GENERAL CODE CHAPTER III - BUSINESS REGULATIONS ARTICLE 1: INSTALLATION OF AUTOMOTIVE TIRE CHAINS

Sections:

Sec. G-III 1.1	Short Title "Chain Control Regulations"
Sec. G-III 1.2	Permit Required
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Sec. G-III 1.1 Short Title "Chain Control Regulations"

This Section shall be known and referred to in all proceedings as the "Chain Control Regulations".

Sec. G-III 1.2 Permit Required

It shall be unlawful for any person to engage in the installation or removal of automotive chains for compensation on any vehicle for use upon any state highway or other public roadway within the boundaries of the County of Nevada without having first obtained a permit issued by the Nevada County Sheriff's Department and providing proof of a valid chain installation and removal permit issued by the California Department of Transportation.

Sec. G-III 1.3 Permit Required – Application; Fees

A. Application

Any person desiring to engage in the business of removing or installing automotive tire chains for compensation during the winter months for use upon those public roadways must be over the age of eighteen years and shall first apply to the Sheriff's Office of the County by completing a chain installation permit application.

All applicants are required to be fingerprinted and photographed by Sheriff personnel at the applicant's expense. Sheriff personnel shall process completed applications and

render a decision within ten (10) calendar days of receiving the fingerprint report from the Department of Justice. The Sheriff is authorized to deny a permit application upon a finding of good cause, including, but need not be limited to, the applicant having submitted an incomplete application, having falsified information on the permit application, having been convicted of a crime (other than an infraction) involving dishonesty, fraud, deceit, violence, illegal sale/distribution or possession of a controlled substance, or any other crime involving moral turpitude within the last ten (10) years, or having otherwise failed to meet the requirements set forth in this Article.

B. Application Fee

The fee for such a permit shall be set by resolution of the Board of Supervisors. The Sheriff shall deposit the fee so collected in the County treasury. The permit issued shall expire June 30th of each year. (Ord. 2377. (01/28/2014))

Sec. G-III 1.4 Installation and Removal Standards

- A. Unless otherwise approved by the Sheriff, chain installation and removal locations within the County shall be limited to installation and removal locations authorized in accordance with the terms and conditions of the permit issued to the individual by the California Department of Transportation.
- B. Conduct and Workmanship

Permit Holders shall be required at all times to comply with the chain installer conduct and workmanship conditions set forth by the California Department of Transportation.

Sec. G-III 1.5 Suspension or Revocation of Permit

The Sheriff is authorized to suspend or revoke the County-issued chain installation or removal permit for non-compliance with any of the permit terms and/or conditions.

Sec. G-III 1.6 Permit Required - Minimum Age of Applicant

Any person desiring to engage in the business of removing or installing automotive tire chains for compensation during the winter months for use upon those public roadways must be over the age of eighteen years.

Sec. G-III 1.7 Penalty

Whenever any provision of this Section is violated by any person, such person shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment in the County jail not to exceed six (6) months, or by both such fine and imprisonment. Each day's violation of this Section shall constitute a separate and punishable offense.

Sec. G-III 1.8 Appeal

An applicant or permittee may appeal a denial of a permit application or the suspension or revocation of a permit issued under this Article by submitting a written appeal to the Nevada County Undersheriff within twenty-one (21) days after such action is taken. The appeal shall set forth the reason(s) why the individual believes the action taken was improper. The Undersheriff shall complete a neutral and impartial analysis of the individual's appeal within fourteen (14) days of receipt of the appeal and may affirm, overturn, or modify the action based on the information presented. Upon request of the individual, the Sheriff may, at their discretion, review the decision of the Undersheriff and render their own decision on the merits of the appeal.

GENERAL CODE CHAPTER III – BUSINESS REGULATIONS ARTICLE 2 RESERVED

COUNTY OF NEVADA GENERAL CODE CHAPTER III: BUSINESS REGULATIONS ARTICLE 11 NEVADA COUNTY PARATRANSIT SERVICES

Sections:

Sec. G-III 11.1 Insurance

Section

Sec. G-III 11.1 Insurance

Nevada County Paratransit Services shall carry and maintain liability insurance on any and all vehicles used within the scope of the services provided by it in a minimum amount of \$1,000,000 combined single limit coverage

Nevada County Paratransit Services must include the County of Nevada as an additional named insured and must provide the County of Nevada with a certification evidencing such insurance. Said certificate shall show the coverage under the policy, that the County of Nevada is a named insured and that the County of Nevada shall have 30 days notice of any cancellation of said insurance.

GENERAL CODE CHAPTER III – BUSINESS REGULATIONS ARTICLE 12 – FILM PERMITS

Sections:

Sec. G-III 12.1 Definitions

Sec. G-III 12.2 Permits and Exemptions

Sec. G-III 12.3 Rules and Regulations

Sec. G-III 12.4 Applications and Issuance

Sec. G-III 12.5 Liability Provisions

Sec. G-III 12.6 Violation

Sec. G-III 12.7 Film Liaison Position

Sec. G-III 12.8 Filming Regulations

Sec. G-III 12.9 Permit Maximum Time Requirements

Sec. G-III 12.10 Additional Permit Requirements

Sec. G-III 12.1 Definitions

- A. MOTION PICTURE, TELEVISION, STILL PHOTOGRAPHY, VIDEO, and/or DIGITAL FILM shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercials.
- B. CHARITABLE FILMS shall mean commercials, motion pictures, television, digital video, or still photography, or other medium produced by a nonprofit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- C. NEWS MEDIA shall mean the filming (by any medium) for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers, or camera operators.
- D. BUSINESS DAY shall mean any day the County of Nevada is regularly open for transactions with the public.

Sec. G-III 12.2 Permits and Exemptions

- A. Permit required: No person shall use any County property or public rights-of-way for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the officer designated by the County of Nevada.
- B. Exemptions:
 - 1. News Media: The provisions of this Article shall not apply to or affect reporters, photographers, or camera operators in the employ of a newspaper, television station, news service, or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest.
 - 2. Photographing, filming, digital or video recording solely for non-commercial use or where the project budget is less than \$25,000.
 - 3. Charitable Films.

Sec. G-III 12.3 Rules and Regulations

- A. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.
- B. Rules: The designated County Film Liaison is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Board of Supervisors, relating to the time and location of any film activity set forth within the County of Nevada. They shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:
 - 1. The health and safety of all persons.
 - 2. Avoidance of undue disruption of all persons within the affected area.
 - 3. The safety of property within the County.
 - 4. Traffic congestion at particular locations within the County.

Sec. G-III 12.4 Applications and Issuance

- A. Issuing Authority: The issuing authority shall be the County of Nevada.
- B. Applications: Applications shall be completed and filming, photography shall not commence until approved by the County of Nevada.
- C. No use fees are required.
- D. Reimbursement for Personnel: The production company shall reimburse the County for any personnel provided to the company (i.e., sheriff, fire, traffic control) for the purpose of assisting the production.

Sec. G-III 12.5 Liability Provisions

- A. Liability Insurance: Before a permit is issued, a certificate of insurance will be required naming the County as co-insured for protection against all claims for personal injuries, wrongful deaths, and property damage. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the County and must remain valid during the term of the permit. A copy of the certificate will remain on file.
- B. Workers' Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Workers' Compensation Insurance for all persons operating under a permit.
- C. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the County prior to the issuance of a permit under this Article.
- D. Faithful Performance Bond: To ensure clean-up and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time the application is submitted. Upon completion of filming and inspection of the site by the designated County officer, the bond may be returned to the applicant.

Sec. G-III 12.6 Violation

If an applicant violates any provision of this Article or a permit issued pursuant thereto, the County may cancel the permit immediately. Violation of the terms and conditions of the film permit is considered a misdemeanor. The County of Nevada reserves the right to pursue all other remedies available and necessary under the circumstances.

Sec. G-III 12.7 Film Liaison Position

The Board of Supervisors or County Executive Officer may designate a member of the County's staff as a County Film Liaison. Subsequent to such designation, all permit requests shall be submitted to said County Film Liaison (Information and General Services Agency) for approval and said County Film Liaison shall have the authority to issue permits as set forth in this Article.

Sec. G-III 12.8 Filming Regulations

- A. Advance Notice for Approval: An applicant will be required to submit a permit request at least one business day prior to the date on which such person desires to conduct an activity for which a permit is required. If such activity interferes with traffic or involves potential public safety hazards, an application may be required at least four business days in advance.
- B. Clean-Up: The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the clean-up of trash and debris. The area used shall be cleaned of trash and debris upon

completion of shooting at the scene and restored to the original condition before leaving the site.

- C. Filming on Private Property: An applicant is required to obtain the property owner's permission, consent and/or lease for use of property not owned or controlled by the County of Nevada.
- D. Flood Control: When filming in a flood control channel, an applicant must vacate the channel when indicated by the permit because of water releases. When filming in or on flood control properties, the County of Nevada must be named as an additional insured.
- E. Use of Streets and Highways: If the applicant must park equipment, trucks and/or cars in zones that will not permit it, temporary "No Parking" signs must be posted by the County.
- F. Traffic Control: For filming that would impair traffic flow, an applicant must use California Highway Patrol (CHP), County Sheriff, or local law enforcement personnel and comply with all traffic control requirements deemed necessary.
 - 1. An applicant shall furnish and install advance warning signs and any other traffic control devices in conformance with the Manual of Traffic Controls, State of California, Department of Transportation. All appropriate safety precautions must be taken.
 - 2. Traffic may be restricted to one lane of traffic and/or stopped intermittently. The period of time that traffic may be restricted will be determined by the County of Nevada based on location.
 - 3. Traffic shall not be detoured across a double line without prior approval of the appropriate department representative.
 - 4. Unless authorized by the County of Nevada, the camera cars must be driven in the direction of traffic and must observe all traffic laws.
 - 5. Any emergency road work or construction by County of Nevada crews and/or private contractors under permit or contract to the appropriate department shall have priority over filming activities.
- G. Campfires: When a scene requires a fire or campfire, a gas jet must be used. No fires other than gas jets will be allowed unless the area is equipped with fire rings. All local, State, and Federal fire regulations shall be observed.
- H. Parking Lots: When parking in a parking lot, an applicant may be billed according to the current rate schedule established by the County of Nevada. In order to assure the safety of citizens in the surrounding community, access roads which serve as emergency service roads must never be blocked. No relocation, alteration or moving of structures will be permitted without prior approval.
- I. Generator Usage: The applicant must also obtain permission to string cable across sidewalks or from generator to service point.

Sec. G-III 12.9 Permit Maximum Time Requirements

The permit shall be issued with the following maximum time requirements:

- A. Two business days for approval and issuance of a "normal" permit.
- B. Four business days for traffic control which exceeds three minutes, stunts, or special effects.
- C. Ten business days for road closures.

Sec. G-III 12.10 Additional Permit Requirements

- A. Unlimited permit "riders" (a written attachment to the permit that accommodates minor changes) shall be used. However, a permit cannot be amended by rider after the completion of the filming activity.
- B. Business license fees shall not be collected when County of Nevada location use fees are being charged.
- C. The production company must have a copy of the permit on-site at all times and be available upon request.
- D. Fees are required on all encroachment permits.

GENERAL CODE CHAPTER III – BUSINESS REGULATIONS ARTICLE 14 - FIREARMS DEALERS

Sections:

Sec. G-III 14.1	Gun Sales or Leases Must Be Through Qualified Dealer
Sec. G-III 14.2	Permit Required
Sec. G-III 14.3	License Qualifications
Sec. G-III 14.4	License is Subject to Approval
Sec. G-III 14.5	Renewal of License
Sec. G-III 14.6	License Subject to Forfeiture
Sec. G-III 14.7	Violation

Sec. G-III 14.1 Gun Sales or Leases Must Be Through Qualified Dealer

Except as provided in Cal. Penal Code § 26700, no person shall sell, offer for sale, lease or transfer any firearm to another unless they are a dealer or the transaction is processed by a dealer pursuant to Cal. Penal Code § 26700.

Sec. G-III 14.2 Permit Required

No person shall engage in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, lease, or transfer of firearms unless they have been issued a firearms dealer's license by the Nevada County Sheriff's Office.

Sec. G-III 14.3 License Qualifications

Any person over the age of 21 years who desires to become a firearms dealer shall apply to the Sheriff's Office of the County as follows:

- A. Applicant shall submit a completed application for a firearms dealer's license.
- B. At the time an application for a firearms dealer's license is submitted, the applicant must provide the following:
 - 1. A valid federal firearms license.
 - 2. A valid seller's permit issued by the State Board of Equalization.
 - 3. A certificate of eligibility issued by the Department of Justice.
- C. Applicant shall be fingerprinted.
- D. Applicant must pay an application fee in an amount to be determined by resolution of the Board of Supervisors.

E. Applicant must not be in a class of persons prohibited from possessing firearms by State law.

Sec. G-III 14.4 License is Subject to Approval

All firearms dealer's licenses shall be subject to approval by the Sheriff or their designee. All applicants who are denied a firearms dealer's license shall be informed, in writing, of the reasons for such denial.

Sec. G-III 14.5 Renewal of License

Any license granted herein shall be valid for one year from the date of issue. Applicant shall pay a license renewal fee to the Sheriff's Office in an amount set by resolution of the Board of Supervisors, if eligible.

Sec. G-III 14.6 License Subject to Forfeiture

Any license granted herein shall be subject to forfeiture for failing to comply with the following conditions as contained in Cal. Penal Code §§ 26800 - 26915:

- A. Business shall be carried on in the building designated in the license, unless person is complying with Cal. Penal Code § 26805 as it pertains to a gun show or qualified event.
- B. The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.
- C. No firearm shall be delivered:
 - 1. Within 10 days of the application to purchase, or, after notice by the Department of Justice pursuant to Cal. Penal Code § 28220, within 10 days of the submission to the Department of any correction to the application, or within 10 days of the submission to the Department of any fee required pursuant to Cal. Penal Code § 28225, whichever is later.
 - 2. Unless unloaded and securely wrapped or unloaded and in a locked container.
 - 3. Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of the person's identity and age to the dealer.
 - 4. Whenever the dealer is notified by the Department of Justice that the person is prohibited by state or federal law from processing, owning, purchasing, or receiving a firearm. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the Department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the Department the reason for the prohibition.

- D. No pistol, revolver or other firearm, or imitation thereof, capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.
- E. Licensee shall agree to and shall act properly in processing transfers of firearms pursuant to Cal. Penal Code §§ 26500 28490.
- F. Licensee shall comply with all of the following sections of California Penal Code:
 - (1) Sections 27500 to 27535, inclusive.
 - (2) Section 27555.
 - (3) Section 28100.
 - (4) Article 2 (commencing with Section 28150) of Chapter 6.
 - (5) Article 3 (commencing with Section 28200) of Chapter 6.
 - (6) Section 30300

Failure to comply with the above California Penal Code sections are grounds for forfeiture of a license as per Cal. Penal Code § 26830.

- G. As per Cal. Penal Code § 26835:
- 1. A licensee shall conspicuously post within the licensed premises the following warnings in block letters not less than one inch in height:
 - "FIREARMS MUST BE HANDLED RESPONSIBLY (a) AND SECURELY STORED TO PREVENT ACCESS BY CHILDREN AND OTHER UNAUTHORIZED USERS. CALIFORNIA HAS STRICT LAWS PERTAINING TO FIREARMS, AND YOU MAY BE FINED OR IMPRISONED IF YOU FAIL TO COMPLY WITH WEBSITE THEM. VISIT THE OF THE CALIFORNIA ATTORNEY GENERAL AT HTTPS://OAG.CA.GOV/FIREARMS FOR INFORMATION ON FIREARM LAWS APPLICABLE TO YOU AND HOW YOU CAN COMPLY."
 - (b) "IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING."
 - (c) "CHILDREN MAY BE UNABLE TO DISTINGUISH FIREARMS FROM TOYS AND MAY OPERATE FIREARMS, CAUSING

SEVERE INJURIES OR DEATH. IF YOU KEEP A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE TO KEEP IT FROM TEMPORARILY FUNCTIONING."

- (d) "YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE OR IMPRISONMENT, IF YOU KEEP A FIREARM WHERE A MINOR IS LIKELY TO ACCESS IT OR IF A MINOR OBTAINS AND IMPROPERLY USES IT, OR CARRIES IT OFF OF THE PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."
- (e) "IF YOU NEGLIGENTLY STORE OR LEAVE A FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL WHERE A PERSON UNDER 18 YEARS OF AGE IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A SIGNIFICANT FINE, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE."
- (f) "DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE."
- (g) "FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM."
- (h) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY

PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE HANDGUN OR SEMIAUTOMATIC CENTERFIRE RIFLE WITHIN ANY 30-DAY PERIOD."

- (i) "IF A FIREARM YOU OWN OR POSSESS IS LOST OR STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS OR THEFT OCCURRED WITHIN FIVE DAYS OF THE TIME YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE FIREARM HAD BEEN LOST OR STOLEN."
- 2. In addition to the notice required by subdivision (a), a licensee shall post conspicuously within the licensed premises, in block letters not less than one inch in height, an additional notice, including, but not limited to, a notice provided by a suicide prevention program, containing the following statement:

"IF YOU OR SOMEONE YOU KNOW IS CONTEMPLATING SUICIDE, PLEASE CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 1-800-273-TALK (8255)."

- H. No pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate as described in Cal. Penal Code § 26845 and performs a safe handling demonstration per Cal. Penal Code §§ 26850 26860.
- I. The licenses shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm with a copy of the pamphlet described in Cal. Penal Code § 34205, and may add the cost of the pamphlet, if any, to the sales price of the firearm.
- J. The licensee shall not commit an act of collusion as defined in Cal. Penal Code § 27550.
- K. The licensee shall post conspicuously within the licensed premises a detailed list of the charges and fees set forth in Cal. Penal Code § 26875. The licensee shall not misstate the amount of fees charged by a governmental agency.
- L. The licensee shall report the loss or theft of any firearm or ammunition that is merchandise of the licensee, that the licensee takes possession of pursuant to Cal. Penal Code § 26885, or that is kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city or county where the licensee's business premises are located.
- M. The licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.
- N. The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney

General, upon the presentation of proper identification, a firearms transaction record as defined in Cal. Penal Code § 16550.

- O. On the date of receipt, the licensee shall report to the Department of Justice the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person, unless such transaction qualifies under Cal Penal Code § 26905.
- P. The licensee shall forward information as required by the Department of Justice, information on any firearm that is not delivered within the time period set forth in section 478.102(c) of Title 27 of the Code of Federal Regulations.

Sec. G-III 14.7 Violation

Any person engaging in the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer of firearms, who does not come within the exceptions contained in Cal. Penal Code § 26800 and who does not obtain a license pursuant to this Article is guilty of a misdemeanor.