ORDINANCE No._____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER XVI OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE TO EXTEND THE PROHIBITION OF OUTDOOR BURNING DURING FIRE SEASON IN THE YUBA RIVER CORRIDOR AS A PILOT PROGRAM UNTIL THE END OF DECLARED FIRE SEASON IN 2020 (4/5ths AFFIRMATIVE VOTE REQUIRED)

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

SECTION I:

Article 6 of Chapter XVI of the Nevada County Land Use and Development Code is hereby amended to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION II:

If any provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of this Article, 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 Article 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 III:

The Board of Supervisors hereby finds that this Ordinance is exempt from environmental review pursuant to Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (Title 14, Chapter 3 of the California Code of Regulations), as this action will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility the activity in question may have a significant effect on the environment. In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15307 (actions taken as authorized by local ordinance to assure protection of natural resources), and 15308 (actions taken as authorized by local ordinance to assure protection of the environment).

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after its introduction and adoption, and it shall become operative on the ____ day of _____, 2019. 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, a newspaper of general circulation printed and published in the County of Nevada.

EXHIBIT A

"Sec. L-XVI 6.1   Findings and Purpose

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O.   Per Board Resolution 19-070, a Nevada County 2019 Priority Objective is to "Reduce the risk of local wildfire and the effects of wildfire on life, property and the environment by proving leadership and support to community partners, pursuing State and Federal funding, implementing county policies and programs, and assisting the public to be "wildfire ready." Explore other ways to reduce the threat and damage from wildfires."

P.   Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor would have on the watershed and surrounding area, as well as the restrictions on private property rights, it is recommended that a one-year extension prohibiting open fire on private property within the South Yuba River Wild and Scenic Corridor will provide an additional year to gain public input and feedback following the 2020 fire season for future fire restrictions and/or consideration of a permanent ordinance."

"Sec. L-XVI 6.2   South Yuba River Corridor Burn Prohibitions

A.   This prohibition is effective from the Friday preceding Memorial Day Weekend at 8 a.m. to the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) as a pilot program from 2018 through 2020.

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E.   This ordinance will automatically terminate at the end of the 2020 fire season as declared by CAL FIRE and the United States Forest Service."