



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE ADDING ARTICLE 2 TO CHAPTER XIV OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE REGARDING BEEKEEPING (4/5ths AFFIRMATIVE VOTE REQUIRED)

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

SECTION I:

Article 2 of Chapter XIV of Title 3 of the Nevada County Code is hereby added to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION II:

The Board of Supervisors finds that this ordinance is not subject to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., pursuant to the following exemptions: CEQA Guidelines Section 15061(b)(3), because the purpose of the ordinance is to administer a registration program pursuant to state law and to protect apiaries from harmful overlapping and reduction of resources, it can be seen with certainty that the project will not have a significant effect on the environment, and therefore the project is not subject to CEQA; Section 15303, because the ordinance places locational limits on apiaries per square mile, it is likely to result in the construction and location of limited numbers of new, small structures, such as new hive boxes; Sections 15307 and 15308 because the ordinance places locational density limits on commercial apiaries, it is designed to prevent destructive pest infestations and to manage food and water resources for all apiaries, and will therefore assure the protection of natural resources and the environment; and Section 15321, because a violation of the ordinance will be deemed a public nuisance, it is an action by the County for enforcement of a law, , standard, or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement.

SECTION III:

Based on the findings set forth in Exhibit A attached hereto, this ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors.

SECTION IV:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, 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 this ordinance 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.

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a four-fifths vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the day of _____, _____, by the following vote of said Board: