund monies shall be used for administering or enforcing this program.

Sec. G-IX 14.2 Findings

A. Water bodies within the County of Nevada may be adversely affected by the introduction of certain non-native species which have the potential to rapidly proliferate, harm and/or consume native species and food resources, and drastically alter the ecosystem of those water bodies. This can adversely impact the ecology, recreation, water supply, water quality, and economy of the region.

B. In particular, species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to water bodies within the County of Nevada.

Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California.

C. Presently, it does not appear that any water body in the County of Nevada has been infested with Dreissenid mussels. However, water vessels entering the County of Nevada from other areas may have recently been launched in infested waters, making those vessels at high risk to carry mussels, both adults and larvae, into County of Nevada waters.

D. A screening and inspection program is integral to the preservation of the water bodies and water distribution systems within the County of Nevada and to the drainages from the County of Nevada

Sec. G-IX 14.3 Definitions

A. “Aquatic Invasive Species” shall mean any invertebrates, plants, or fish species not already native to the waters of the County of Nevada whose introduction to those waters is likely to cause economic or environmental harm or harm to human health.

B. “County” shall mean the County of Nevada, State of California.

C. “Water body” or “Waters of the County of Nevada” shall mean the following public water bodies or waterways within the County of Nevada east of the Sierra crest, which are managed for public use and recreation: Boca Reservoir, Donner Lake, Independence Lake, Martis Creek Reservoir, and Prosser Reservoir.

“Watercraft” shall mean any vessel capable of carrying one or more people over water, and shall include, without limitation, all boats, canoes, kayaks, skiffs and rafts.

Sec. G-IX 14.4 Prohibition

A. No persons shall knowingly transport or introduce any Aquatic Invasive Species into the Waters of the County of Nevada.

B. No person shall knowingly launch any Watercraft contaminated with any Aquatic Invasive Species into the Waters of the County of Nevada

C. No person shall launch any Watercraft into the waters of the County of Nevada without first submitting to an inspection pursuant to Section 5 below, when such an

inspection is required by a duly authorized agent of the County or by County personnel.

D. No person shall launch any Watercraft into the Waters of the County of Nevada without having their Watercraft decontaminated when directed to do so by a duly authorized agent of the County or by County personnel.

E. No person shall knowingly provide false information to any person authorized to inspect, decontaminate or quarantine Watercraft pursuant to Section 5 below.

Sec. G-IX 14.5 Watercraft Inspections and Decontamination

A. The County of Nevada may appoint such agents and/or assign such County personnel as the Board of Supervisors may from time to time authorize to inspect Watercraft prior to launching into Waters of the County of Nevada to detect the presence and prevent the introduction of Aquatic Invasive Species. When inspection is required by any such duly authorized agent or County personnel, no person may launch a Watercraft without first submitting to an inspection under this section.

B. Any Watercraft inspected pursuant to Section 5(a) that is found to have indicia of contamination by Aquatic Invasive Species may be required to undergo decontamination procedures or be quarantined prior to launch, pursuant to decontamination or quarantine procedures and requirements as shall be prescribed by the Agricultural Commissioner. Prior to launching into Waters in the County of Nevada, any Watercraft having undergone decontamination or quarantine procedures pursuant to this section shall be subject to such inspection and certification requirements as may from time to time be duly established by the Board of Supervisors.

C. Prior to launching any Watercraft into Waters of the County of Nevada and/or at the time of the inspection, the owner and/or operator of the Watercraft may be required to execute an affidavit indicating whether the Watercraft has been operated in any waters known to contain Aquatic Invasive Species and, if so, providing the date(s) of said operation, the length of time that the Watercraft has been continuously stored in a drained and dry condition subsequent to being on a water body containing Aquatic Invasive Species, and what decontamination or quarantine procedures, if any, the Watercraft has undergone. The affidavit shall be on a form approved by the County and shall contain a list of waters known to contain Aquatic Invasive Species. The affidavit shall be signed under penalty of perjury.

D. No person shall be required to submit a Watercraft to inspection under this section. If the Watercraft owner or operator refuses to consent to inspection or screening, that Watercraft shall not be allowed to launch in any Waters of the County of Nevada and shall be in violation of this Ordinance if they should nonetheless attempt to or actually launch in any Waters of the County of Nevada.

E. The owner of Waters of the County of Nevada shall be responsible for developing and implementing an Aquatic Invasive Species Prevention Program consistent with this Ordinance and for identifying those persons who shall be authorized by the County to administer inspections and/or decontamination and quarantine procedures under this Article. All such Programs shall be outlined in writing and submitted for review by the County of Nevada Agricultural Commissioner or their designee.

Sec. G-IX 14.6 Fees

All Watercraft inspected pursuant to this Section shall be subject to payment of fees to pay for the inspection and/or decontamination. Inspection and/or decontamination fees shall be in such amounts as may be established from time to time by resolution of the Board of Supervisors.

Sec. G-IX 14.7 Public Nuisance Declaration

Any violation of this Section is hereby declared to be unlawful and a public health nuisance and may be abated by such agents or County personnel as the Board of Supervisors may from time to time designate, irrespective of any other remedy provided in this Section.

Sec. G-IX 14.8 Violation

Every violation shall be an infraction and shall be punishable as such by a fine in the maximum amount(s) allowed under Cal. Gov't Code § 25132(b).