

TITLE 1: GENERAL PROVISIONS

CHAPTER 1: SCOPE

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Section 1.01.010 Authority of County

The authority of this County to enforce regulations not in conflict with the general law is established in Cal. Const. Art. II, § 11.

Government of this County complies with all provisions of Cal. Gov't Code §§ 23000-33205.

References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

Section 1.01.020 How Code Designated and Cited

The Ordinances embraced in the following chapters and sections, which derive from the 1972 adoption of this Code, shall constitute and be designated "The Code of the County of Nevada, California," and may be so cited. It may also be cited as the "Nevada County Code."

Section 1.01.030 Definitions and Rules of Construction

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

BOARD OF SUPERVISORS. Whenever the words "Board of Supervisors" are used, they shall be construed to mean the Board of Supervisors of Nevada County.

CODE. The words “the Code” or “this Code” shall mean “The Code of the County of Nevada, California.”

COMPUTATION OF TIME. The time in which any act provided by law is to be done is computed by excluding the first day and including the last day unless the last day is a holiday and then it is also excluded (Cal. Gov’t Code § 6800).

COUNTY. The words “the County” or “this County” shall mean the County of Nevada, California.

DAY. A “day” is the period of time between any midnight and the midnight following (Cal. Gov’t Code § 6806).

DAYTIME, NIGHTTIME. “Daytime” is the period of time between sunrise and sunset. “Nighttime” is the period of time between sunset and sunrise (Cal. Gov’t Code § 6807).

GENDER. The masculine gender includes the feminine and neuter (Cal. Gov’t Code § 12).

IN THE COUNTY. The words “in the County” shall mean and include all territory over which the County now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

JOINT AUTHORITY. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

MONTH. The word “month” shall mean a calendar month (Cal. Gov’t Code § 6804).

NUMBER. The singular number includes the plural, and the plural includes the singular (Cal. Gov’t Code § 13).

OATH. “Oath” includes affirmation (Cal. Gov’t Code § 15).

OFFICERS, DEPARTMENTS, ETC. Officers, agencies, departments, boards, commissions, committees’ special districts and employees referred to shall mean officers, agencies, departments, boards, commissions, committees, special districts and employees of the County of Nevada unless the context clearly indicates otherwise.

OFFICIAL TIME. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the County.

OR, AND. “Or” may be read “and,” and “and” may be read “or,” if the sense requires it.

OWNER. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole, or of a part of such building or land.

PERSON. “Person” includes any person, firm, association, organization, partnership, business trust, corporation or company (Cal. Gov’t Code § 17, Cal. Code of Civil Procedure § 17(b)(6)).

PERSONAL PROPERTY. Includes every species of property, except real property as herein defined (Cal. Civil Code §§ 14 & 663).

PRECEDING, FOLLOWING. The words “preceding” and “following” mean next before and next after, respectively.

PROCESS. Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature (Cal. Gov’t Code § 22).

PROPERTY. The word “property” shall include real and personal property (Cal. Civil Code § 14).

REAL PROPERTY. Shall include lands, tenements and hereditaments (Cal. Civil Code §§ 14 & 658).

SHALL, MAY. “Shall” is mandatory and “may” is permissive (Cal. Gov’t Code § 14).

SIGNATURE OR SUBSCRIPTION BY MARK. “Signature” or “subscription” includes a mark when the signer or subscriber cannot write, such signer’s or subscriber’s name being written near the mark by a witness who writes their own name near the signer’s or subscriber’s name. But a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto (Cal. Gov’t Code § 16).

A digital signature shall have the same force and effect as the use of a manual signature.

- (a) In any written communication with a public entity, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes, as per Cal. Gov’t Code § 16.5:

- (1) It is unique to the person using it.
 - (2) It is capable of verification.
 - (3) It is under the sole control of the person using it.
 - (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
- (b) The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require a public entity to use or permit the use of a digital signature.
- (c) Digital signatures employed pursuant to Cal. Pub. Res. § 71066 are exempted from this section.
- (d) “Digital signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. For purposes of this section, a digital signature is a type of “electronic signature” as defined in subdivision (h) of Cal. Civil Code § 1633.2.
- (e) Nothing in this section shall limit the right of a public entity or government agency to use and accept an “electronic signature” as defined in subdivision (h) of Cal. Civil Code § 1633.2.
- (f) Regulations adopted by the Secretary of State to implement this section apply only to a public entity’s use of a “digital signature” and not to use of any other type of “electronic signature” authorized in the Uniform Electronic Transactions Act (Title 2.5 (commencing with Cal. Civil Code § 1633.1) (Cal. Gov’t Code § 16.5).

STATE. The words “the State” or “this State” shall be construed to mean the State of California.

TENANT OR OCCUPANT. The words “tenant” or “occupant,” applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

TENSES. The present tense includes the past and future tenses, and the future includes the present (Cal. Gov’t Code § 11).

WEEK. A week consists of seven consecutive days (Cal. Gov’t Code § 6805).

WRITING. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise (Cal. Gov’t Code § 8).

YEAR. The word “year” shall mean a calendar year, except where otherwise

provided (Cal. Gov't Code § 6803).

Section 1.01.040 Provisions Considered as Continuations of Existing Ordinances

The provisions appearing in this Code, so far as they are the same as those of Ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 1.01.050 Effect of Repeal of Ordinances

The repeal of an Ordinance shall not revive any Ordinances in force before or at the time the Ordinance repealed took effect. The repeal of an Ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the Ordinance repealed.

Section 1.01.060 Subsequent Amendments to State or Federal Law

All amendments subsequent to the effective date of this Code shall automatically become a part of this Code, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by these Codes.

Section 1.01.070 Severability of Parts of Code

If any provisions of this Code or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter, 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 and chapters of this Code are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase hereof irrespective of the fact that anyone (1) or more sections, subsections, paragraphs, sentences, clauses or phrases be held unconstitutional or unenforceable.

Section 1.01.080 Catchlines of Sections

The catchlines of the several Sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such section, nor as any part of the Section, nor unless expressly so provided shall they be so deemed when any of such Sections, including the catch-lines, are amended or re-enacted.

Section 1.01.090 General Penalty; Continuing Violations

Whenever in this Code or in any other Ordinance of the County, any act is prohibited or 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 or a misdemeanor as per Cal. Gov't Code § 25132. Where no specific penalty is provided for the violation of any such provisions

of the Code or any other Ordinance of the County, shall be punished by a fine or imprisonment in the County Jail, or by both such fine and imprisonment as per Cal. Penal Code § 19.

Every day any violation of this Code, or any other Ordinance of the County, shall continue shall constitute a separate offense.

Section 1.01.100 County Boundaries

The County of Nevada shall establish its boundaries in compliance with Cal. Gov't Code § 23129.

Section 1.01.110 Designation of County Seat

The County Seat of the County of Nevada shall be Nevada City as per Cal. Gov't Code § 23629.

Section 1.01.120 Credit Cards Accepted

In accordance with Cal. Gov't Code § 6159 and Cal. Rev. & Tax. Code § 2511.1, the Board of Supervisors hereby authorizes County departments to accept credit cards as payment for the purposes listed below. However, no credit card shall be accepted as payment until a contract between the County of Nevada and the card issuer has been executed which contains the terms and provisions set forth in Cal. Gov't Code § 6159 (d). Upon execution of such a contract, credit cards will be accepted as payment for the following purposes:

- A. Payment for the deposit of bail or for any fine for any offense not declared to be a felony.
- B. Payment of a filing Section fee or other court fee.
- C. Payment of any towage or storage costs for a vehicle that has been removed from a highway, or from public or private property, as a result of parking violations.
- D. Payment of child, family, or spousal support, including reimbursement of public assistance, related fees, costs, or penalties.
- E. Payment for services rendered by the County.
- F. Payment of any fee, charge, or tax.

No officer or employee of the County of Nevada who has or had access to credit card information provided to the County under this Section shall disclose such information or use such information for any unauthorized purpose. Any violation of this Section shall be a misdemeanor. (Ord. 2012. (01/11/2000); Ord. 2518. (03/14/2023))

Section 1.01.130 Hours of County Offices

Except as may be otherwise provided by Resolution of the Board of Supervisors, or by direction of the County Executive Officer, all County offices shall be open for business continuously from 8:00 a.m. until 5:00 p.m. on each calendar designated working day, five days a week, excluding Saturdays, Sundays and holidays. In the event an office is not provided with a full-time assistant or employee, or if approved by the County Executive Officer, the office may close from 12:00 p.m. to 1:00 p.m. (Ord. 2248. (08/28/2007); Ord. 2321. (07/13/2010); Ord. 2518. (03/14/23))

Section 1.01.140 General Enforcement Provisions, Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs, and Charges.

Provisions for the assessment and collection by the County of enforcement penalties, enforcement fees, costs, and charges are set forth in 12.05.210 and 12.05.220, and these provisions apply to all Chapters of this Code.

TITLE 2: COUNTY ADMINISTRATION, PROPERTY AND PERSONNEL

CHAPTER 1: BOARD OF SUPERVISORS

Sections:

Section 2.01.010	Compensation - Board of Supervisors
Section 2.01.020	Expenditures for Training and Orientation of Supervisors-Elect
Section 2.01.030	Time and Place of Meetings of Board of Supervisors
Section 2.01.040	Rules Regarding Abstentions

Section 2.01.010 Compensation - Board of Supervisors

A. Each member of the Board of Supervisors shall receive as compensation for services an annual base salary equal to the percentage, designated below, of the average annual base salary of County elected officials, payable biweekly consistent with the Nevada County Personnel Code.

Effective the first pay period after March 12, 2022 – 35%

Effective the first pay period of fiscal year 2022/2023 – 37%

Effective the first pay period of fiscal year 2023/2024 – 40%

Subsequent fiscal years – 40%

In addition, the Chair of the Board of Supervisors will receive an additional 5%, and the Vice-Chair will receive an additional 2.5%, of their own base salaries as compensation for the additional responsibilities required in these roles.

B. The Board of Supervisors compensation for services shall be increased or decreased commensurate with the applicable terms and conditions in any future County elected officials' base salary adjustments.

C. Members of the Board of Supervisors shall receive the same benefits provided by the County to other County of Nevada elected officials, with the exception of the Sheriff, to the extent authorized by law. Members of the Board of Supervisors shall have the option to opt out of CalPERS and instead participate in a 401(a) Plan where the County of Nevada would contribute an amount equal to the Board Member's contribution to CalPERS, up to 8% of a Board Member's salary, into the 401(a) Plan. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023))

Section 2.01.020 Expenditures for Training and Orientation of Supervisors-Elect

Upon request, the Board of Supervisors may authorize payment of course fees, travel and

per diem expenses, course materials, and consultant services which the Board deems proper and beneficial to the exercise of supervisorial duties by newly elected Supervisors. (Ord. 1266. (01/07/85); Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023))

Section 2.01.030 Time and Place of Meetings of Board of Supervisors

The Board of Supervisors shall meet in regular session on each of the second and fourth Tuesdays of every month, except as herein provided, at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, 95959 California. The Board may also meet at such other times and places as the Board may decide is required to conduct its business. Notice shall be given of the time and place of any meeting. All notices shall comply with the provisions of the Brown Act (Cal. Gov't Code §§ 54950- 54963) and all other laws applicable thereto.

Provided, further that the Board of Supervisors shall meet on those dates as designated in the Board's annual meeting calendar which will be adopted by the Board at the beginning of each calendar year, and as adjusted by a majority of the Board of Supervisors or the County Executive Officer during the year.

For State law as to meetings of Board of Supervisors, see Cal. Gov't Code §§ 25080, 25081. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023))

Section 2.01.040 Rules Regarding Abstentions

Any member of the Board of Supervisors, or any other elected or appointed official serving on any board, committee or commission of the County of Nevada shall be entitled to abstain from voting on any matter coming before such person and the abstention shall not count as a vote for any purpose, either for or against the motion or matter for which the voting is taken. (Ord. 2501. (01/11/2022); Ord. 2525. (06/13/2023))

CHAPTER 2: COUNTY OFFICERS ELECTED

Sections:

- Section 2.2.010 Elected Officers**
- Section 2.2.020 Assessor**
- Section 2.2.030 Auditor and Controller**
- Section 2.2.040 County Clerk-Recorder and Elections Official**
- Section 2.2.050 District Attorney**
- Section 2.2.060 Sheriff-Coroner-Public Administrator**
- Section 2.2.070 Treasurer and Tax Collector**
- Section 2.2.071 Continuing Education Requirements**
- Section 2.2.080 Delegation of Authority to Invest County Funds**
- Section 2.2.090 Fee for Payment of Delinquent Taxes in Installments**
- Section 2.2.100 Tax Separation Application Fee**
- Section 2.2.110 Title Report Costs**

Section 2.02.010 Elected Officers

The following officers are elected:

1. Assessor
2. Auditor-Controller
3. County Clerk-Recorder
4. District Attorney
5. Sheriff
6. Treasurer-Tax Collector

Section 2.02.020 Assessor

The Official filing the position of Assessor for the County of Nevada shall comply with the provisions of Cal. Gov't Code §24002.5.

A. Position of Assessor

The position of Assessor shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.030 Auditor – Controller

A. Position of County Auditor – Controller

The Official filling the position of County Auditor – Controller shall meet the provisions of Article 4 of Chapter 4, Part 3, Division 2, Title 3 of the Government Code are hereby adopted and made applicable to the County. (See Cal. Govt. Code §§ 26945 to 26946.) (Ord. 241. (01/03/1961); (Ord. 2518. (03/14/2023))

A. Consolidation of Offices of Auditor and Controller

The positions of Auditor and Controller shall be consolidated. The person holding the consolidated office shall qualify separately for each office. Duties and Responsibilities of each office as described in Cal Gov't Code §§26800 -26886 for the position of controller and Cal. Gov't Code §§ 26900 – 26946 for the position of auditor.

B. Election

The position of Auditor – Controller shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.040 County Clerk – Recorder and Elections Official

A. Position of County Clerk – Recorder, Elections Official

The Official filling the position of County Clerk shall meet the qualifications and perform all the duties as provided for in Cal. Gov't Code §§ 26801-26861. The Clerk- Recorder shall serve as the ex officio Elections Official.

B. Consolidation of Offices of Clerk and Recorder

The offices of County Clerk and County Recorder are hereby consolidated, as per Cal. Gov't Code §24304, and the person hereafter elected or appointed shall qualify separately for each office, and office and shall receive the salaries pertaining thereto. Pursuant to Cal. Elec. Code § 320, the Clerk -Recorder shall serve as the ex officio Elections Official and shall perform the duties as Registrar of Voters as per Cal. Gov't Code §26802. (Ord. 308. (01/14/1965); (Ord. 2518. (03/14/2023)) (For State law as to consolidation of County offices, see Govt. Code §§ 24300 to 24308.)

C. Election

The position of County Clerk – Recorder is an elected position as per Cal. Gov't Code § 24009.

Section 2.02.050 District Attorney

A. Position of District Attorney

The Official filling the position of District Attorney shall meet all requirements for this office including, but not limited to, being admitted to practice in the Supreme Court of the State, in accordance with Cal. Gov't Code § 24002.

B. Election

The position of District Attorney is an elected position as per Cal. Gov't Code § 24009.

Section 2.02.060 Sheriff – Coroner- Public Administrator

A. Position of Sheriff

The Official filling the position of Sheriff shall meet all the qualifications and perform all the duties outlined by state statute, including but not limited to, Cal. Gov't Code §§24002 – 24004.5.

B. Consolidation of Offices of Sheriff, Coroner and Public Administrator

The offices of Sheriff, Coroner, and Public Administrator are hereby consolidated, and the person holding such consolidated office by reason of election or appointment or consolidation shall qualify separately for each office and shall receive the salaries pertaining thereto.

C. Animal Control is administratively delegated to the Sheriff. (Ord. 571. (02/01/1972); (Ord. 2518. (03/14/2023))

D. Position of Sheriff as an Elected Position

The position of Sheriff - Coroner shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.070 Treasurer and Tax Collector

A. Position of Treasurer – Tax Collector

The Official filling the position of Treasurer-Tax Collector shall meet all the qualifications and perform all the duties required by state law.

B. Consolidation of Offices of Treasurer and Tax Collector

The County Treasurer shall be ex officio County Tax Collector and shall perform the duties thereof. The offices of Treasurer and Tax Collector are hereby consolidated and the Treasurer hereafter (July 26, 1984) elected shall qualify separately for the office held ex officio and shall receive the salaries pertaining thereto; provided, that in addition to the salary provided by law, the Tax Collector shall receive the fees allowed for collecting all licenses levied and imposed by this Code or other County Ordinances.

C. Eligibility for Office of County Treasurer and Tax Collector

No person shall be eligible for election or appointment to the office of Treasurer and Tax Collector unless that person meets the criteria provided for in Cal. Gov't Code section § 27000.7, including but not limited to, at least one of the following criteria:

1. The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.

2. The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
3. The person possesses a valid certificate issued by the California State Board of Accountancy pursuant to Cal./Bus. & Prof. §§ 5000 - 5134, showing that person to be, and a permit authorizing that person to, practice as a certified public accountant.
4. The person possesses a valid charter issued by the Institute of Chartered Financial Analysts showing the person to be designated a Chartered Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.
5. The person possesses a valid certificate issued by the Treasury Management Association showing the person to be designated a Certified Cash Manager, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

D. Position of Treasurer – Tax Collector as an Elected Position

The position of Treasurer – Tax Collector shall be an elected position as per Cal. Gov't Code § 24009.

Section 2.02.071 Continuing Education Requirements

The County Treasurer and Tax Collector shall, beginning in 2000, complete a valid continuing course of study as prescribed in this Section and shall, on or before June 30, of each two-year period, render to the State Controller a certification indicating that the Treasurer and Tax Collector has successfully completed a continuing education program consisting of, at a minimum, 24 hours or an equivalent amount of continuing education units within the discipline of treasury management or public finance or both, offered by a recognized state or national association, institute, or accredited college or university that provides the requisite educational programs prescribed in this Section.

Section 2.02.080 Delegation of Authority to Invest County Funds

- A. The Treasurer and Tax Collector is hereby delegated the authority to invest or reinvest the funds of the County and the funds of other depositors in the County Treasury, or to sell or exchange securities so purchased, pursuant to Cal. Gov't Code § 53600, et seq.
- B. The authority delegated herein shall automatically expire one year subsequent to delegation. Subject to review, the Board of Supervisors may annually renew the delegation by Resolution.

C. The Treasurer and Tax Collector shall make monthly reports during the term of each delegation period duly authorized herein.

Section 2.02.090 Fee for Payment of Delinquent Taxes in Installments

Pursuant to Cal. Rev. & Tax. Code § 4217, the Treasurer/Tax Collector is hereby authorized to charge and collect the following sums for the processing of delinquent tax installment payments: (1) \$50 for property on the secured roll; (2) \$50 reinstatement fee for property on the secured roll; and (3) \$50 per year for property on the unsecured roll.

Section 2.02.100 Tax Separation Application Fee

The Treasurer/Tax Collector of the County of Nevada is hereby authorized to charge and collect, as provided by Section 2821 of the Cal. Rev. and Tax Code § 2821 of the State of California, the sum of \$61.00 per parcel, per applicable fiscal year, for the processing of applications for the separate valuation of any parcel on the current tax roll.

Section 2.02.110 Title Report Costs

The Treasurer/Tax Collector of the County of Nevada is hereby authorized to collect an amount not to exceed \$700.00 the actual cost, to be computed annually, for the purpose of reimbursing the County of Nevada (General Fund) for the cost of obtaining a title report prior to a tax-defaulted property sale. Such title report is obtained by the Treasurer/Tax Collector in order to assist the Treasurer/Tax Collector in determining the names and addresses of the parties who have a legal interest in the tax-defaulted property which is being sold by the County of Nevada, so that the appropriate parties can receive the legal notices the Treasurer/Tax Collector is required to provide regarding the impending tax sale.

CHAPTER 3: FILING OF CAMPAIGN STATEMENTS

Sections:

Section 2.03.010 Electronic Filing of Campaign Statements

Section 2.03.010 Electronic Filing of Campaign Statements

A. Electronic Filing; Findings and Purpose. The Board of Supervisors makes the following findings in support of requiring that political committees and candidates that meet certain financial thresholds file their campaign statements electronically:

1. Public access to campaign disclosure information is a vital and integral component of a fully informed electorate. Transparency in campaign financing is critical in order to maintain public trust and support of the political process.
2. State law requires candidates, persons supporting or opposing ballot measures and certain other types of committees to file campaign finance statements with the Nevada County elections official detailing the sources of contributions and purposes of expenditures. The intent of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign contribution laws. Cal. Gov't Code § 84615 authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic form, with specified exemptions. The purpose of these laws is to assist voters in making informed electoral decisions and to assist in ensuring compliance with campaign contributions laws.
3. Campaign statements and reports are often very lengthy and dozens of such reports are filed with the Nevada County elections official each reporting period. An electronic system reduces paper waste and time spent processing and storing paper filings, so that efforts can be focused on helping filers comply with filing requirements.
4. The County's electronic filing system shall operate securely and effectively, utilizing multiple safeguards to protect the integrity and security of the data.
5. An electronic system streamlines the process for filers, by storing information previously entered, calculating numbers, and helping to catch errors before filings are submitted.
6. An electronic filing system makes the filing process more efficient for County elections staff by automatically redacting address information for donors and uploading the filings to the internet for virtually real time access to the public.
7. Once the statements are placed online, they are easily accessible for public viewing and allow the public to search reports by field, including, but not limited to, elections, candidate, date, contributor and expenditure. Online electronic filing facilitates review of the statements and maximizes the

availability of this information to the public.

8. An electronic system is not unduly burdensome on candidates in that it reduces the need for candidates to print out and physically mail statements to the Nevada County elections office, and it eases the entry of contributors' information in that the electronic filing system will recognize repeat contributors and automatically populate their information.

B. Electronic Filing of Campaign Disclosures

1. Whenever any candidate or committee is required to file campaign disclosure statements or reports with the Nevada County Elections Official in accordance with the California Political Reform Act, Cal. Gov't Code §§ 84100-91014, such statements or reports shall be filed electronically. Such statements shall include, but not be limited to, the following: pre-election campaign statements, an amended campaign statement, a supplemental pre-election campaign statement, a report disclosing a contribution received by or made to a candidate, local ballot measure or an independent expenditure made for or against a candidate or local ballot measure, or an independent expenditure made for or against a candidate or local ballot measure of an amount allowable as per the California Fair Political Practices Commission (FPPC) and California State statute, during an election cycle. The candidate or committee shall file the statement using the electronic filing system available on the Nevada County Elections office website, in accordance with procedures established by the Nevada County elections official. The street or address or building number of any persons or entity representatives listed on the statements or reports, or any bank account number, shall not be displayed online.
2. Elected officials who do not maintain a committee have the option of filing their semi-annual campaign statement electronically.
3. Statements or reports that are filed electronically with the Nevada County elections official pursuant to this section need not also be filed in a paper format.

C. Exemptions

1. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report or other document is required to be filed with the Nevada County elections official, the filer is exempt from filing the statement electronically as provided by Cal. Gov't Code § 84615. However, the filer has the option of filing an electronic copy with the Nevada County elections official.

2. This requirement does not apply to any candidate who receives contributions totaling less than \$2,000.00, and makes expenditures totaling less than \$2,000.00, in a calendar year. (Ord. 2404. (01/12/16); Ord. 2518. (03/14/2023))

CHAPTER 4: CLERK OF THE BOARD OF SUPERVISORS

Sections:

Section 2.04.010	Office Established
Section 2.04.020	Deputies Authorized
Section 2.04.030	Duties Established

Section 2.04.010 Office Established

There is hereby created the Office of the Clerk of the Board of Supervisors. The Clerk of the Board of Supervisors shall serve under the general direction and at the pleasure of the Board of Supervisors. (Ord. 1786. (06/16/1992); Ord. 2518. (03/14/2023))

Section 2.04.020 Deputies Authorized

The Clerk of the Board of Supervisors may appoint deputies as authorized by the Board of Supervisors to assist the Clerk in the performance of their duties. The Clerk of the Board shall have sole responsibility for the management and control of any such deputies.

Section 2.04.030 Duties Established

The Clerk of the Board of Supervisors shall perform those duties prescribed by law for the County Clerk as Ex Officio Clerk of the Board of Supervisors and such other duties as may be assigned by the Board of Supervisors. Additionally, the Clerk of the Board of Supervisors shall:

- A. Attend each session of the Board of Supervisors and attend committee meetings when requested to do so.
- B. Keep and enter in the minute book of the Board a full and complete record of the proceedings of the Board at all regular and special meetings, including the entry in full of all Resolutions and all decisions on questions concerning the allowance of accounts. The vote of each member on every question shall be recorded.
- C. Immediately after each meeting of the Board, deliver to, and leave with the Auditor, all demands allowed for the payment of money.
- D. File and preserve, or dispose of pursuant to law, all petitions, applications, and other papers and records deposited with them.
- E. Authenticate with their signature and the seal of the Board, and file each Ordinance passed by the Board.
- F. Take acknowledgments and administer and certify oaths in the performance of such person's official duties.
- G. Perform such other functions of such person's office as may be required by law. (Ord. 1786. (06/16/1992); Ord. 2518. (03/14/2023))

CHAPTER 5: COUNTY EXECUTIVE OFFICER COUNTY ADMINISTRATOR)

Section:

Section 2.05.010	Position Created
Section 2.05.020	Appointment and Removal - Residence
Section 2.05.030	Salary and Benefits
Section 2.05.040	Administrative Powers and Duties
Section 2.05.050	General Administration
Section 2.05.060	Budgetary Matters
Section 2.05.070	Departmental Supervision - Appointment and Removal
Section 2.05.080	Functional Responsibilities
Section 2.05.090	Duties, Responsibilities and Authorities of Predecessor Position
Section 2.05.100	Donations to the County of Nevada
Section 2.05.110	Contracting Authority
Section 2.05.120	Ex Officio District Administrator for Nevada County Sanitation District No. 1
Section 2.05.130	Settlement Authority

Section 2.05.010 Position Created

There is hereby created in the exempt service of Nevada County the position of County Administrator, who shall be called the County Executive Officer (CEO). The CEO is the County's administrative officer pursuant to Cal. Gov't Code § 24000(t), except as otherwise provided by the Board of Supervisors. The County Executive Officer shall be a County officer exempt from the provisions of the Personnel Code, and shall be classified as a confidential employee, except to the extent the Board of Supervisors may desire to make some or all of said provisions applicable to the position.

Section 2.05.020 Appointment and Removal - Residence

The County Executive Officer shall:

A. Be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of public budgeting, personnel, labor relations, finance, and organization. This requirement may normally be met by a combination of education and experience equal to a master's degree in public administration, plus five or more years of experience in a highly responsible administrative position in a public agency.

B. Be appointed and serve at the pleasure of the Board of Supervisors and may be removed from office by majority vote of the Board of Supervisors upon 45 days' written notice of such removal; except that the County Executive Officer shall not be removed during the first 120 days following any change in membership of the Board of Supervisors except upon four-fifths vote of said Board of Supervisors. Such notice of removal shall be given at a regular meeting of the Board. Upon such removal, the Assistant County

Executive Officer shall perform as the Acting County Executive Officer until a permanent successor is selected.

C. Maintain residence within the County during his/her tenure in office, but he/she need not be a resident of the County at the time of appointment. (Ord. 1726. (06/12/1963); Ord. 2518. (03/14/2023))

Section 2.05.030 Salary and Benefits

The salary and other compensation of the County Executive Officer shall be established by the Board of Supervisors and shall be paid by the Auditor-Controller in the same manner as the salaries and benefits of other County employees are paid.

Section 2.05.040 Administrative Powers and Duties

The County Executive Officer shall be the Chief Administrative Officer of the County and shall be responsible to the Board of Supervisors for the proper and efficient administration of all County offices, departments, institutions, and special districts under the jurisdiction of the Board of Supervisors. To this end, the County Executive Officer shall have those powers and duties set forth in this Chapter and as reasonably implied therefrom and shall be authorized to assign or delegate the administration of these duties to any department or person under the Board's control, subject to the limitations imposed by law. The County Executive Officer shall have such other powers and duties as the Board of Supervisors may assign hereafter by motion, Resolution, or Ordinance.

The Board of Supervisors and its members shall normally provide nonpolicy, administrative direction to the various departments and divisions only through the County Executive Officer's office.

Section 2.05.050 General Administration

The County Executive Officer shall:

- A. Administer and enforce policies established by the Board of Supervisors and promulgate rules and regulations as necessary to implement Board policies.
- B. Refer policy matters and other matters beyond his/her authority to resolve to the Board of Supervisors for determination, direction, or authorization.
- C. Investigate the affairs of the County or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the County and see that all franchises granted by the County are faithfully observed.
- D. Be notified of and attend all meetings of the Board of Supervisors unless excused; make reports to the Board on County matters; evaluate departmental and other requests to determine if such requests should be submitted to the Board; and make recommendations to the Board on agenda items.

- E. Propose necessary revisions of the County Codes in conjunction with the County Counsel.
- F. Implement the Board of Supervisors' legislative advocacy program, including the initiation of legislation approved by the Board of Supervisors that will benefit the County and County government; in co-ordination with County Counsel, provide analysis of proposed State and Federal legislation; make recommendations to the Board of Supervisors for positions on proposed legislation; review all department head requests involving legislative activities.
- G. Produce, or cause to be produced, such records, documents and related information as may be necessary to permit the Board of Supervisors, or contractual agent of the Board of Supervisors, to conduct a management audit of his office or any other office or department in the County service, as the said Board shall deem necessary.
- H. Negotiate or supervise the negotiation of, and execute contracts, on behalf of the Board of Supervisors, subject to the limitations and procedures established by State law and those which have been authorized by the Board by Resolution and/or through budget adoption.
- I. Supervise the County's insurance programs and advise the Board of Supervisors of recommended changes.
- J. In conjunction with the Auditor-Controller and Purchasing Agent, maintain or supervise the maintenance of inventories of all the County's real and personal property, and undertake activities to prevent the misuse, loss, theft, or damage of County property.
- K. Conduct research in administrative practices so as to bring about greater efficiency and economy in County government; develop and recommend to the Board of Supervisors long-range plans to improve County operations and to prepare for future County growth and development.
- L. Exercise control of County government in extreme emergencies when there is not sufficient opportunity for the Board of Supervisors to act, as per provisions outlined in "Emergency Services" contained within this Code. In such an instance, the County Executive Officer or Chair of the Board shall have the authority to hire necessary extra personnel, purchase necessary supplies and equipment, and take other actions necessary to meet such emergencies.
- M. Provide oversight and supervision to the Environmental Health Department insofar as Environmental Health functions as the Local Enforcement Agency (LEA) for solid waste. (Ord. 1606. (12/28/1989); Ord. 2267. (06/10/2008); Ord. 2518. (03/14/2023))

Section 2.05.060 Budgetary Matters

The County Executive Officer shall keep the Board of Supervisors advised of the financial condition and future needs of the County and make recommendations as may be deemed desirable.

Section 2.05.070 Departmental Supervision - Appointment and Removal

The County Executive Officer shall:

- A. Supervise and evaluate the performance of County departments, within the limitations established by State law or the Board of Supervisors, by directing the establishment of standards, goals, and objectives for quality and quantity of departmental performance, and the measure of the performance of individual departments against those standards and goals; assign projects to departments and scrutinize departmental expenditures to assure that they are necessary and proper.
- B. Evaluate all proposed departmental programs and recommend those to the Board of Supervisors that he/she feels should be approved or modified; periodically evaluate existing departmental programs and recommend changes to the Board where they are indicated.
- C. Evaluate departmental organization on a continuous basis; subject to the limitations of State law or the directives of the Board of Supervisors, initiate changes in interdepartmental organization, structure, duties, or responsibilities when warranted, including authorizing the transfer of equipment between departments; assign space to County departments in County facilities, and authorize budgeted travel and County business expenses in accordance with rules and regulations prepared, based upon policies established by the Board; recommend to the Board of Supervisors the transfer of positions between departments and the consolidation or combining of County offices, departments, positions, or units.
- D. Evaluate the performance of all nonelective department heads and approve merit step salary increases in accordance with demonstrated performance and provisions of the Personnel Code; confer with department heads as necessary to discuss any shortcomings noted and to suggest remedial action.
- E. Except as otherwise specifically required by law, appoint, transfer, discipline, and dismiss all nonelective department heads; such department heads shall serve at the pleasure of the County Executive Officer. In those cases where the County Executive Officer is not the appointing authority under this Ordinance, the County Executive Officer shall: (1) recommend to the Board of Supervisors appointment of a qualified candidate to fill any vacancy occurring in that department head position, and (2) recommend to the Board of Supervisors, for their consideration and determination, the transfer, discipline, or dismissal of such department head, when appropriate.
- F. When necessary or upon a department head's request, assist department heads in solving problems which inhibit efficient operation within a department or create friction between departments.
- G. Provide management training and develop leadership qualities among department heads as necessary to build a County management team that can plan for and meet future challenges.
- H. Periodically review permanent and limited-term personnel positions to assure

that the positions are required and that funds are available; authorize advanced-step recruitment upon recommendation and justification of a department head; authorize and control the use of extra help and payment for over-time within available funds; approve overfilling an authorized position upon proper justification.

I. Be responsible for orientation and training of new County Supervisors.

J. Exercise general supervision over all public buildings and property, whether leased or owned by the County; assign all reserved parking spaces. (Ord. 1726. (06/12/1963); Ord. 2518. (03/14/2023))

Section 2.05.080 Functional Responsibilities

In addition to the foregoing, the County Executive Officer shall supervise or provide for the supervision, of such divisions and services as the Board may assign by Resolution or motion, and he shall be the appointing authority of all personnel assigned thereto.

Section 2.05.090 Duties, Responsibilities and Authorities of Predecessor Position

In addition to the foregoing, all duties, responsibilities, and authorities heretofore assigned or delegated, by motion, Resolution, Ordinance, or the Personnel Code, to the Director of Administration and Personnel shall hereby be assigned or delegated to the County Executive Officer.

Section 2.05.100 Donations to the County of Nevada

The County Executive Officer shall have the power to accept donations of any kind on behalf of the County of Nevada so long as the value of the donation does not exceed Twenty-Five Thousand Dollars (\$25,000), in accordance with Cal. Gov't Code § 25355. The County Executive Officer shall submit notification to the Clerk of the Board of all approved donations. (Ord. 2468. (06/11/2019); Ord. 1571. (05/02/1989); Ord. 2518. (03/14/2023))

Section 2.05.110 Contracting Authority

A. The County Executive Officer is authorized to enter into and to execute all contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Cal. Pub. Cont. Code § 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements, and contracts which must be awarded after public notice and competitive bidding.

B. The County Executive Officer is authorized to enter into and to execute all grant or revenue contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or less. (Ord. 2468. (06/11/2019); Ord. 1936. (04/15/1997); Ord. 2518. (03/14/2023))

Section 2.05.120 Ex Officio District Administrator for Nevada County Sanitation District No. 1

The County Executive Officer of the County of Nevada shall be the ex officio District Administrator for the Nevada County Sanitation District No. 1. The County Executive Officer is authorized to enter into and to execute all contracts or agreements on behalf of the Nevada County Sanitation District No. 1 that are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Cal. Pub. Cont. Code § 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements, and contracts which must be awarded after public notice and competitive bidding. (Ord. 2468. (06/11/2019); Ord. 1936. (04/15/1997); Ord. 2518. (03/14/2023))

Section 2.05.130 Settlement Authority

The County Executive Officer is hereby authorized to approve claims and legal settlements up to and including Fifty Thousand Dollars (\$50,000), with the concurrence of County Counsel. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

CHAPTER 6: COUNTY COUNSEL OFFICE

Sections:

- Section 2.06.010 County Counsel Office Established**
- Section 2.06.020 Position of County Counsel**
- Section 2.10.030 Duties and Responsibilities of County Counsel**
- Section 2.10.040 County Counsel to Perform Legal Services for Public Administrator**

Section 2.06.010 County Counsel Office Established

There is hereby created in the County the Office of County Counsel in accordance with Cal. Gov't § 26529 and Cal. Gov't §§ 27640 – 27648.

Section 2.06.020 Position of County Counsel

The position of County Counsel shall be filled by appointment by the Board of Supervisors for a four-year term in accordance with Cal. Gov't Code § 27641.

Section 2.06.030 Duties and Responsibilities of the Office of County Counsel

The Office of County Counsel shall perform all Duties and Responsibilities, including but not limited to duties contained in Cal. Gov't Code §§ 27640 – 27648.

Section 2.06.040 County Counsel to Perform Legal Services for the Public Administrator.

The County Counsel shall perform all legal services for the Public Administrator pursuant to Cal. Gov't Code § 27643.

CHAPTER 7: PUBLIC DEFENDER

Sections:

Section 2.07.010	Office Established
Section 2.07.020	Appointment of the Public Defender
Section 2.07.030	Duties and Responsibilities of the Office of Public Defender

Section 2.07.010 Office Established

There is hereby established the Office of Public Defender for the County. (Ord. 252. (08/01/1961); Ord. 2518. (03/14/2023))

Section 2.07.020 Appointment of the Public Defender

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 (Ord. 252. (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2518. (03/14/2023)). The Public Defender shall meet all of the qualifications found in Cal. Gov't Codes §§ 27700– 27711.

Section 2.07.030 Duties and Responsibilities of the Office of Public Defender

Except as herein otherwise provided, all of the provisions of the Cal. Gov't Codes §§ 27700–27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252. (08/01/1961); Ord. 2518. (03/14/2023)), including but not limited to, upon request of the defendant or order of the court, defend any person not able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.

CHAPTER 8: COMMUNITY DEVELOPMENT AGENCY

Sections:

Section 2.08.010	Community Development Agency Established
Section 2.08.020	Duties and Responsibilities
Section 2.08.030	Director of the Community Development Agency
Section 2.08.040	Agriculture Department and County Sealer of Weights and Measures
Section 2.08.050	Agriculture Department and Duties and Responsibilities
Section 2.08.060	Agricultural Commissioner and Sealer of Weights and Measures
Section 2.08.070	Agricultural Commissioner Fees
Section 2.08.080	Building Department Established
Section 2.08.090	Building Department Duties and Responsibilities
Section 2.08.100	Director of the Building Department
Section 2.08.110	Department of Code and Cannabis Compliance Established
Section 2.08.140	Environmental Health Department Established
Section 2.08.160	Environmental Health Department Transfer of Powers and Duties
Section 2.08.170	Director of the Environmental Health Department
Section 2.08.180	Fees for Environmental Health Department Services.
Section 2.08.190	Planning Agency Established
Section 2.08.200	Planning Agency Powers and Duties
Section 2.08.210	Planning Department Established
Section 2.08.220	Planning Department Duties and Responsibilities
Section 2.08.230	Director of the Planning Department
Section 2.08.240	Land Use Applications and Submittals
Section 2.08.250	Office of Zoning Administrator Established
Section 2.08.260	Zoning Administrator Jurisdiction, Power and Duties
Section 2.08.270	Public Works Department Established
Section 2.08.280	Public Works Department Duties and Responsibilities
Section 2.08.290	Director of Public Works Department
Section 2.08.300	Director of Public Works Authorized to Acquire Real Property for County; Value Not to Exceed \$50,000
Section 2.08.310	Road Commissioner
Section 2.08.320	Repair of Damage Caused by County of Nevada to Private Property
Section 2.08.330	County Surveyor
Section 2.08.340	Record of Survey

Section 2.08.010 Community Development Agency Established

There is hereby created in the County of Nevada a Community Development Agency which is a comprehensive local agency for coordination of County policies and regulations concerning County land use, planning and regulation, building, environmental health, agriculture, public works and sanitation. The titles of departments within the Agency shall be known as Environmental Health, Building, Planning, Agriculture, Code and Cannabis Compliance and Public Works. (Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

Section 2.08.020 Duties and Responsibilities

The Community Development Agency (CDA) shall act to provide administration and coordination with respect to the efforts, powers and duties of the Environmental Health Department, Building Department, Planning Department, Agricultural Department, Code and Cannabis Compliance Department and Public Works Department, with the exception of responsibilities of the Environmental Health Department functioning as the Local Enforcement Agency (LEA) for solid waste.

Employees who perform LEA functions will not be within the CDA but will instead be within the oversight and supervision of the Environmental Health Director and the County Executive Officer. The CDA Director shall not conduct a performance review, discipline or terminate any employees of the CDA who are assigned LEA functions and responsibilities. Should any LEA employee have job duties split between a position within CDA and LEA, they shall only discuss substantive LEA issues with the Environmental Health Director, LEA employees, or employees of the CEO's Office.

The Community Development Agency shall furnish engineering, surveying, and design services to all County agencies as ordered by the Board of Supervisors or County Executive Officer and shall perform any and all other services that may be ordered. (Ord. 2267. (06/10/2008); Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

Section 2.08.030 Director of the Community Development Agency

The Community Development Agency shall be administered by a County officer to be known as the Community Development Agency Director. The Community Development Agency Director shall carry out general policies of the County Executive Office and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations, with the exception of Law Enforcement Agency (LEA) functions performed by Environmental Health Department employees pursuant to this Code. The CDA Director shall have no power to control or direct the activities of the Environmental Health Director or any employee of that office regarding LEA duties. The Community Development Agency Director shall serve at the will and pleasure of the County Executive Officer. (Ord. 2267. (06/10/2008); Ord. 2518. (03/14/2023))

Section 2.08.040 Agriculture Department and County Sealer of Weights and Measures

There is hereby created the County of Nevada Agricultural Department. The Department shall be administered by a County officer to be known as the Agricultural Commissioner, under the general administrative direction of the Community Development Agency Director. The Office of the County Sealer of Weights and Measures shall be consolidated with the Department of Agriculture as per Cal. Gov't Code § 24300 (p).

Section 2.08.050 Agriculture Department Duties and Responsibilities

To perform such duties as required as the County Sealer of Weights and Measures as provided for in Cal. Bus. & Prof. Code §§ 12001–13800.

The Agricultural Department shall preform all duties as provided for in Cal. Food & Agric. Code §§ 2001-2350. The Agricultural Department shall work with the Agricultural Advisory Commission, Fish and Wildlife Commission and the Farm Commission.

Section 2.08.060 Agricultural Commissioner and Sealer of Weights and Measures

The Agricultural Commissioner shall act as the County Sealer of Weights and Measures. This position is appointed by the Board of supervisors and is under the general administrative direction of the Community Development Agency Director.

Section 2.08.070 Agricultural Commissioner Fees

The Agricultural Commissioner is hereby authorized to charge and collect fees for services provided by the Agricultural Commissioner and Sealer of Weights and Measures' staff, including wildlife services. A schedule of fees shall be adopted by Resolution of the Board of Supervisors, unless otherwise provided for under State or Federal law.

Section 2.08.080 Building Department Established

There is hereby created a Building Department within the Community Development Agency in and for the County of Nevada.

Section 2.08.090 Building Department Duties and Responsibilities

The Nevada County Building Department shall include, but not necessarily be limited to, those functions, powers, and duties designated by the Board of Supervisors by resolution or ordinance.

Section 2.08.100 Director of the Building Department

The Building Department shall be administered by a County officer to be known as the Building Department Director. Under the general administrative direction of the Community Development Agency Director, the Building Department Director shall be the building official as defined in Cal. Health & Safety Code § 18949.27, vested with the

responsibility for overseeing local building standards and housing enforcement activities, including administration of the Building Department, interpretation of code requirements, and direction of the code adoption process. The Building Department Director shall serve at the will and pleasure of the Community Development Agency Director.

Section 2.08.110 Department of Code and Cannabis Compliance Established

There is hereby created a Code and Cannabis Compliance Department in and for the County of Nevada. The Code and Cannabis Compliance Department is a component department within the Community Development Agency.

Section 2.08.140 Environmental Health Department Established

There is hereby created an Environmental Health Department within the Community Development Agency in and for the County of Nevada.

Section 2.08.160 Environmental Health Department Transfer of Powers and Duties

The Environmental Health Department is created as a comprehensive environmental agency as defined in the California Code of Regulations, Title 17, § 1351, and shall be a component of the Community Development Agency. The Environmental Health Department has transferred to it, pursuant to this section, with the concurrence of and appropriate delegation of authority from the County Health Officer, and upon the concurrence of the Director of Health Services of the California State Department of Health Services, as authorized by Cal. Health & Safety § 101275, the function of providing environmental health and sanitation services.

Section 2.08.170 Director of the Environmental Health Department

The Environmental Health Department shall be administered by a County officer to be known as the Director of Environmental Health. Under the general administrative direction of the Community Development Agency Director (CDA Director), the Environmental Health Director shall be the sole appointing authority and shall plan, direct, supervise and coordinate all programs of the Environmental Health Department including implementation of the LEA program for solid waste; however, general administrative direction shall be conducted by the County Executive Officer (CEO) rather than the CDA Director in the LEA program. Neither the CDA Director nor any department head within the CDA, other than the Environmental Health Director, may direct, control, hire or fire any employees of the LEA or those employees who are performing split duties between the LEA and the CDA. Nor shall the CDA Director evaluate or contribute to the evaluation of the Environmental Health Director insofar as that evaluation is based in whole or in part on the performance of the functions of the LEA. The CDA Director is authorized to conduct a performance evaluation on all other aspects of the Environmental Health Department Director's duties that are not related to LEA functions. The Environmental Health

Department Director shall serve at the will and pleasure of the Community Development Agency Director. (Ord. 2267. (06/10/2008); Ord. 2518. (03/14/2023))

Section 2.08.180 Fees for Environmental Health Department Services

A. IN GENERAL

The Environmental Health Department is hereby authorized to charge and collect fees for services provided by the Environmental Health Department, including but not limited to fees for enforcement and emergency response. A schedule of fees shall be adopted by Resolution of the Board of Supervisors unless otherwise provided for under State or Federal law.

Section 2.08.190 Planning Agency Established

There is hereby created a Planning Agency in and for the County of Nevada, pursuant to Article 1, Chapter 3, Division 2 of Title 7 of the Government Code of the State of California, Cal. Gov't Code §§ 66451–66472.1. Pursuant to Cal. Gov't Code § 65100, the Planning Agency shall include, but not necessarily be limited to, a Nevada County Planning Commission, Zoning Administrator, and Planning Department. The Planning Department is a component department within the Community Development Agency.

Section 2.08.200 Planning Agency Powers and Duties

The Nevada County Planning Agency shall include, but not necessarily be limited to, those functions, powers and duties set forth in the Government Code of the State of California relating to planning as well as those functions, powers and duties designated by the Board of Supervisors by Resolution or Ordinance.

Section 2.08.210 Planning Department Established

There is hereby created a Planning Department within the Community Development Agency in and for the County of Nevada.

Section 2.08.220 Planning Department Duties and Responsibilities

The Planning Department shall serve as liaison between the Planning Agency and the Board of Supervisors. The Planning Department shall perform all duties as provided by law, and such other duties may be assigned to the department from time to time.

Section 2.08.230 Director of the Planning Department

The Planning Department shall be administered by a County officer to be known as the Planning Department Director. Under the general administrative direction of the Community Development Agency Director, the Planning Department Director shall plan, organize, direct and coordinate the planning functions of the County. The Planning Department Director shall serve at the will and pleasure of the Community Development

Agency Director.

Section 2.08.240 Land Use Applications and Submittals

The Nevada County Department of Planning shall charge and collect a fee for the processing and review of those land use applications and submittals as are designated by Resolution of the Board of Supervisors. The amount of such fee shall be set by Resolution of the Board of Supervisors and shall be based upon the estimated staff time required to process such land use applications and submittals.

Whenever any land use application and/or submittal requires more than two reviews by Department of Planning personnel, the applicant shall be charged an additional hourly fee, at the rates as set by Resolution of the Board of Supervisors, for all of the additional time spent by the Department of Planning personnel in reviewing any such land use application and/or submittal.

Section 2.08.250 Office of Zoning Administrator Established

There is hereby created the office of Zoning Administrator, pursuant to Cal. Gov't Code §§ 65900-65909.5. The Planning Department Director, or their designee, shall serve as the Zoning Administrator. Such designee shall be a senior planner or above.

Section 2.08.260 Zoning Administrator Jurisdiction, Power and Duties

The Zoning Administrator shall have jurisdiction over and shall consider all site plan approvals, certain use permit applications, as designated by the zoning ordinance, area variance applications, certificates of compliance, and environmental review concerning all projects and permits within their jurisdiction.

Section 2.08.270 Public Works Department Established

There is hereby created a Public Works Department within the Community Development Agency in and for the County of Nevada. The Public Works Department consists of a Road Maintenance Division, a Fleet Division, a Transit Division, a Sanitation Division, a Solid Waste Division, Surveyor, and a Road Engineering Division. (Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

Section 2.08.280 Public Works Department Duties and Responsibilities

- A. The Department of Public Works shall provide all necessary services related to maintenance and construction of all County roads. The Department shall administer all County Service Area programs relating to the improvement and/or maintenance of public roads and shall administer all Permanent Road Divisions within the County.
- B. The Department shall be responsible for the administration and operation of all public fixed route and paratransit passenger transportation systems owned by the County and operated either directly by or contracted through the County.

- C. The Department shall be responsible for the administration and operation of the County vehicle program as provided for in all sections of this Code.
- D. The Department shall be responsible for the proper administration and operation of all County solid waste programs, including the operation of such County landfills, transfer station, or other facilities and programs that relate to the proper disposal of waste material including solids, recyclables, toxics, and any other wastes. The Department shall oversee any franchise agreements or other contracts let by the County in these areas.
- E. The Department shall also administer, manage and operate any sewer plants or other sanitation facilities which the Nevada County Sanitation District No. 1 or the County own or operate on behalf of any County Service Area, the Nevada County Sanitation District No. 1 or any other special district. (Ord. 2118. (05/13/2003); Ord. 2337. (05/24/2011); Ord. 2518. (03/14/2023))

Section 2.08.290 Director of Public Works Department

The Public Works Department shall be administered by a County officer to be known as the Public Works Department Director. Under the general administrative direction of the Community Development Agency Director, the Public Works Department Director shall plan, direct, supervise and coordinate the programs, operations and divisions of the Public Works Department within the Community Development Agency. The Public Works Department Director shall serve at the will and pleasure of the Community Development Agency Director.

The Director shall request the County Purchasing Agent to purchase, lease or hire such equipment as may be necessary to perform the functions of the Department in conformity with the budget and all applicable policies and procedures.

Section 2.08.300 Director of Public Works Authorized to Acquire Real Property for County; Value Not to Exceed \$50,000

- A. Pursuant to the provisions of Cal. Gov't Code § 25350.60 and subject to the procedures specified in this section, the Public Works Department Director is hereby authorized to perform all acts necessary to approve and accept, for the County, the acquisition of any interest in real property for right-of-way, public utility, undergrounding or other public purposes related to the construction, maintenance and repair of County-maintained roads, where the purchase price for such interest does not exceed Fifty Thousand Dollars (\$50,000).
- B. The Public Works Department Director may approve and accept the acquisition of any interest in real property only if such acquisition (1) is in furtherance of a project which the Board of Supervisors has previously determined to undertake; and (2) the appropriate environmental review pursuant to CEQA has been completed; and (3) funds have been appropriated by the Board of Supervisors for the acquisition.
- C. The form of any deed or grant conveying any interest in real property shall be

approved by County Counsel.

D. Upon acceptance of any deed or grant the Public Works Department Director shall promptly execute a certificate of acceptance substantially in the form specified in Cal. Gov't Code § 27281 and shall transmit same to the County Recorder for recording.

E. Notwithstanding the other provisions of this section, where the offers or deeds are tendered in compliance with conditions requested by the Department of Public Works in conjunction with approval of a land development project or to permit construction to proceed on projects approved in the most recent Nevada County Capital Improvement Plan, the Board of Supervisors may, by Resolution, authorize the Public Works Department Director or assignee(s), to accept, on behalf of the County of Nevada, offers of dedication made by a statement on a subdivision map and grant deeds or easement deeds for road right-of-way, public utility and/or drainage purposes and to execute and request recording of any necessary certificate of such acceptance, reporting such action to the Board of Supervisors. The Board of Supervisors shall periodically review this delegation of authority.

F. Pursuant to Cal. Gov't Code § 25350.60, the authority granted by this section shall automatically expire as of July 13, 2024, unless such authority is renewed or extended by a subsequent ordinance of the Board of Supervisors. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.08.310 Road Commissioner

The Road Commissioner for the County of Nevada shall be the Public Works Department Director, or as appointed by the Board of Supervisors, and shall comply with all requirements set forth in §§ 2006 - 2010 of the California Streets and Highways Code.

Section 2.08.320 Repair of Damage Caused by County of Nevada to Private Property

The Department of Public Works Director or, in their absence, the Director's designee, shall be authorized to use Department personnel, equipment and resources to repair any damage to privately-owned property caused by the Department's employees while working for the County. The Director, or the Director's designee, and the County Risk Manager shall authorize such repair only upon receipt of a completed Incident Report from the employee involved in the incident which resulted in such damage or where it is not readily ascertainable which of several employees may have been involved in the incident, from the road supervisor or road superintendent, stating the circumstances under which the property was damaged, the name of any other County employees involved in the incident, or any other witness to the incident, the type of repair to be provided, and the estimated cost of repairing such damage. In no event shall the cost of such repair exceed \$1,000.

Before any such repair work is authorized, the injured party shall complete and file a claim with the Risk Manager on a form provided by Risk Management.

Whenever any such repair work has been authorized as provided for herein, the Risk Manager shall submit a copy of the claim and the supporting documentation to the Clerk of the Board of Supervisors.

Whenever the Director or their designee authorizes any such repair work, they shall promptly submit copies of the claim and the supporting documentation to the Clerk of the Board of Supervisors and the Risk Management Committee.

Section 2.08.330 County Surveyor

County land surveyor functions shall be performed within the Public Works Department by a County officer to be known as the County Surveyor. Under the general administrative direction of the Public Works Department Director, the County Surveyor shall plan, organize, direct and coordinate the land surveying functions of the County. The County Surveyor shall be appointed by the Board of Supervisors and shall serve at the will and pleasure of the Board of Supervisors.

Section 2.08.340 Record of Survey

In accordance with Cal. Gov't Code §§ 27601-54985, the Nevada County Department of Planning, Public Works - County Surveyor may charge a reasonable fee for examining a record of survey. In addition, Cal. Bus. & Prof. Code § 8766.5 allows the fee to exceed one hundred dollars if it is adopted by ordinance pursuant to a staff report demonstrating that the cost of providing the examination service actually exceeds one hundred dollars (\$100.00) per record of survey.

A staff report has been prepared and filed in the office of the County Surveyor demonstrating that the cost of providing the examination service exceeds one hundred dollars (\$100.00) per record of survey. The amount to be determined by resolution of the Board of Supervisors. (Ord. 2437. (06/27/2017); Ord. 2518. (03/14/2023))

CHAPTER 9: HEALTH AND HUMAN SERVICES AGENCY

Sections:

Section 2.09.010	Health and Human Services Agency Established
Section 2.09.020	Duties and Responsibilities of the Health and Human Services Agency
Section 2.09.030	Appointment of the Director of the Health and Human Services Agency
Section 2.09.040	Department of Behavioral Health Established
Section 2.09.050	Duties and Responsibilities of Behavioral Health Department
Section 2.09.060	Position of Behavioral Health Director and Director of Local Mental Health Services
Section 2.09.070	Mental Health and Substance Use Advisory Board
Section 2.09.080	Division of Housing and Community Services Established
Section 2.09.090	Position of Director of Housing and Community Services Division
Section 2.09.100	Duties and Responsibilities of Division of Housing and Community Services
Section 2.09.110	Office of the Public Defender Established
Section 2.09.120	Duties and Responsibilities of the Office of Public Defender
Section 2.09.130	Appointment of the Public Defender
Section 2.09.140	Department of Public Health Established
Section 2.09.150	Duties and Responsibilities of the Department of Public Health
Section 2.09.160	Position of Public Health Director
Section 2.09.170	Probation Department Established
Section 2.09.180	Duties and Responsibilities of the County of Nevada Probation Department
Section 2.09.190	Appointment of the Chief Probation Officer
Section 2.09.200	Department of Social Services Established
Section 2.09.210	Duties and Responsibilities of the County of Nevada Department of Social Services
Section 2.09.220	Position of Social Services Director
Section 2.09.230	Office of Public Guardian Established
Section 2.09.240	Duties and Responsibilities of the Office of Public Guardian
Section 2.09.250	Position of Public Guardian – Public Conservator
Section 2.09.260	Expenditure of Public Funds on Behalf of Conservatees
Section 2.09.270	Appeals

Section 2.09.010 Health and Human Services Agency Established

There is hereby established in the County of Nevada a Health and Human Services Agency. The Health and Human Services Agency is composed of the following independent departments: Behavioral Health; Housing and Community Services; Public Defender; Public Health; Probation; Social Services; and Child Support Services.

All duties, responsibilities, and authorities assigned or delegated by motion, resolution, or ordinance, or other legal authority, to the Human Services Agency, Community Health, Mental Health, Public Social Services, or to Adult and Family Services shall hereby be assigned or delegated to the Health and Human Services Agency, Public Health, Behavioral Health, and Social Services. (Ord. 2002. (07/13/1999); Ord. 2350. (07/18/2021); Ord. 2525. (06/13/2023))

Section 2.09.020 Duties and Responsibilities of the Health and Human Services Agency

The Health and Human Services Agency shall be responsible for the various necessary functions concerning mental health, substance use disorder prevention and treatment, housing, human assistance, Public Defender, public health, probation, veterans and social services provided to the citizens of Nevada County, and act as coordinator for the activities of Child Support Services Department as directed by the Board of Supervisors and the County Executive Officer and according to law.

The duties and services to be provided by the Health and Human Services Agency may be amended, from time to time, by the Board of Supervisors and state statute, but shall include the following:

Provide internal departmental administrative, clerical and accounting support; determine eligibility for various social services and medical assistance programs; maintain a fraud investigation and prevention program; issue food and emergency assistance; and contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons.

- A. Administer and provide substance use disorder prevention and treatment services.
- B. Provide and arrange for in-home assistance care to needy aged, blind or disabled persons to allow them to remain in their own homes rather than requiring more expensive out-of-home care.
- C. Develop, support and assure the availability of a full range of public health services, and public health nursing, including prevention, immunization control and education regarding infectious diseases. Provision of services to maintain and improve adult and children's health, including maternal and child health services, family planning, child health and disability prevention services, California Children's Services, services for disabled children, Women, Infants and Children Program (WIC), vital statistics, and

senior home visits.

- D. Contract for the provision and authorization of medical care services for indigent and lower-income County residents.
- E. Provide, assess and authorize mental health outpatient, residential and inpatient treatment services, prevention and client support services in the community and oversee a coordinated, multi-departmental system of care for youth at risk of out-of-home placement.
- F. Deliver various social and protective services to adults and children, including child and adult protective services, adoptions, family preservation, public guardian/conservatorships and emergency assistance.
- G. Administer an educational, training and job placement program with support services to assist aid recipients in securing unsubsidized employment.
- H. Provide financial assistance to needy and disadvantaged families and individuals under a variety of federal, state and local programs.
- I. Provide assistance and advocacy for veterans and their dependents in filing for Veterans' Administration, state and local veterans' benefits; develop, file and track claims.
- J. Administer and provide programs designed to assist low income and moderate- income families through energy and support programs. (Ord. 2202. (07/13/1999); Ord. 2350. (07/18/2012); Ord. 2525. (06/13/2023))
- K. Provide and coordinate outreach and supportive services to homeless and at risk of homeless residents including supporting the Adult and Family Services Commission, administer Community Services and Development Block Grants and approve and fund First Time Home Buyer Down Payment Assistance and Tennant-based Rental Assistance programs.
- L. Provide information and access to housing and community services.
- M. Administer services and functions of the Probation Department.
- N. Provide administrative Support to the Public Defender's Office
- O. Accept judicial appointment as the Public Guardian.
- P. Provide administrative support to the Regional Department of Child Support Services.

Section 2.09.030 Appointment of the Director of the Health and Human Services Agency

Appointed by the Board of Supervisors and under the general direction of the County Executive Officer, the Director of the Health and Human Services Agency shall be the administrative head of the Agency. The Director shall administer the Agency and carry out general policies of the County Executive Officer and the Board of Supervisors, and shall plan, organize, and direct all activities of the Agency in accordance with State and County laws and regulations. The Director shall report directly to, and serve at the will and pleasure of, the County Executive Officer. (Ord. 2202. (07/13/1999); Ord. 2525. (06/13/2023))

Section 2.09.040 Department of Behavioral Health Established

There is hereby established in the County of Nevada, the Behavioral Health Department under the authority of the Department of Health Care Services contained in Cal. Health & Safety Code §§ 100100-101997.

Section 2.09.050 Duties and Responsibilities of the Behavioral Health Department

The County of Nevada Behavioral Health Department provides culturally competent mental health and substance use disorder services and treatment. These services include, but are not limited to: assess and authorize mental health outpatient, residential and inpatient treatment services; provide mental health client support services in the community; administer and provide substance use disorder prevention and treatment services; develop and oversee crisis systems of care programs; administer and participate in collaborative court programs; participate in a coordinated, multi-departmental system of care for youth at risk of out-of-home placement; and any and all other requirements and duties set by Federal, State or Local law.

Section 2.09.060 Position of Behavioral Health Director and Director of Local Mental Health Services

The Behavioral Health Department shall be administered by the Behavioral Health Director, who shall also act as the Director of Local Mental Health. Under the general administrative direction of the Health and Human Services Agency Director, the Director of Behavioral Health shall plan, organize, direct and coordinate the programs and services regarding Mental Health and Substance Use Disorder needs and services. The Director of Local Mental Health shall meet all of the standards of education and experience established by the Director of Health Care Services as per Cal. Welf. & Inst. Code §5751.1.

Section 2.09.070 Mental Health and Substance Use Advisory Board

The Mental Health and Substance Use Advisory Board is comprised of consumers, family members and community members appointed by the Board of Supervisors. The advisory board provides advice, guidance and recommendations related to policies and procedures concerning the target population. The vision of the advisory board is to promote and support policies and programs that effectively improve the lives of persons with severe

mental illness and or substance use and improve community understanding.

Section 2.09.080 Division of Housing and Community Services Established

There is hereby established in the County of Nevada, the Housing and Community Services Division within the Health and Human Services Agency.

Section 2.09.090 Duties and Responsibilities of Division of Housing and Community Services

The County of Nevada Housing and Community Services Division shall provide assistance in securing housing and information in various housing programs for individuals and families who qualify as low-income and/or who are experiencing homelessness; mental illness; or substance use disorder; contract as appropriate with community-based organizations for services to low-income, disadvantaged or special needs persons; and including but not limited to any and all other duties set by Federal, State or Local law or Resolution.

Section 2.09.100 Position of the Director of Housing and Community Services Division

The County of Nevada Housing and Community Services Division shall be administered by the Housing and Community Services Division Director, under the general administrative direction of the Health and Human Services Agency Director.

Section 2.09.110 Office of the Public Defender Established

There is hereby established the Office of Public Defender for the County. (Ord. 252. (08/01/1961)) The Office of Public Defender is established within the Health and Human Services Agency.

Section 2.09.120 Duties and Responsibilities of the Office of Public Defender

Except as herein otherwise provided, all of the provisions of Cal. Gov't Code §§ 27700 – 27711, as the same now are or as they may hereafter be amended, shall apply to the Office of Public Defender (Ord. 252 (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2525. (06/13/2023)), including but not limited to, upon request of the defendant or order of the court, defend any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior courts, with applicable statutory restrictions.

Section 2.09.130 Appointment of the Public Defender

The Public Defender shall be appointed by, and shall serve at the pleasure of, the Board of Supervisors as per Cal. Gov't Code § 27703 (Ord. 252. (08/01/1961); Ord. 1299. (05/13/1985); Ord. 2525. (06/13/2023)). The Public Defender shall meet all of the

qualifications found in Cal. Gov't Codes §§ 27700 – 27711. This position shall be under the general direction of the Health and Human Services Agency Director.

Section 2.09.140 Department of Public Health Established

There is hereby established in the County of Nevada, the Public Health Department within the Health and Human Services Agency.

Section 2.09.150 Duties and Responsibilities of the Department of Public Health

The County of Nevada Public Health Department prevents disease, promotes and supports optimal health and wellness, and protects the community against disasters, as well as any and all other duties set by Federal, State or Local law or Resolution. Programs within the Public Health Department include public health nursing; communicable disease control; immunizations; substance prevention and disease prevention programs; vital statistics and records; and Public Health Emergency Preparedness programs. Program changes may be made from time to time to address the Public Health needs of the County of Nevada.

Section 2.09.160 Position of the Director of Public Health

The County of Nevada Public Health Department shall be administered by the Public Health Director, under the general administrative direction of the Health and Human Services Agency Director. The Public Health Officer of the County of Nevada is appointed by the Board of Supervisors and functions as staff or contractor of the Public Health Department. The Public Health Officer serves at the will of the Board of Supervisors and is under the general direction of the Health and Human Services Agency Director.

Section 2.09.170 Probation Department Established

There is hereby established in the County of Nevada, the Nevada County Probation Department. The Probation Department is established within the Health and Human Services Agency.

Section 2.09.180 Duties and Responsibilities of the County of Nevada Probation Department.

The County of Nevada Probation Department shall perform the duties and discharge the obligations as provided for by law. These include but are not limited to duties listed in Cal. Gov't Code § 27771 which involve all duties regarding juvenile probation; supervision of adults subject to probation orders; administer community-based corrections programming; and make recommendations to the court, as well as any and all other duties set by Federal, State or Local law or Resolution.

Section 2.09.190 Appointment of the Chief Probation Officer

The County of Nevada Probation Department shall be administered by the Chief Probation Officer, who is appointed by the County of Nevada Board of Supervisors. This position shall be under the general direction of the Health and Human Services Agency Director.

Section 2.09.200 Department of Social Services Established

There is hereby established in the County of Nevada the Department of Social Services within the Health and Human Services Agency.

Section 2.09.210 Duties and Responsibilities of the Department of Social Services

The Department of Social Services offers vital human services to the citizens of the County of Nevada. Programs within the Department of Social Services may include: Adult Protective Services; Child Welfare Services; Employment and Training; In Home Supportive Services; Public Assistance; Public Guardian; Veterans Services and other programs as developed to meet the needs of the community.

Section 2.09.220 Position of Social Services Director

The County of Nevada Social Services Department shall be administered by the Social Services Director, under the general administrative direction of the Health and Human Services Agency Director.

The Veterans Services Officer shall be under the general administrative direction of the Social Services Director and meet the qualifications of Cal. Mil. & Vet. Code §970.

Section 2.09.230 Office of Public Guardian Established

There is hereby established the Office of Public Guardian for the County of Nevada, within the Health and Human Services Agency.

Section 2.09.240 Duties and Responsibilities of the Office of Public Guardian

The Duties and Responsibilities of the Public Guardian are to safeguard the lives and property of Conservatees who cannot care for themselves when no other alternative is available.

Section 2.09.250 Appointment of the Position of Public Guardian – Public Conservator

The Director of the Department of Social Services shall serve as, and is hereby appointed or their qualified designee, shall serve as, and is hereby appointed, Public Guardian of the County. They may deputize subordinates to serve as Assistant Public Guardian, Chief Deputy Public Guardian, and Deputy Public Guardian. The Public Guardian shall act under the general direction of the Health and Human Services Agency Director.

Section 2.09.260 Expenditure of Public Funds on Behalf of Conservatees

Public funds may be expended on behalf of a Conservatee in accordance with the Nevada

County Health and Human Services Agency General Assistance Regulations Manual, adopted by the Board of Supervisors, through the general authority provided for in Cal. Welf. & Inst. Code §§ 17000 - 17410.

Section 2.09.270 Appeals

Any applicant for or recipient of General Assistance who believes that General Assistance has been improperly denied by the County Department of Social Services or that General Assistance has been granted by the Department in a lesser amount than required by the standards of General Assistance, may appeal in the manner prescribed by the Nevada County Health and Human Services General Regulations Manual or state statute governing public assistance benefits.

CHAPTER 10: HUMAN RESOURCES DEPARTMENT

Sections:

Section 2.10.010	Human Resources Department Established
Section 2.10.020	Responsibilities and Duties
Section 2.10.030	Director of Human Resources
Section 2.10.040	Adoption of Personnel Rules by Resolution

Section 2.10.010 Human Resources Department Established

There is hereby established in the County Human Resources Department. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.020 Responsibilities and Duties

- A. The Human Resources Department shall be responsible to the County Executive Officer for the administration and operation of the County's personnel functions and systems in accordance with County Ordinances and State and Federal laws, rules, and regulations. The Department's responsibilities shall include recruitment, selection, organizational development, job standards and qualifications, classification and pay, performance evaluation and discipline, personnel actions, equal employment opportunity, employment benefit programs, and such other related functions as the County Executive Officer or the Board of Supervisors may assign.
- B. The Department shall keep and maintain the official personnel records of County employees, shall administer the County's Personnel Code and the Memoranda of Understanding with the bargaining units, and shall provide assistance to the County's negotiators in contract negotiations, as needed. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.030 Human Resources Director

The Human Resources Director shall be the administrative head of the Human Resources Department and shall be responsible for the proper administration of the Department. The Director shall be appointed by and serve at the will and pleasure of the County Executive Officer. (Ord. 2192. (12/13/2005); Ord. 2518. (03/14/2023))

Section 2.10.040 Adoption of Personnel Rules by Resolution

Except where prohibited by law, the Board of Supervisors may establish, by Resolution, such rules and regulations as it deems necessary: to provide for equitable levels and types of employee classification, compensation and fringe benefits; to provide for the development of effective recruitment, selection, placement, training, evaluation and promotion programs; to afford assurance of equal employment opportunity of persons consistent with merit principles and without regard to race, national origin, politics,

religion, age, sex, or other non-merit factors; to develop and administer an effective employer-employee relations program; to allocate positions to various departments; and to establish such other personnel rules, regulations and practices as it may deem necessary.

CHAPTER 11: INFORMATION AND GENERAL SERVICES AGENCY

Sections:

Section 2.11.010	Agency Established
Section 2.11.020	Duties and Responsibilities
Section 2.11.030	Information and General Services Agency Director
Section 2.11.040	Information and General Services Appointed Positions
Section 2.11.050	Revenue Collection Services

Section 2.11.010 Agency Established

There is hereby created in the County the Information and General Services Agency. The Information and General Services Agency Department is a comprehensive Agency which consolidates the former Information Systems Department and the Department of General Services.

Section 2.11.020 Duties and Responsibilities

The Information and General Services Agency shall be responsible for the following:

- A. Provide voice data, and video communication services to County departments and other agencies as warranted.
- B. Centralizing all information system services and all IT staffing positions for all County departments.
- C. Provide office automation, data sharing, and support services among County departments/offices.
- D. Providing business analysis, application programming and business systems consultation services to County departments.
- E. Developing, supporting, and protecting all County information systems assets, data, and infrastructure, by establishing, implementing, and enforcing County information security best practices, policies, and procedures.
- F. Develop and enforce County-wide information technology security policies and procedures.
- G. Developing County-wide information systems strategic plans and policies.
- H. Administer and oversee all franchises awarded by the County.
- I. Provide for the maintenance and remodeling of County buildings and grounds and perform any and all other services of a general nature for the upkeep, preservation and function of County property that may be ordered by the CEO or the Board of Supervisors.
- J. Provide for capital development and construction of new and existing facilities, including project management related to such development activities.
- K. Provide for central services to include mail handling, printing, and related support services.
- L. Reserved.

- M. Perform such other services, duties, and responsibilities as the Board of Supervisors or the CEO may assign. (Ord. 2321. 07/13/2010); Ord. 2518. (03/14/2023)).
- N. Management all Airport Activities.
- O. Oversee County Library Activities.

Section 2.11.030 Information and General Services Agency Director

Under the general direction of the County Executive Officer (CEO), the Information and General Services (IGS) Director shall be the administrative head of the Agency. The IGS Director shall report directly to the CEO and shall serve at the will and pleasure of the CEO.

Section 2.11.040 Information and General Services Appointed Positions

The Information and General Services Director shall appoint the following positions:

- A. Chief Information Officer. The Chief Information Officer shall be appointed by the IGS Director and shall lead and manage the Information Systems department.
- B. Facilities Director. The Facilities Director shall be appointed by the IGS Director and shall lead and manage the Facilities Management Department and Capital Facilities budget, and other operations as assigned.
- C. Purchasing Program Manager. The Purchasing Program Manager shall be appointed by the IGS Director and shall lead and manage the Purchasing operations and act as the County Purchasing Agent.
- D. Director of Emergency Services. The Director of Emergency Services shall be appointed by the IGS Director and shall perform under the provisions of Emergency Services of the Nevada County Code.

Section 2.11.050 Revenue Collection Services

Information and General Services shall be responsible for managing the County's revenue collection services.

CHAPTER 12: SIERRA NEVADA REGIONAL DEPARTMENT OF CHILD SUPPORT SERVICES

Sections:

Section 2.12.010	Department Established
Section 2.12.020	Duties and Responsibilities
Section 2.12.030	Transfer of Functions
Section 2.12.040	Director of the Sierra Nevada Regional Department of Child Support Services

Section 2.12.010 Department Established

There is hereby created in the County of Nevada a Department known as Sierra Nevada Regional Department of Child Support Services, pursuant to Cal. Fam. Code §17304, that is established within the Health and Human Services Agency. (Ord. 2350 (07/10/2012); Ord. 2525. (06/13/2023))

Section 2.12.020 Duties and Responsibilities

The Sierra Nevada Regional Department of Child Support Services shall be responsible for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in cases of a child born out of wedlock, as specified in Cal. Fam. Code § 17400, including all further responsibilities delegated to a local child support agency, pursuant to Cal. Fam. Code. §§ 17000-17393. No other local agency shall have any authority over the department as to any function relating its Title IV-D obligations under the Federal Social Security Act (Cal. Fam. Code § 17303).

Section 2.12.030 Transfer of Functions

All Nevada County program employees and other personnel who perform child support collection and enforcement services, and assets dedicated to those services, shall be transferred from the District Attorney's Office to the Sierra Nevada Regional Department of Child Support Services, as provided in Cal. Fam. Code §§ 17304 and 17305, upon transition January 1, 2001. The transfer of programs, staff and assets shall be effective upon approval of the Director of the California Department of Child Support Services.

Section 2.12.040 Director of the Sierra Nevada Regional Department of Child Support Services

The Director of Sierra Nevada Regional Department of Child Support Services shall be the administrative head of the Department. The Director shall administer the Department

and carry out general policies of the Board of Supervisors, and shall plan, organize, and direct all activities of the Department in accordance with State and County laws and regulations. This position shall be under the general direction of the Director of Health and Human Services.

CHAPTER 13: COUNTY OFFICES AND DEPARTMENTS

Sections:

Section 2.13.010	Office of Assessor
Section 2.13.020	Office of Auditor-Controller
Section 2.13.030	Office of County Clerk and County Recorder and Elections Office
Section 2.13.040	Office of the District Attorney
Section 2.13.050	Nevada County Sheriff's Office
Section 2.13.051	Qualifying for State Aid
Section 2.13.052	Compliance with CPOST Standards
Section 2.13.053	Compliance with Corrections Standards Authority Standards
Section 2.13.054	Adherence to Standards
Section 2.13.055	Work Furlough Program
Section 2.13.056	Work Release Program
Section 2.13.057	Alternative Sentencing Program - As Permitted by Section 4024.2 of the California Penal Code
Section 2.13.058	Alternative Sentencing Program – Nevada County Probation Department to be Program Administrator
Section 2.13.059	Alternative Sentencing Program – Guidelines
Section 2.13.060	Office of the Coroner
Section 2.13.070	Office of Public Administrator
Section 2.13.080	Tax Collector and Treasurer

Section 2.13.010 Office of Assessor

There is hereby established in the County of Nevada the Office of Assessor.

Section 2.13.020 Office of the Auditor-Controller

There is hereby established in the County of Nevada the Office of Auditor-Controller.

Section 2.13.030 County Clerk and County Recorder Office and Elections Office

There is hereby established in the County of Nevada the Office of County Clerk and County Recorder. These offices are combined pursuant to the authority of Cal. Gov't Code § 24300 (e).

Section 2.13.040 Office of the District Attorney

There is hereby established in the County of Nevada the Office of District Attorney.

Section 2.13.050 Nevada County Sheriff's Office

There is hereby established in the County of Nevada the Sheriff's Office.

Section 2.13.051 Qualifying for State Aid

The County declares its desire to qualify for aid from the State of California under the provisions of Cal. Penal Code §§ 13510-13519.15.

Section 2.13.052 Compliance with CPOST Standards

Pursuant to the provisions of Sections 13510, 13522, 1324 and 13525 of the Cal. Penal Code, the County, while receiving aid from the State pursuant to Chapter 1 of the Penal Code, will adhere to the standards for recruitment and training established by the California Commission on Correctional Peace Officer Standards and Training (CPOST), now called the Corrections Standards Authority.

Section 2.13.053 Compliance with Corrections Standards Authority Standards

While receiving any State aid pursuant to Article 3, commencing with Penal Code § 6035, the County of Nevada will adhere to the standards for recruitment and training established by the Corrections Standards Authority.

Section 2.13.054 Adherence to Standards

Pursuant to Cal. Penal Code § 13512, the Authority and its representatives shall make such inquiries as deemed appropriate by the Authority to ascertain that Nevada County's public safety dispatcher personnel and investigators of the District Attorney's office adhere to standards for selection and training established by the CPOST. (Ord. 1564. (02/28/1989), Ord. 2053. (04/11/2001); (Ord. 2518. (03/14/2023))

Section 2.13.055 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 Cal. Penal Code § 1208, is feasible. The Sheriff is designated as the officer who shall perform the functions of the work furlough administrator.

Section 2.13.056 Work Release Program

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

Section 2.13.057 Alternative Sentencing Program - As Permitted by Section 4024.2 of the California 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 Cal. Penal Code.

Section 2.13.058 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.

Section 2.13.059 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 twenty-four (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 ensure 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 their 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 (1) 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 their jail sentence. Such recommendation for termination will be reviewed at an administrative hearing. The probationer will be provided written notice of this hearing and their 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.

Section 2.13.060 Office of Coroner

There is hereby established in the County of Nevada the Office of Coroner. This office is combined with the Office of the Nevada County Sheriff under the authority of Cal. Gov't Code §24300 (n).

Section 2.13.070 Office of Public Administrator

There is hereby established in the County of Nevada the Office of Public Administrator. This office is combined with the Coroner's Office pursuant to the authority granted in Cal. Gov't Code §24300 (k).

Section 2.13.080 Tax Collector and Treasurer

There is hereby established in the County of Nevada the Office of Tax Collector. This office is combined with the Office of Treasurer pursuant to the authority of Cal. Gov't Code § 24300 (g).

CHAPTER 14: BOARDS, COMMITTEES, COMMISSIONS, COUNCILS AND SPECIAL DISTRICTS ESTABLISHED BY RESOLUTION

Section 2.14.010	Authority of Board of Supervisors to Establish
Section 2.14.020	State Mandated Boards, Committees, Commissions, Councils, or Special Districts
Section 2.14.030	Boards
Section 2.14.040	Commissions
Section 2.14.041	Planning Commission Established, Composition and Member Appointment
Section 2.14.042	Planning Commission Jurisdiction, Powers and Duties
Section 2.14.043	The Agricultural Advisory Commission
Section 2.14.044	Ex Officio Members
Section 2.14.045	Terms, Appointments, Vacancies
Section 2.14.046	Regular Meetings
Section 2.14.047	Members - Compensation
Section 2.14.048	Staff Functions
Section 2.14.049	Purpose, Powers and Duties
Section 2.14.050	Committees
Section 2.14.060	Councils
Section 2.14.070	Special Districts
Section 2.14.080	Miscellaneous Advisory Entities
Section 2.14.090	Adoption of State Law Relating to Law Libraries

Section 2.14.010 Authority of Board of Supervisors to Establish

Boards, Commissions, Committees, Councils and Special Districts may be established by Resolution of the Board of Supervisors. These entities are created for the purposes of advising the Board of Supervisors and of performing specific functions designated by the Board in their respective areas of expertise. Each Board, Commission, Committee, Council and Special District shall be governed by Resolutions specifying the composition, functions, rules and procedures. A full list of these various Boards, Commissions, Committees, Councils and Special Districts are on file in the office of the Clerk of the Board of Supervisors.

Section 2.14.020 State Mandated Boards, Committees, Commissions, Councils, or Special Districts

State mandated Boards, Committees, Commissions, Councils, or Special Districts, include,

but are not limited to:

- Abandoned Vehicle Abatement Program – County Service Authority
- Air Quality Management District Board
- Area 4 Agency on Aging Advisory Council
- Area 4 Agency of Aging Governing Board
- Assessment Appeals Board
- Board of Trustees of the Law Library
- Citizen’s Oversight Committee of the Nevada Country Library
- County Oversight Board for the County of Nevada
- First 5 Nevada County Children and Families First Commission
- Juvenile Justice/Delinquency Prevention Commission
- Local Agency Formation Commission (LAFCo)
- Local Planning Council for Child Development for the County of Nevada (LPC)
- Mental Health & Substance Use Advisory Board (Nevada County)
- Nevada-Sierra Connecting Point Public Authority Governing Board Remote Access Network (RAN)
- Solid and Hazardous Waste Commission (Nevada County)

Section 2.14.030 Boards

Boards include, but are not limited to:

- Area 4 Agency of Aging Governing Board
- Assessment Appeals Board
- Board of Trustees for the Law Library
- Building and Accessibility Standards Board of Review
- Countywide Oversight Board for the County of Nevada
- Mental Health & Substance Use Advisory Board (Nevada County)
- Nevada-Sierra Connecting Point Public Authority Governing Board

Section 2.14.040 Commissions

Commissions include, but are not limited to:

- Adult and Family Services Commission
- Agricultural Commission
- Airport Land Use Commission

Farm Commission
First 5 Nevada County Children and Families First Commission
Fish and Wildlife Commission
Historical Landmarks Commission
Juvenile Justice/Delinquency Prevention Commission
Local Agency Formation Commission (LAFCo)
Planning Commission
Nevada County Transportation Commission
Planning Commission
Solid and Hazardous Waste Commission (Nevada County)
Transit Services Commission.

Section 2.14.041 Planning Commission Established, Composition and Member Appointment

Pursuant to the provisions of the Planning and Zoning Law of the Cal. Gov't Code, §§ 65000 – 66499.58, there is hereby established a Planning Commission in and for the County of Nevada. The Nevada County Planning Commission shall consist of five (5) members of the Nevada County Planning Agency; one (1) to be appointed by each Supervisor from their supervisorial district. Such appointee shall serve at the pleasure of the appointing Supervisor.

Section 2.14.042 Planning Commission Jurisdiction, Powers and Duties

The Nevada County Planning Commission shall have jurisdiction over and shall review and consider and make recommendations to the Board of Supervisors to approve or disapprove all of the following:

1. All General Plan amendments;
2. All amendments to the Nevada County Zoning Ordinance;
3. All subdivisions requiring the approval and filing of a final map and parcel maps creating more than four lots and all major use permits and site plans as provided in the zoning ordinance. (Ord. 2484. (12/15/2020); Ord. 2518. (03/14/2023))

Section 2.14.043 The Agricultural Advisory Commission

The Agricultural Advisory Commission shall consist of nine (9) members and shall be appointed by the Board of Supervisors.

Membership shall include a balanced representation of the industries within the County. Representatives from the following industries are preferred and include:

1. Forest and related industries,

2. The cattle industry,
3. The equine industry,
4. Livestock other than the cattle and equine industries,
5. The farming industry,
6. The viticulture industry, or
7. Other agricultural interests.

No more than two (2) members from any single industry listed above shall serve at the same time to maintain a balanced industry representation. (Ord. 2490. (04/27/2021); Ord. 2148. (05/25/2004); Ord. 2211. (07/11/2006); (Ord. 2417. (08/09/2016))

Section 2.14.044 Ex Officio Members

One (1) member of the Board of Supervisors appointed by the Chair of the Board of Supervisors, as well as the Nevada County Farm Advisor and the Nevada County Agricultural Commissioner shall serve as ex officio members of the Nevada County Agricultural Advisory Commission. (Ord. 2490. (04/27/2021); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.045 Terms, Appointments, Vacancies

The term of office of each member of the Agricultural Advisory Commission shall be four (4) years and until the appointment and qualification of their successor. The first members of the Advisory Commission shall classify themselves by lot so that the terms of office of one member is one year, of one member two years, of one member three years, and of two members four years. Any member may be removed by the Board of Supervisors at any time without cause. Any vacancy that is created during a term shall be filled by the Board of Supervisors for the remainder of the unexpired term. All vacancies on the Advisory Commission shall be immediately reported to the Board of Supervisors.

Section 2.14.046 Regular Meetings

The Agricultural Advisory Commission shall hold regular monthly meetings, plus such additional meetings as may be called by the Chair of the Advisory Commission. (Ord. 2076. (02/12/2002); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.047 Members - Compensation

All members of the Agricultural Advisory Commission shall serve without compensation.

Section 2.14.048 Staff Functions

The County Agricultural Commissioner may provide staff service for the Agricultural Advisory Commission in the conduct of its business as hereinafter designated.

Section 2.14.049 Purpose, Powers and Duties

The Agricultural Advisory Commission shall be an advisory body to and for the Board of Supervisors on all matters pertaining to agriculture. The Commission shall advise the Board of Supervisors of procedures and techniques requiring legislative and policy actions that will encourage, promote and protect agricultural activities that are conducive to the continued well-being of the County of Nevada. The Agricultural Advisory Commission shall formulate and recommend to the Board general policies related to the purposes for which this Commission is created. The Commission shall also recommend approval or disapproval of development and use permits and subdivision applications for projects on, or adjacent to, agricultural zoned lands pursuant to such policies as may be adopted by Resolution by the Board. (Ord. 2076(02/12/2002); Ord. 2518. (03/14/2023); Ord. 2525. (06/13/2023))

Section 2.14.050 Committees

Committees include, but are not limited to:

- Citizen's Oversight Committee of the Nevada County Library
- City Selection Committee
- Emergency Medical Care Committee
- Nevada County Sanitation District No. 1 Advisory Committee
- Roll Correction Review Committee

Section 2.14.060 Councils

Councils include, but are not limited to:

- Area 4 Agency on Aging Advisory Council
- Local Planning Council for Child Care Development for County of Nevada (LPC)
- Multi-Agency Juvenile Justice Coordinating Council/Local Planning Council
- Operational Area Emergency Services Council (Nevada County)
- Penn Valley Area Municipal Advisory
- Council South County Area Municipal Advisory Council

Section 2.14.070 Special Districts

Special Districts include, but are not limited to:

Air Quality Management District Hearing Board

Industrial Development Authority

Donner Summit Public Utility District

Underground Utility Districts

Section 2.14.080 Miscellaneous advisory entities

Other advisory entities include, but are not limited to:

Abandoned Vehicle Abatement Program – County Service Authority

Grand Jury

Nevada County Finance Authority

Northern Rural Training Employment Consortium (NORTEC)

Regional Housing Authority

Remote Access Network

Sewage Disposal Technical Advisory Group

Section 2.14.090 Adoption of State Law Relating to Law Libraries/ Special Districts

Adoption of State Law Relating to Law Libraries

All of the provisions of Chapter 5 of Division 3 of the Business and Professions Code of California regarding law libraries shall be, and the same are, hereby made applicable to the County. (Cal. Bus. & Prof. Code §§ 6300-6364.) (Ord. 206. (12/01/1955); Ord. 2518. (03/14/2023))

CHAPTER 15: TRAVEL EXPENSES AND COMPENSATION OF COMMITTEES AND COMMISSIONS

Sections:

Section 2.15.010	Rates Established Generally
Section 2.15.020	Paid Meetings Authorized for Planning Commission
Section 2.15.030	Juvenile Justice/Delinquency Prevention Commission
Section 2.15.040	Authorized Meeting, Defined
Section 2.15.050	Drawing of Warrants
Section 2.15.060	Grand Jury Compensation and Mileage - Grand Jury Sessions
Section 2.15.070	Assessment Appeals Board

Section 2.15.010 Rates Established Generally

There is hereby established in the County mileage rates for authorized meetings attended by members of committees, commissions, or boards which have been established by the Board of Supervisors. Such mileage rates shall be in accordance with the provisions of the Resolution or Ordinance establishing the Committee, Commission, or Board, or if such travel expenses are budgeted. (Ord. 1713. (06/04/1991); Ord. 1861. (05/17/1994); Ord. 1944. (07/22/1997); Ord. 2518. (03/14/2023))

Section 2.15.020 Paid Meetings Authorized for Planning Commission

There is hereby established in the County of Nevada, for the Planning Commission, the sum of \$75.00 per authorized half-day meeting and \$140.00 per authorized full-day meeting to be paid to each member, and the sum of \$85.00 per authorized half-day meeting and \$160.00 per authorized full-day meeting to be paid to the Chair for each meeting attended.

The Nevada County Planning Commission is authorized to hold as many paid meetings per month, up to a maximum of four (4) times per month, as is necessary to conduct the business of the Commission. The Board of Supervisors may authorize additional meetings upon the request of the Chair of the Commission. (Ord. 1677. (11/06/1990); Ord. 1831. (05/18/1993); Ord. 2036. (09/26/2000); Ord. 2518. (03/14/2023))

Section 2.15.030 Juvenile Justice/Delinquency Prevention Commission

In lieu of reimbursement for mileage or any other actual or necessary expenses incurred

in the performance of their duties, members of the Juvenile Justice/Delinquency Prevention Commission shall receive a stipend for attendance at meetings in the sum of \$25.00 per authorized meeting to be paid to each member. The stipend may be paid for up to two authorized meetings per month. (Ord. 2393. (04/28/2015); Ord. 2518. (03/14/2023))

Section 2.15.040 Authorized Meeting, Defined

For purposes of this Chapter, the term “authorized meeting” shall mean a noticed regular or special meeting of the appointed board or commission to address matters within its jurisdiction. Authorized meetings shall not include subcommittee meetings, working group meetings or any other meetings at which less than the full board or commission is expected to attend. (Ord. 2393. (04/28/2015); Ord. 2518. (03/14/2023))

Section 2.15.050 Drawing of Warrants

The Chair of each committee or commission eligible for travel expenses and compensation shall establish with the Auditor-Controller the number of miles between the committee or commission member’s residence and the normal meeting place. Immediately after the normal meeting date, the chair of each committee or commission shall file with the Auditor-Controller, following written approval by the department head responsible for budget unit on forms provided, a listing of all persons in attendance at the meeting(s) who are entitled to compensation under this Chapter, and the Auditor-Controller shall draw warrants in the amounts established herein by Nevada County Personnel section 7 payable to said persons entitled to compensation. (Ord. 1012. (06/02/1981); Ord. 1944. (07/22/1997); Ord. 2518. (03/14/2023))

Section 2.15.060 Grand Jury Compensation and Mileage - Grand Jury Sessions

- A. The Foreperson, or Business Manager, of the County Grand Jury shall establish with the County Auditor the number of miles between the County Administrative Center and each Grand Juror’s residence. The Auditor is hereby directed, upon presentation of official mileage claims, to compensate Grand Jurors for mileage actually traveled to and from meetings of the County Grand Jury or any committee thereof at the rate as established by the County as the mileage reimbursement rate.
- B. The Auditor is further directed to reimburse Grand Jurors a sum to be adopted, from time to time, by resolution of the Board of Supervisors for attendance as Grand Jurors at all committee or full panel meetings of the Grand Jury, up to a maximum of twelve (12) meetings per month except the Foreperson, or Pro Tem, who shall be reimbursed for up to a maximum of twenty (20) meetings per month.
- C. The Foreperson of the Grand Jury is authorized to appoint one of the members of the Grand Jury as Business Manager to perform clerical and financial services and other functions as are deemed necessary and appropriate by the Foreperson. The member acting in such capacity, or at the discretion of the Foreperson the Full Panel Recorder,

shall be compensated at an hourly rate in effect for an Office Assistant I and in no event shall such compensation exceed \$5,000 during the term of the Grand Jury; provided, however, that such work shall not exceed 20 hours per week nor more than 1,000 hours during any fiscal year. Alternatively, at the commencement of the term the Foreperson may request the County Executive Officer to authorize the filling of a temporary, part-time position to provide services under the same terms and conditions as described above. (Ord. 1792. (07/14/1992); Ord. 1820. (01/19/1993); Ord. 2252. (10/09/2007); Ord. 2395. (07/14/2015); Ord. 2514. (8/23/22); Ord. 2518. (03/14/2023))

Section 2.15.070 Assessment Appeals Board

- A. Members of the Assessment Appeals Board shall receive compensation for attendance at meetings as set forth by resolution of the Nevada County Board of Supervisors.
- B. The Clerk of the Assessment Appeals Board shall establish with the County Auditor the number of miles between each Assessment Board member's residence and the normal meeting place, and the Auditor is hereby directed to reimburse those members at the rate as established by the Internal Revenue Service as the prevailing mileage reimbursement rate and to include this on the per diem rate for each of the members. (Ord. 2509. (6/14/22); Ord. 2518. (03/14/2023))

CHAPTER 16: PAYMENT OF SALARIES TO ELECTED OFFICIALS, OFFICERS AND EMPLOYEES

Section:

Section 2.16.010 Payment of Salaries to Elected Officials, Officers and Employees

Section 2.16.010 Payment of Salaries to Elected Officials, Officers and Employees

In accordance with Cal. Gov't Code §§ 28000-28004, the Nevada County Auditor-Controller is hereby authorized to issue paychecks to all elected and appointed officials, officers, and employees on a bi-weekly basis as set forth in the Nevada County Personnel Code.

CHAPTER 17: AMENDMENT TO PERS CONTRACT

Sections:

Section 2.17.010 Amended PERS Contract

Section 2.17.020 Execution of Amended PERS Contract Authorized

Section 2.17.010 Amended PERS Contract

An amendment to the Contract between the Board of Supervisors and the Board of Administration, California Public Employee's Retirement System is hereby authorized, a copy of which is on file with the Human Resources Department, and by such reference made a part hereof as though herein set out in full.

Section 2.17.020 Execution of Amended PERS Contract Authorized

The Chair of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency. (Ord. 694. (11/06/1974); Ord. 697. (01/07/1975); Ord. 747. (04/27/1976); Ord. 792. (06/21/1997); (Ord. 2518. (03/14/2023))

CHAPTER 18: PARTNERSHIP HEALTHPLAN OF CALIFORNIA COMMISSION

Sections:

Section 2.18.010	Intent
Section 2.18.020	Authorization to Join Commission
Section 2.18.030	Membership of Commission
Section 2.18.040	Term of Office
Section 2.18.050	Powers and Duties of Commission
Section 2.18.060	Obligations of Commission
Section 2.18.070	Committees
Section 2.18.080	Termination of Membership

Section 2.18.010 Intent

- A. Partnership HealthPlan of California Commission (“Commission”) is a multi- county commission that has created a Medi-Cal managed health care plan for Medi- Cal recipients. The purpose of this section is to authorize the County of Nevada to join the existing Commission. This will allow the implementation of a County organized health system in Nevada County as authorized by Cal. Welf. & Inst. Code § 14087.54.
- B. The Commission has a proven record of improving health care access to its members, who are Medi-Cal recipients, and improving Medi-Cal reimbursement rates to health care providers. The Commission links each member with a primary care provider and has been successful in reducing inappropriate use of emergency rooms, providing appropriate levels of inpatient care for its members, developing innovative case management programs and arranging for the provision of an enhanced level of local health care services.
- C. The Commission negotiated a contract with the California Department of Health Care Services, as specified in Cal. Welf. & Inst. Code § 14087.5, to arrange for the provision of health care services provided under Cal. Welf. & Inst. Code Chapter 7, Part 3, Division 9. The Commission is authorized to negotiate a contract with the California Department of Health Care Services to expand the Commission into the County of Nevada. This expansion is expected to occur on or about January 1, 2024, for the County of Nevada. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

Section 2.18.020 Authorization to Join Commission

Pursuant to Cal. Welf. & Inst. Code § 14087.54, the Nevada County Board of Supervisors

hereby authorizes the County of Nevada to join the Commission. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

Section 2.18.030 Membership of Commission

A. The Commission shall be comprised of commissioners appointed by the Board of Supervisors of each member county. Unless and until the Commission, by formal action, establishes a different formula or system of membership, the Commission representation shall be based on the number of Medi-Cal beneficiaries enrolled in the HealthPlan in each county, as determined by the Partnership HealthPlan of California's established formula.

1. 0-45,000 Medi-Cal beneficiaries within the county equals one Commission seat.
2. 45,001-60,000 Medi-Cal beneficiaries within the county equals two Commission seats.
3. 60,001+ Medi-Cal beneficiaries within the county equals three Commission seats.

B. Persons appointed to the Commission by the Nevada County Board of Supervisors shall serve at the pleasure of the Board. The Nevada County Board of Supervisors shall follow its own Commissioner selection criteria set forth in this section but also acknowledges that the Commission encourages member counties to consider selecting Commissioners from the following settings: safety net providers (including providers at federally qualified health centers), behavioral health providers, Regional Center providers, local education authorities, dental providers, Indian Health Service facility providers, and hospital providers with special efforts to select candidates, as opportunity allows, who reflect the diversity of the community and regions (including, but not limited to race, ethnicity, language, and disability status).

C. The Board of Commissioners meets bi-monthly on the 4th Wednesday of every even month from 10:00 AM to 2:00 PM, with the exception of the December meeting which will be held on the 1st Wednesday of the month. Meetings may be attended via video. Commissioners also participate in an annual full day strategic planning retreat on the last Wednesday in February. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

Section 2.18.040 Term of Office

The term for the Commission members shall be for four (4)-year periods. Nothing herein shall prohibit a person from serving more than one term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has

been selected and installed into office. An office shall become vacant if a Commissioner ceases functioning in the area from which appointed, or fails to attend three (3) Commission meetings in a row. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

Section 2.18.050 Powers and Duties of Commission

Pursuant to the provisions of Cal. Welf. & Inst. Code § 14087.54 as it exists on the date of adoption of this ordinance, the Commission shall:

- A. Have the power to negotiate the exclusive contract with the California State Department of Health Care Services as specified in Cal. Welf. & Inst. Code § 14087.5, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Cal. Welf. & Inst. Code;
- B. Be considered an entity separate from the County of Nevada;
- C. File the statement required by Cal. Gov't Code § 53051;
- D. Have the power to acquire, possess, and dispose of real or personal property, including creating and/or acquiring affiliated or supporting entities, as may be necessary for the performance of its functions; to employ personnel, including health care providers in accordance with California law; to contract for services required to meet its obligations; and to sue or be sued; and
- E. Have all the rights, powers, duties, privileges, and immunities conferred by Article 2.8 of Chapter 7, Part 3, Division 9 of the Cal. Welf. & Inst. Code in addition to those previously specified in this Section.

Section 2.18.060 Obligations of Commission

Pursuant to the provisions of Cal. Welf. & Inst. Code § 14087.54(d) as it exists on the date of adoption of the ordinance codified in this chapter, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of the County of Nevada. The Commission shall do business as Partnership HealthPlan of California.

Section 2.18.070 Committees

The Commission may establish advisory committees from time to time for any purpose that will be beneficial in accomplishing the work of the Commission. (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

Section 2.18.080 Termination of Membership

The Commission shall continue to represent Nevada County until such time as the Nevada County Board of Supervisors terminates the representation. To terminate the representation, the Nevada County Board of Supervisors or its designee, shall provide a ninety (90)-days' notice to other member counties and the California Department of Health Care Services, as specified in Cal. Welf. & Inst. Code § 14087.54(g). (Ord. 2494. (08/24/2021); Ord. 2518. (03/14/2023); Ord. 2532. (11/07/2023))

CHAPTER 19: USE REGULATIONS REGARDING COUNTY PROPERTY

Sections:

Section 2.19.010	Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited
Section 2.19.020	Parking Restrictions on County Property
Section 2.19.030	Regulation of Smoking in County Owned Facilities

Section 2.19.010 Drinking Alcoholic Beverages in County Buildings and Upon County Property Prohibited

It shall be unlawful for any person to possess and/or to drink alcoholic beverages in any County vehicle or in any building or on any real property owned and/or operated by the County of Nevada with the exception of Western Gateway Park or any other park which may be developed by the County. Any County employee found in violation of this Section shall be subject to the disciplinary procedures set forth in the Personnel Code of the County of Nevada.

Notwithstanding the foregoing, alcoholic beverages may be consumed on County property and/or in County buildings if, at the time thereof, use of the premises is governed by a rental agreement to an individual or organization and the rental agreement specifically provides for the consumption of alcoholic beverages. No rental agreement for use of County property shall allow for the consumption of alcoholic beverages unless the renter first secures all State and local permits and/or licenses and provides the County with evidence of insurance in an amount of not less than \$300,000 and which expressly states it includes coverage for the on-site sale and/or consumption of alcoholic beverages, as appropriate.

In addition to the exception for rental agreements, the County Executive Officer, or their designee, may also waive the alcohol prohibition for official County events where the service of alcoholic beverages would be appropriate and would not include consumption by County employees while on County time. Any such waiver shall be by written communication to the Board of Supervisors prior to the event at which alcoholic beverages would be served.

Section 2.19.020 Parking Restrictions on County Property

A. No private vehicle shall be parked for more than twelve (12) hours, during a twenty-four (24) hour period, on property owned by the County of Nevada, including but not limited to the following County buildings:

1. Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City;

2. Truckee Government Center, 10879 Donner Pass Road, Truckee;
3. Truckee Government Center Annex, 10075 Levone Avenue, Truckee;
4. Truckee Library, 10031 Levone Avenue, Truckee;
5. Truckee Veterans Building, 10214 High Street, Truckee;
6. Nevada County Courthouse, 201 Church Street, Nevada City;
7. HEW Building, 10433 Willow Valley Road, Nevada City;
8. Grass Valley Veterans Building, 255 South Auburn Street, Grass Valley;
9. County Corporation Yard, 12548 Loma Rica Drive, Grass Valley;
10. Nevada City Veterans Building, 415 N. Pine St., Nevada City; and
11. Nevada County Airpark, 12818 Loma Rica Drive, Grass Valley.

B. No private vehicle shall be parked for any purpose at any time in parking spaces on County property which are reserved for County employees, County vehicles, and lessees of County-owned property.

C. No vehicle shall be parked for any purpose at any time in front of the main entrance of the Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City, California. The curb shall be painted red to delineate the no parking area.

D. *Repealed.*

E. Notwithstanding any other provision of this Code, it shall be unlawful for any vehicle to be parked on County property for more than seventy-two (72) hours without the written authorization of the County Executive Officer or their designee.

F. Provisions of the preceding paragraphs shall be effective when appropriate signs giving notice thereof have been erected at the entrance to each parking area delineated herein. The Information and General Services Agency Director is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on such public property giving notice of the provisions of this and the preceding paragraphs and in accordance with the requirements of the California Vehicle Code.

Section 2.19.030 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 of Nevada except in areas where the County Executive Officer may designate as smoking areas. The County Executive Officer may designate a smoking area only if the area involved:

1. Is not regularly open to the public; and
2. Does not require major room or building modification; and
3. Is not regularly occupied by non-smokers.

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

CHAPTER 20: SPECIAL CLAIMS PROCEDURE

Sections:

Section 2.20.010	Generally
Section 2.20.020	Presentation of Claims
Section 2.20.030	Time for Presentation of Claims
Section 2.20.040	Claim Procedures

Section 2.20.010 Generally

Pursuant to Cal. Gov't Code § 935, all claims against the County of Nevada, County officers or County employees for money or damages which are excepted by Cal. Gov't Code § 905 (Cal. Gov't Code §§ 810-998.3) and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in this Chapter.

Section 2.20.020 Presentation of Claims

No suit for money or damages may be brought against the County on a cause of action for which this Section requires a claim to be presented until a written claim therefor has been filed and acted upon in conformity with this Section and Cal. Gov't Code §§ 945.4, 945.6.

Section 2.20.030 Time for Presentation of Claims

The claims for any cause of action specified above in 2.20.010 shall be presented in the manner provided in 2.20.040 not later than one year after the accrual of the cause of action.

Section 2.20.040 Claim Procedures

Unless otherwise provided in this Section, the presentation and consideration of claims filed pursuant to this Chapter shall be as provided in Cal. Gov't Code §§ 910, 910.2, 910.4, 910.6, 910.8, 911, 912.4, 912.6, 913, 913.2, 915, 915.2 and 915.4, and as may be amended, which provisions are adopted as the claims' requirements for this Chapter.

CHAPTER 21: COUNTY VEHICLES

Sections:

Section 2.21.010	Legislative Intent
Section 2.21.020	Application
Section 2.21.030	General Rules and Regulations
Section 2.21.040	Fleet Services Manager Responsibilities
Section 2.21.050	Department Head Responsibilities
Section 2.21.060	Driver's Responsibilities
Section 2.21.070	Temporary and/or Permanent Retention of County Vehicles
Section 2.21.080	Reporting of Vehicle Accidents
Section 2.21.090	Use of Private Vehicles on County Business
Section 2.21.100	Violations

Section 2.21.010 Legislative Intent

The Board of Supervisors enacts this to accomplish the following purposes:

- A. To institute uniform rules and regulations governing the use and operation of County vehicles;
- B. To assign Fleet Services Manager, department head and driver responsibilities pertaining to County vehicles;
- C. To establish a uniform policy regarding permanent retention and/or temporary retention of County vehicles;
- D. To establish a formal policy for reporting vehicle accidents; and
- E. To establish uniform policies regarding the use of private vehicles on County business.

Section 2.21.020 Application

Each department head of the County of Nevada shall be responsible for assuring that all employees and volunteers within their department who drive vehicles on County business are thoroughly aware of and comply with these rules and regulations.

Section 2.21.030 General Rules and Regulations

- A. Responsibility for County vehicles shall be centralized under the direction of the County Fleet Services Manager.
- B. County vehicles shall be operated only by an authorized County employee, officer, volunteer or agent possessing a valid driver's license of proper class for

- the vehicle being operated.
- C. Use of County vehicles for any purpose other than County business is prohibited.
 - D. Use of a County vehicle for transportation to home or a restaurant, for meals, is prohibited unless the following conditions exist:
 - 1 The employee is in route while on field duty or attending a meeting on official County business; or
 - 2 The permanent or temporary retention of a County vehicle is authorized.
 - E. Transportation of any person not connected with County business shall be prohibited in County vehicles except where (1) with prior approval of the department head that such transportation is in furtherance of County business, or (2) in situations imposing immediate personal danger an employee or volunteer may assist any such person to another location. This policy does not permit the transport of individuals to non-work-related destinations or for non-work purposes.
 - F. Members of the Board of Supervisors and their spouses may attend local, regional or state meetings by travel in County vehicles. With the written approval of the appropriate department heads, County employees may transport their spouses to local, regional or state meetings by travel in County vehicles; provided, however, that there shall be no additional costs incurred by the County by such travel, and no County employee shall be displaced from travel in a County vehicle by the application of this Section.
 - G. Seat belts shall be worn while operating or riding in County vehicles. The driver of the vehicle shall be responsible for passenger adherence to this rule.
 - H. Smoking in County vehicles is prohibited.
 - I. Use of cell phone while driving a County vehicle must comply with Cal. Veh. Code § 23123.5, allowing for hands free operation and specific handheld exceptions. Any other usage is prohibited. (Ord. 2005. (09/14/1999); Ord. 2518. (03/14/2023))
 - J. Use of a County vehicle to haul any material or pull a trailer for any other purpose than County business, is prohibited.

Section 2.21.040 Fleet Services Manager Responsibilities

The Fleet Services Manager shall plan, organize and direct all facets of the County vehicle program including, but not limited to, the following:

- A. Scheduling, coordinating and supervising all maintenance and repair activities;
- B. Establishing and maintaining a maintenance and repair cost program;
- C. Preparing recommendations and specifications for replacement and/or new vehicles;

- D. Transferring vehicles between departments;
- E. Preparing surplus vehicles for disposal in coordination with the Purchasing Agent;
- F. Preparing new and/or replacement vehicles for service;
- G. Managing all facets of a centralized motor pool; and
- H. Performing related duties as required. (Ord. 2028. (05/02/2000); Ord. 2518. (03/14/2023))

Section 2.21.050 Department Head Responsibilities

Each department head shall:

- A. Approve usage for temporary employees or volunteers;
- B. Be responsible for the enforcement of rules and regulations contained in this Chapter;
- C. Be responsible for the effective utilization of County vehicles;
- D. Support the concept of defensive driving;
- E. Review accident reports and assure corrective action is taken;
- F. Maintain a current listing of employees' and volunteers' drivers' license and vehicle insurance expiration dates;
- G. Be responsible for registration of employees and volunteers with the Department of Motor Vehicles Pull Notice System, where the employee or volunteer is required to maintain a Class A or B license for the operation of County vehicles. A Class A or B driver's license is required when employees operate passenger vans with seating capacity of 10 or more passengers, including the driver, as well as heavy truck operators (those operating vehicles with gross vehicle weight of 26,001 pounds or more);
- H. Be responsible for obtaining a completed certification as required in this Code for temporary employees and volunteers authorized to operate a county vehicle or privately-owned vehicle on County business;
- I. Department heads to whom vehicles have been assigned shall submit monthly mileage and fuel reports to the Fleet Services Manager.

Section 2.21.060 Driver's Responsibilities

All County employees and volunteers, when using any vehicle on County business, shall:

- A. Operate vehicles in a safe, reasonable manner consistent with the intended use of the vehicle, and behave or conduct oneself in a manner that is professional and in the best interests of the County.
- B. Observe all traffic laws, rules and regulations. Fines and penalties imposed for violation of traffic laws, rules and regulations while on County business, other than those due to County equipment violations or to over-length or over-width County vehicles, are the responsibility of the driver.

- C. Whenever possible, inspect the assigned vehicle to ensure its safe operating condition.
 - 1. Inspection shall include inspection of stop, turn and taillights, head lamps, windshield wipers, tires and seat belts. In addition, engine oil and coolant levels shall be checked. Departments may designate one employee to inspect all assigned vehicles.
 - 2. If there is evidence of accident damage, it shall be reported immediately to the supervisor before leaving the parking area.
- D. County officers, employees, volunteers, and members of boards, commissions and committees, prior to using any vehicle on County business, shall certify that:
 - 1. The driver and any privately-owned vehicle to be used on County business are currently licensed, that such licenses have not been revoked or suspended, and that restrictions concerning any license will be met by the driver;
 - 2. The driver and any privately-owned vehicle used on County business are insured by a company authorized to do business in the State of California in the minimum amounts specified by law; and
 - 3. The driver has read all articles pertaining to vehicles in the Code of the County of Nevada and will faithfully abide thereby.

Said certification shall be made on a form provided by the Human Resources Department.

Section 2.21.070 Temporary and/or Permanent Retention of County Vehicles

When not being used on County business, all County vehicles shall be kept on County property except as herein provided.

Temporary or permanent retention of a County vehicle may be authorized when, in the opinion of the Fleet Services Manager, storage facilities for the vehicle are not adequate due to lack of security of space, and/or the interests of the County are best served by permitting permanent or temporary retention.

- A. PERMANENT RETENTION shall constitute the ongoing retention of a County vehicle by a County employee or officer at their place of residence, as authorized under this Section. In no event shall permanent retention be authorized for any period longer than one year.
 - 1. An application for authorization for the permanent retention of each vehicle shall be submitted by the department head to the Fleet Services Manager. Justification for permanent retention shall be based on the following criteria:
 - a. The employee must respond to emergencies requiring immediate attention during off-duty hours for the protection of persons or

property specifically requiring their presence in a supervisory or technical capacity. Such emergencies must require immediate travel to the emergency scene; or

- b. Retention is necessary for programs required by State law for operation of a 24-hour Emergency Response System.

- 2. All permanent retention applications shall be submitted on forms provided by the Fleet Services Manager.
- 3. All approved permanent retention requests shall automatically terminate on the succeeding July 1st.

B. TEMPORARY RETENTION

Department heads shall be authorized to grant temporary retention of vehicles to employees based on the following criteria:

- 1. When an employee is scheduled for standby duty outside of normal working hours due to conditions arising from adverse weather; or
- 2. When an employee is returning from an officially authorized trip after 5:00 p.m. or leaving before 8:00 a.m.

- C. Any employee authorized to permanently or temporarily retain a County vehicle shall not use said vehicle for any private purpose while the vehicle is within their possession.

Section 2.21.080 Reporting of Vehicle Accidents

- A. Any employee or volunteer using a County vehicle or a private vehicle on County business who is involved in any type of a vehicle accident, whether or not visible damage is apparent, shall report the accident on the County's accident report form as soon as appropriate emergency action has been taken. The accident report form can be found in the glove compartment of each County vehicle or may be obtained from the employee's or volunteer's department head or the Risk Manager. The completed form is to be given to the employee's or volunteer's department head or the department head's designee. If the employee or volunteer involved in a vehicle accident is not physically able to complete the report form, it shall be the responsibility of the department head, or their designee, to arrange to have the employee or volunteer interviewed and the accident report form completed. When possible, pictures should be taken to accompany the report. The department head, or department head's designee, shall review the form to ensure it is properly completed and shall forward copies of the form to the Risk Manager, the Fleet Services Manager and the Human Resources Department for inclusion in the employee's file.

- B. At no time shall an employee or volunteer discuss any accident or facets related thereto with anyone other than investigative law enforcement officers, the employee's or volunteer's immediate supervisor, department safety officer, department head, the Risk Manager or County Counsel, without approval of the Risk Manager or County Counsel. All inquiries shall be referred to the Risk Manager.

Section 2.21.090 Use of Private Vehicles on County Business

- A. By mutual consent of the County and employee or volunteer, the use of privately-owned vehicles on County business may be allowed when such use is determined to be in the best interest of the County. However, prior to use of a private vehicle on County business, all of the following conditions must be met:
1. Use of the privately-owned vehicle shall be authorized by the individual's department head;
 2. A valid driver's license shall be in the driver's possession at all times;
 3. Vehicles shall be adequately insured. The liability insurance coverage on any private vehicle used in County business must conform to the minimum requirements for financial responsibility, as set forth in Cal. Veh. Code § 1602;
 4. The vehicle shall be in a sound mechanical condition adequate for providing required transportation in a safe manner;
 5. The vehicle shall be equipped with, and each occupant will be required to use, seat belts;
- B. The cost of damage and/or wear and tear to a privately owned vehicle used on County business is the responsibility of the owner of the vehicle. (Ord. 2005. (09/14/1999); Ord. 2518. (03/14/2023))
- C. Only conventional automobiles equipped with four or more wheels and steel or fiberglass doors shall be used on County business. Motorcycles, mopeds, scooters, bicycles, or similar vehicles may not be used to conduct County business.

Section 2.21.100 Violations

A violation of this Chapter shall not be a misdemeanor or infraction but may be cause for disciplinary action pursuant to the Nevada County Personnel Code.

CHAPTER 22: MOTOR VEHICLE IN LIEU FEES

Sections:

Section 2.22.010	Segregation of Funds
Section 2.22.020	Dedication of Funds
Section 2.22.030	Intent; Reduction in Road Funding Prohibited
Section 2.22.040	Reporting Requirements
Section 2.22.050	Commencement of Limitation

Section 2.22.010 Segregation of Funds

All funds received by the County of Nevada from the State of California from the various motor vehicle in-lieu taxes (Vehicle License Fee Law “VLF”) as defined in California Constitution Article XI section 15 and Cal. Rev. & Tax. Code §§ 10701– 11053, shall be segregated into a separate accounting fund.

Section 2.22.020 Dedication of Funds

One-half, or more, of such funds received in each fiscal year shall be expended only upon public roads, ways and highways (as defined in Cal. Sts. & High. Code §§ 23, 23.5 and 25) for the following purposes: maintenance (as defined in Cal. Sts. & High. Code § 27), repair, circulation enhancement, general road safety, and fire access.

Section 2.22.030 Intent; Reduction in Road Funding Prohibited

The people of the County of Nevada declare that their intention is to increase the funds available for the maintenance, upkeep and safety of our County road system. Therefore, the Board of Supervisors shall not reduce other funding for roads without an express finding that said reduction will not negatively impact the public road system of the County of Nevada.

Section 2.22.040 Reporting Requirements

Within ninety (90) days after the end of each fiscal year, the County Executive Officer, or such other County official as the Board of Supervisors may from time to time designate, shall prepare a report showing income received from the State of California from motor vehicle in lieu taxes and the County expenditures thereof, by budget category, showing the percentage of each. Said report shall be available for public scrutiny for at least five (5) years thereafter.

Section 2.22.050 Commencement of Limitation

This limitation shall commence with the next fiscal year beginning after the adoption of this initiative Ordinance.

CHAPTER 23: PARCEL CHARGES AND PROCEDURE FOR COLLECTION IN COUNTY SERVICE AREAS

Sections:

Section 2.23.010	Parcel Charge Established
Section 2.23.020	Responsibility of the Director of Public Works
Section 2.23.030	Hearing for Filing Objections or Protests
Section 2.23.040	Board of Supervisors' Hearing
Section 2.23.050	Charges
Section 2.23.060	Costs Incurred

Section 2.23.010 Parcel Charge Established

There is hereby established a parcel charge within each County Service Area within the County of Nevada. Said parcel charge may vary by reason of the nature of the use or the month in which the service is rendered to correspond to the cost and value of the service. The nature and extent of service to be furnished shall be established during August of each fiscal year and an appropriate parcel charge shall be determined to cover the cost of said services.

Section 2.23.020 Responsibility of the Director of Public Works

The Director of Public Works shall, each year prior to August 1, prepare a written report which shall contain a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year computed in conformity with this Ordinance. The report shall be filed with the Clerk of the Board of Supervisors. (Ord. 2237. (05/29/2007); Ord. 2518. (03/14/2023))

Section 2.23.030 Hearing for Filing Objections or Protests

Upon receiving the report referred to in 2.23.020,, the Clerk of the Board of Supervisors shall fix a time, date and place for hearing therein and for filing objections or protests thereto. The Clerk shall publish notice of such hearing. prior to the date set for hearing, in a newspaper of general circulation printed and published in the County of Nevada.

Section 2.23.040 Board of Supervisors' Hearing

At the time, date and place stated in the notice, the Board of Supervisors shall hear and consider all objections or protests, if any, to the report and may continue the hearing from time to time. Upon conclusion of the hearing, the Board of Supervisors may revise, change, reduce, or modify any charge and shall make its determination upon each charge as described in the report and thereafter, by Resolution, shall confirm the report.

Section 2.23.050 Charges

The charges set forth in the report, as confirmed, shall appear as a separate item on the tax

bill.

The charge shall be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and same procedures and sale in case of delinquency as provided for such taxes.

All laws applicable to the receiving, collection and enforcement of county ad valorem property taxes shall be applicable to such charge.

Section 2.23.060 Costs Incurred

All costs incurred for the preparation of all reports and other services herein shall be charged to the particular service area receiving said services as provided and authorized by Cal. Gov't Code.

CHAPTER 24: PURCHASES

Sections:

Section 2.24.010	Purchasing Agent - Office Established
Section 2.24.020	Consolidation of Information and General Services and Office of Purchasing Agent
Section 2.24.030	Purchasing Agent - Duties
Section 2.24.040	Emergency Purchases
Section 2.24.050	Purchasing Policies, Rules, Regulations, and Procedures
Section 2.24.060	Delegation of Purchasing Agent Authority
Section 2.24.070	Local Vendor Preference
Section 2.24.080	Acceptance of Gratuities Prohibited, Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder

Section 2.24.010 Purchasing Agent - Office Established

Pursuant to the provisions of Cal. Gov't Code §§ 25500-25509, the Office of Purchasing Agent of the County is hereby established. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.020 Consolidation of Information and General Services and Office of Purchasing Agent

The Purchasing Division is a subpart of the Department of Information and General Services Agency, and all references herein to the Purchasing Agent shall also include the Information and General Services Director. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.030 Purchasing Agent - Duties

The Information and General Services Director ("Director"), acting as the ex-officio Purchasing Agent, or their designee, shall have the duties and powers prescribed for county purchasing agents by the provisions of Cal. Gov't Code §§ 25500-25509 the Public Contracts Code, this Chapter and by such policies or procedures as established by the Nevada County Board of Supervisors. The Director, or designee, shall administer the

Purchasing Division Information and General Services Agency in an efficient and economical manner. The Purchasing Agent, or designee, shall have the authority to:

- A. Purchase, rent, or lease for the County all personal property pursuant to Cal. Gov't Code §§ 25501, 25502 when the annual aggregate cost does not exceed Two Hundred Fifty Thousand Dollars (\$250,000).
- B. Sell, lease, trade or otherwise dispose of personal property that has been found not to be required for public use in accordance with Cal. Gov't Code §§ 25503, 25504, 25504.5 and 25505.
- C. Engage independent contractors to perform services for the county and its offices when the annual aggregate cost does not exceed Fifty Thousand Dollars (\$50,000).
- D. Employ bidding procedures in accordance with Cal. Pub. Cont. Code §§ 20150–20150.14.
- E. Negotiate and execute in the name of the County of Nevada as lessee all rentals of real property for a term not to exceed five years and for a rental not to exceed Ten Thousand Dollars (\$10,000) per month pursuant to Cal. Gov't Code § 25350.51.
- F. Perform such other services as the Board of Supervisors or County Executive Officer may direct.
- G. The Purchasing Agent shall also be empowered to exercise the authority set forth in this Section on behalf of the Nevada County Sanitation District; any County Service Areas, Permanent Road Divisions, or special districts under the direct control of the Board of Supervisors; and any other special districts as specifically authorized by the Board of Supervisors. Unless expressly prohibited by law, the Purchasing Agent shall charge for any services provided to any special districts or other government agencies. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.040 Emergency Purchases

- A. In the event of a local emergency as proclaimed by the Emergency Services Director and/or the Board of Supervisors, or a state or federal emergency declared by the Governor or President respectively, the Purchasing Agent is authorized to purchase or rent supplies, materials, equipment, and other personal property of whatever kind or nature, and may engage independent contractors to perform services, with or without the furnishing of materials, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) or in such other maximum contract amounts as may be established by said emergency proclamation. Such emergency purchases shall be approved and confirmed by the Board of Supervisors when required by law.

- B. Emergency purchases of goods and materials may be made by any person or official authorized to sign requisitions when the Purchasing Agent, or any of their Deputies are not immediately available, and the item or items so purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or if the Purchasing Agent refuses or is unable to perform such a confirmation, the Board of Supervisors may subsequently approve and confirm such purchases by a four-fifths vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.050 Purchasing Policies, Rules, Regulations, and Procedures

The Board of Supervisors may, by resolution, establish such policies, rules, or regulations as the Board deems necessary to effectuate the purposes of this Chapter. The Purchasing Agent may develop purchasing procedures consistent with this Chapter and any policies, rules, and regulations as may be adopted by the Board of Supervisors from time to time or as necessary. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.060 Delegation of Purchasing Agent Authority

The Purchasing Agent may delegate purchasing authority for small dollar purchases to Department Heads or their designees for individual purchases of products and services with an estimated total cost of Four Thousand Dollars (\$4,000) or less, including tax, installation, and freight, if in the opinion of the Purchasing Agent such direct purchases would be in the best interest of the County. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.070 Local Vendor Preference

Pursuant to Cal. Pub. Cont. Code § 2002, and in recognition of the sales tax that is apportioned to Nevada County as a result of sales made by businesses located within the County, a local preference credit of five percent (5.0%) but not cumulatively greater than Five Thousand Dollars (\$5,000) for Nevada County businesses shall be permitted when evaluating competitive solicitations for supplies, equipment and materials that are not part of a public project, unless otherwise prohibited by law.

For purposes of this Section, a local business qualifying for local vendor preference must meet all of the following criteria:

- A. The local business shall have established a lawful place of business within Nevada County at least six months prior to the close of the bids.
- B. If state sales tax is applicable to the purchase, the local business must possess a valid

resale license from the State Franchise Tax Board evidencing the business' local address within Nevada County.

Local businesses who wish to receive this preference shall be required to submit a statement which demonstrates compliance with the provisions of this Section. The statement shall be in a format prescribed by the Office of County Purchasing Division Agent and shall be signed under penalty of perjury. Any person, firm, corporation, or entity who submits a false statement or other information to the County in an attempt to qualify for local preference may be prohibited from bidding to provide products and services to the County of Nevada. (Ord. 2468. (06/11/2019); Ord. 2518. (03/14/2023))

Section 2.24.080 Acceptance of Gratuities Prohibited, Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder

- C. The acceptance of any gratuity in the form of cash, merchandise or any other thing of value by an official or employee of the County from any vendor or contractor, or prospective vendor or contractor, shall be deemed to be a violation of this Chapter and shall be cause for removal or other disciplinary action.

The offer of any such gratuity to any official or employee of the County by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debarring them from bidding. (Ord. 246. (06/11/2019); Ord. 2518. (03/14/2023))

CHAPTER 25: ASSESSMENT APPEALS BOARD

Sections:

Section 2.25.010	Selection
Section 2.25.020	Duties of the Assessment Appeals Board
Section 2.25.030	Term
Section 2.25.040	Vacancies
Section 2.25.050	Continuing Business
Section 2.25.060	Eligibility
Section 2.25.070	Meetings
Section 2.25.080	Selection of Chairperson
Section 2.25.090	Quorum
Section 2.25.100	Conflict of Interest
Section 2.25.110	Objection to Board Member
Section 2.25.120	Removal of Member
Section 2.25.130	Clerk
Section 2.25.140	Fees for Finding of Facts – Assessment Appeals Board Hearings
Section 2.25.150	Fee for Processing of an Application for Changed Assessment

Section 2.25.010 Selection

There is hereby created an Assessment Appeals Board of the County of Nevada which shall consist of three regular members, with two alternates, appointed directly by the Board of Supervisors. Approval of each member and alternate shall be by majority vote of the Board of Supervisors. Whenever any member of the Board is temporarily unable to act as a member of the Board, an alternate member may sit on the Board and shall have the same authority to act as a regular member on matters before it and on continuations of hearings commenced when said alternate was serving. (Cal. Rev. & Tax. Code §1601) (Ord. 1931. (01/21/1997); Ord. 2302. (09/22/2009); Ord. 2317. (07/8/2010); Ord. 2509. (6/14/22))

Section 2.25.020 Duties of the Assessment Appeals Board

The duties of the Assessment Appeals Board shall be to equalize the valuation of taxable property within the County of Nevada for purposes of taxation. Said Board shall have all the powers and duties and shall be governed by the same statutes and rules as would the County Board of Equalization.

The Assessment Appeals Board is specifically authorized to hear applications for reduction in assessments in cases in which the issue is whether property has been subject to a change of ownership, or has been newly constructed, pursuant to Cal. Rev. & Tax. Code §1605.5.

Section 2.25.030 Term

The term of each regular member serving on the Assessment Appeals Board shall be for three years, arranged in a manner that the term of each office expires in a different year. The term of the alternate shall be for one year. Said terms shall begin on the first Monday in September. The term of the members selected to serve on the first Board shall be pursuant to Cal. Rev. & Tax. Code § 1623. (Ord. 1931. (01/21/1997); Ord. 2509. (6/14/22))

Section 2.25.040 Vacancies

A person selected to fill a vacancy on the Assessment Appeals Board shall serve for the remainder of the unexpired term of the person being replaced. The Board of Supervisors shall appoint the members and alternates upon the expiration of any term or the occurrence of a vacancy.

Upon the expiration of a term, the member whose term has expired shall continue to serve until a new member has taken office. (Cal. Rev. & Tax. Code §1623)

Section 2.25.050 Continuing Business

Notwithstanding the replacement of a member whose term has expired, that member may continue to serve for up to 60 days after the expiration of such term with respect to matters on which the Assessment Appeals Board had commenced hearing prior to the expiration of the member's term. (Cal. Rev. & Tax. Code §1623)

Section 2.25.060 Eligibility

Each member appointed to the Assessment Appeals Board shall have a minimum of five years' professional experience in any of the following:

Certified public accountant or public

accountant; Licensed real estate broker;

Attorney;

Property appraiser accredited by a nationally recognized professional organization;

A person that the nominating member of the Board of Supervisors has reason to believe possesses competent knowledge of property appraisal and taxation; (Cal. Rev. & Tax. Code § 1624.05)

No person who has been an employee of an assessor's office within the three years immediately pre-ceding appointment shall be qualified. (Cal. Rev. Tax. Code § 1624.1)

Section 2.25.070 Meetings

The Assessment Appeals Board shall meet annually, on the third Monday in July, and

shall continue to hold regular meetings on the third Wednesday of every month until the business of equalization is disposed of. Said meetings shall be held at the Rood Administrative Center, 950 Maidu Avenue, Nevada City, California 95959. Meetings may be held remotely as per Cal. Rev. & Tax. Code § 1616. The Board may set special meetings at such time and place as may be necessary. The date, time and place of the regular meetings of the Board may be changed by resolution adopted by the Assessment Appeals Board. (Cal. Rev. & Tax. Code § 1604). The meetings of the Assessment Appeals Board shall be open and public except that, upon conclusion of taking evidence, the Board may deliberate in private in reaching a decision and as required by law. (Cal. Rev. & Tax. Code § 1605.4)

Section 2.25.080 Selection of Chairperson

At the first meeting of each year, to be held on the third Monday in July, the Assessment Appeals Board members shall elect a chair to conduct meetings for a period of one year. The Chairperson shall conduct all meetings for the ensuing year.

Section 2.25.090 Quorum

A quorum of the Assessment Appeals Board shall be two members. However, for any action to be taken by the Board, a like vote of two members shall be required. (Ord. 1931. (01/21/1997); Ord. 2509. (6/14/22))

Section 2.25.100 Conflict of Interest

No member shall knowingly participate in any assessment appeal proceeding wherein the member has an interest either in the subject matter of the hearing or in a party to the proceeding of such nature that it could reasonably be expected to influence the impartiality of the member's judgment. Each member shall be subject to the Conflict of Interest Code for the County of Nevada and shall be deemed to be designated employees thereunder. Full financial disclosure shall be required.

Section 2.25.110 Objection to Board Member

The party affected by an equalization proceeding, or their agent, or the assessor, may make and file with the Clerk of the Assessment Appeals Board in which the proceeding is pending a written statement objecting to the hearing of a matter before a member of the Board, and setting forth the facts constituting the ground of the disqualification of such member. Copies of such written statement shall be served by the presenting party on each party in the proceeding and on the Board Member alleged in such statement to be disqualified.

Within ten (10) days after the filing of any such statement, or ten (10) days after the service of such statement as above provided, whichever is later in time, the Board member alleged to be disqualified may file with the Clerk their consent in writing that the action or proceeding be tried before another member, or may file with the Clerk their written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of their dis-qualifications. The Clerk shall forthwith transmit a copy of such consent or answer to each party who shall have appeared in such proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Code of Civil Proc. § 446 for the verification of pleadings. The statement of a party objecting to the member on the ground of their disqualification shall be presented at the earliest practical opportunity, after their appearance and discovery of the facts constituting the ground of the member's disqualification, and in any event before the commencement of the hearing of any issue of fact in the proceeding before such member. No member of the Board, who shall deny their disqualification, shall hear or pass upon the question of their own disqualification; but in every such case, the question of the member's disqualification shall be heard and determined by some other member agreed upon by the parties who have appeared in the proceeding, or, in the event of their failing to agree, by a member assigned to act by the Board of Supervisors. If the parties fail to agree upon a member to determine the question of the disqualification, within five (5) days after the expiration of the time allowed herein for the member to answer, it shall be the duty of the Clerk to notify the Board of Supervisors of that fact; and it shall be the duty of the Board of Supervisors forthwith, upon receipt of notice from the Clerk, to assign some other member, not disqualified, to hear and determine the question. (Cal. Rev. & Tax. Code § 1624.4)

Section 2.25.120 Removal of Member

The Board of Supervisors may remove any member of the Assessment Appeals Board for cause. (Cal. Rev. & Tax. Code § 1625). Three consecutive absences shall be grounds for automatic termination unless a reasonable excuse is presented to the Board of Supervisors.

Section 2.25.130 Clerk

The Clerk of the Board of Supervisors shall be the Clerk of the Assessment Appeals Board and shall keep records of all proceedings. The Clerk shall perform the same duties in connection with the Assessment Appeals Board as is required by law to be performed in connection with the proceedings of the County Board of Equalization. (Cal. Rev. & Tax. Code § 1628)

Section 2.25.140 Fees for Finding of Facts - Assessment Appeals Board Hearings

A minimum fee shall be assessed to the applicant for each parcel for the preparation of findings of fact. If the expense to the County in preparing the findings exceeds such cost, then the applicant shall bear the additional cost to the County in preparing the findings, calculated at the same rate. No request for written findings of fact shall be valid unless accompanied by the minimum fee, and no findings shall be provided until the applicant has paid all the costs associated therewith.

Section 2.25.150 Fee for Processing of an Application for Changed Assessment

Pursuant to Section 16 of Article XIII of the California Constitution and Cal. Gov't Code § 54985, the Board of Supervisors hereby adopts a nonrefundable fee in the amount of \$30.00 for the Clerk's service associated with the processing of each Application for Changed Assessment filed with the Nevada County Assessment Appeals Board. This fee will take effect July 2, 2010. Filing fees are not refunded, but may be waived where the applicant would qualify for a waiver of Court fees and costs pursuant to Cal. Gov't Code § 68632. (Ord. 2316. (05/25/2010); Ord. 2317.(07/08/2010); Ord. 2379.(05/13/14); Ord. 2509. (6/14/22))

CHAPTER 26: FRANCHISES

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Section 2.26.030	Hearing on Application
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Section 2.26.010 Franchise Required

A franchise granted by the Board of Supervisors is required for any construction, operations, or activities in Nevada County for which a County franchise may be required under applicable state law, including but not limited to: cable and open video systems;

solid waste collection, transfer and disposal; electrical and gas transmission; and other conduits or pipelines in County road rights-of-way, whether above or below the surface.

Unless waived by the Board of Supervisors, no person, partnership, or corporation shall engage in any construction, operations, or activities without first having applied for and been granted a franchise pursuant to this Chapter. This prohibition may be enforced by the County through injunctive relief and any other remedies or penalties provided by federal, state, and local law.

Franchises granted under this Chapter shall be non-exclusive; provided, that the Board of Supervisors may limit the number of franchises to that number which best serves the public health, safety, and welfare.

Section 2.26.020 Application for New Franchise, or Renewal, Extension, or Transfer

An applicant for a new, renewed, extended, or transferred franchise shall submit a written application to the Board of Supervisors, which shall provide written confirmation to the applicant when the application is complete. To be complete, the application must address all matters referenced under applicable federal, state, and local law.

The application fee shall cover all of the County's reasonable costs in analyzing and processing the application, including costs of publication and copying. An initial fee deposit of \$5,000 shall be required to cover the initial analysis and processing of the application by County staff, and/or outside consultants, at hourly rates in effect at the time. If the deposit is not fully utilized, the balance unused shall be returned with interest. If the deposit becomes insufficient, the applicant shall be required to augment it.

The applicant may be required to submit additional information after the application is confirmed as complete, so that the Board of Supervisors may properly evaluate the following: the past experience and quality of service of the applicant; the applicant's operating policies and business objectives both short term and long term; the financial depth of the applicant, including assets, debts, and operating capital; the proposed rates to public customers or subscribers; and data on construction, operating performance, and franchise fee accounting practices.

Section 2.26.030 Hearing on Application

After the application is complete, and before approving an application, the Board of Supervisors shall hold a public hearing to consider the application and all related information. Interested members of the public may appear and be heard. The Board shall cause notice as to the time and place of the hearing to be issued, posted and published, pursuant to applicable state law. In the absence of state requirements, the notice shall be published once a week for two successive weeks, and the hearing shall be held not less than ten (10) days, nor more than thirty (30) days, after the date of the first publication of the notice. The hearing may be continued from time to time as the Board deems necessary.

Section 2.26.040 Manner of Granting

A franchise under this Chapter may be granted by resolution or ordinance of the Board of Supervisors, as required by state law. The granting resolution or ordinance shall either include or reference the County's entering into a franchise agreement, if any.

The grant of a franchise shall include such terms and conditions as are necessary to achieve the following: protection of the public health, safety, and welfare; compliance with all relevant provisions of state and federal law; establishing standards for cost-effective service for public customers and subscribers; and providing financial and legal safeguards for the County.

Section 2.26.050 Franchise Fees, and Verification Procedures

Every franchise granted under this Chapter shall require payment of a designated franchise fee to the County at regular intervals, once a year or more frequently. The fee shall be designated as authorized by state law, such as a percentage of gross or other formula, but it shall be described in clear and specific terms, both geographic and economic, so as to facilitate calculation and payment of the fee according to generally accepted accounting principles. The fee description shall also ensure that the payments can be verified by the responsible County departments.

As regards verification, the responsible administrative departments and the Auditor-Controller shall cooperate to ensure timely and accurate receipt of fees. This may be achieved by means of internal controls, such as review of deposits and payment history, copying and forwarding of supporting documentation, and scrutiny of overall compliance with the terms and conditions of the franchise.

The Auditor-Controller shall provide administrative departments with suggested procedures, informal guidance, and a timetable for periodic reviews and possible audits. A franchise shall be considered for possible audit at least every three (3) years, but the decision to undertake an audit shall be dependent on the specific circumstances warranting the audit from a cost-effectiveness standpoint, especially if an independent auditing firm is required.

The scheduling, performance and oversight of audits may be addressed from time to time by resolution of the Board of Supervisors. The Board shall be the final authority in any determination on the correctness of franchise fees received by the County.

Section 2.26.060 Possessory Interest in Public Property

A franchise shall contain notification of the possible property tax liability arising from the holding of a possessory interest in public property. (Cal. Rev. & Tax. Code §107.6

Section 2.26.070 Bond or Other Security

A franchise shall require a bond or other security for faithful performance during the term of the franchise and/or during periods of construction affecting road rights-of-way. This is to ensure reimbursement to the County for facility removal and for restoration, and to cover losses occasioned by a default or failure to perform terms of the franchise. The type of security and the time for its submittal to the Clerk of the Board shall be set forth in the franchise. A bond shall be executed by a corporate surety authorized to do business in California. Other security may be in the nature of a cash security fund or letter of credit. Any bond or other security must be acceptable to the Board of Supervisors after review by the Risk Manager or County Counsel.

Section 2.26.080 Insurance

A franchise shall require that the grantee carry workers' compensation insurance and such liability insurance as is appropriate for the franchise, including, but not limited to, comprehensive or commercial general liability, automotive liability, product and completed operations, and property damage. The type of insurance, amount of coverage, and required endorsements shall be set forth in the franchise. Endorsements shall include the following: additional insured status for the County of Nevada and its agents; thirty (30) days prior notice to the County of any cancellation or modification; franchisee's insurance as primary insurance.

Policies shall be issued by companies authorized to do business in California, and financial ratings shall be no less than "A" VII in the latest edition of "Bests Key Rating Guide", published by A.M. Best Guide, or as otherwise approved by the Board of Supervisors after review by the Risk Manager or County Counsel.

Section 2.26.090 Remedies: Forfeiture, Liquidated Damages, and Penalties

A franchise shall set forth remedies for the County in the event of a material default in any performance of the franchise, including, but not limited to, the continuous coverage of bonds and insurance. Such remedies may include the following: forfeiture of the franchise; revocation or modification of the franchise; assessment of liquidated damages; imposition of penalties; or any other lawful remedy.

Prior to effectuating any remedy, the franchise shall be afforded timely written notice of the alleged default or violation, and a reasonable period of time to cure or correct. This shall be followed, if necessary, by an evidentiary hearing before the Board of Supervisors. Procedures for such notice, correction period, and hearing shall be in accordance with applicable federal, state and local law.

Section 2.26.100 Indemnification

A franchise shall require that a holder of a franchise defend, indemnify, and hold harmless the County and its officers, employees, and agents from all liability for damages proximately resulting from any operations or activity under the franchise.

Section 2.26.110 Assignment Prohibited

A franchise may not be assigned, or otherwise transferred without application to, and approval by, the Board of Supervisors.

Section 2.26.120 Eminent Domain

Nothing in this Chapter shall impair or affect the right of the County to acquire a franchisee's property by exercise of the power of eminent domain.

Section 2.26.130 Improvements to Roads

Nothing in this Chapter shall be construed to obligate the County to construct, repair, or maintain any road to any particular standard because of proximity to franchise property.

Section 2.26.140 Conflicting Provisions and Severability

If any provision in this Chapter is held by a court to conflict with state or federal law and to be preempted, the remaining provisions in this Chapter shall not be invalidated. If a conflict arises between a provision in this Chapter and a provision in other sections of this Chapter, the latter provision shall control. If a conflict arises between a provision in this Chapter and a provision in a franchise agreement approved by the Board of Supervisors, the latter provision shall control.

Section 2.26.150 Captions

The captions to Sections throughout this Chapter are intended solely to facilitate reading and reference to the sections and provisions. Such captions shall not affect the meaning or interpretation. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.160 Calculation of Time

Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this Chapter 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); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.170 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); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.180 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); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.190 Transitional Provisions

A. Persons Operating Without a Franchise. The cable communications systems operator of any facility installed as of the effective date of this Chapter, for which a franchise is required, shall have three (3) months from the effective date of this Chapter to file one or more applications for a franchise. Any cable communications systems operator timely filing such an application under this Chapter 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 said 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 Section to the extent permitted by law.

C. Persons with Pending Applications. Pending applications shall be subject to this Chapter. A person with a pending application shall have thirty (30) days from the effective date of this Chapter to submit additional information to comply with the requirements of this Chapter governing applications. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023); Ord. 2530. (10/24/2023))

Section 2.26.200 CABLE SYSTEMS AND OPEN VIDEO SYSTEMS

Section 2.26.201 Definitions Cable Systems and Open Video Systems

For the purposes of this Chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number; and the masculine gender includes the feminine gender. The words “shall” and “will” are mandatory, and “may” is permissive. Words not defined in this Chapter shall have the same meaning as in Title 47 of the United States Code, and if not defined therein, the Cal. Pub. Util. Code §§ 5800-5970, and if not defined therein, their common and ordinary meaning.

References to governmental entities or officials, whether persons or entities, refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances, or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances, and regulations now in force or hereinafter enacted or amended.

A. “Access,” “PEG access,” or “PEG use” refers to the availability of a Cable system or open video system for public, education, or government use (including Institutional Network use) by various agencies, institutions, organizations, groups, and individuals, including the County of Nevada and its designated Access providers, to acquire, create, and distribute programming not under a Franchisee’s editorial control, including, but not limited to:

1. “Public Access” or “Public Use” means access where organizations, groups, or individual members of the general public, on a non-discriminatory basis, are the primary or designated programmers or users having editorial control over their communications;
 2. “Education Access” or “Education Use” means access where accredited educational institutions are the primary or designated programmers or users having editorial control over their communications;
 3. “Government Access” or “Government Use” means access where government institutions or their designees are the primary or designated programmers or users having editorial control over their communications;
- B. “Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person.
- C. “Basic Service” means any service tier regularly provided to all subscribers which includes the retransmission of local television broadcast signals.
- D. “Cable Act” means the Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521 -573, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as further amended by the Telecommunications Act of 1996, as further amended from time to time.
- E. “Cable Communications System” refers to Cable systems.
- F. “Cable system” is defined as set forth in Section 522(7) of Title 47 of the United States Code.
- G. “Cable Service” as defined in Cal. Pub. Util. Code § 5830(c) means:
1. The one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and
 2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- H. “Channel” means a portion of the electromagnetic frequency spectrum which is used in a Cable system and which is capable of delivering a television signal whether in an analog or digital format. The definition does not restrict the use of any Channel to the transmission of analog television signals or one-way transmission.
- I. “County” means the County of Nevada and all departments, divisions, and agencies established by state law or by the Nevada County Code.

- J. "Construction, Operation, or Repair" and similar formulations of that term means the named actions interpreted broadly, encompassing, among other things, installation, extension, maintenance, replacement of components, relocation, undergrounding, grading, site preparation, adjusting, testing, make-ready, and excavation.
- K. "Downstream Channel" means a Channel designed and activated to carry a transmission from the headend to other points on a Cable communications system, including interconnections.
- L. "FCC" means the Federal Communications Commission.
- M. "Franchise" means an initial authorization, or renewal of an authorization, issued by a franchising entity, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction and operation of any network in the right-of-way capable of providing video service to subscribers, as defined in Cal. Pub. Util. Code § 5830(f).
- N. "Franchise Area" means the area of the County of Nevada that a Franchisee is authorized to serve by the terms of its Franchise or by operation of law.
- O. "Franchisee" refers to a person holding a Cable Communications System Franchise.
- P. "Franchise Fee" means the fee adopted pursuant to Cal. Pub. Util Code § 5840.
- Q. "Gross Revenues" means all revenue actually received by the holder of a state franchise as defined in Cal. Pub. Util. Code § 5860(d).
- R. "License" refers to the legal authorization, terminable at will, to use a particular, discrete, and limited portion of the public rights-of-way to construct, operate, or repair a cable system.
- S. "Nevada County Administrator" means the Nevada County Executive Officer or their designee.
- T. "Operator" when used with reference to a system, refers to a person:
1. Who directly or through one or more affiliates provide service over a Cable Communications System and directly or through one or more affiliates owns a significant interest in such facility; or
 2. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a facility.
- U. "OVS" means an open video system. A reference to an OVS includes pedestals,

equipment enclosures (such as equipment cabinets), amplifiers, power guards, nodes, cables, fiber optics, and other equipment necessary to operate the OVS, or installed in conjunction with the OVS.

- V. "Person" includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the County of Nevada.
- W. "Public Rights-of-Way" means the surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, or right-of-way or easement primarily dedicated to travel, now or hereafter existing within the County of Nevada which may be properly used for the purpose of installing, maintaining, and operating a cable communications system; and any other property that a Franchisee is entitled by state or federal law to use by virtue of the grant of a franchise.
- X. "Public Property" means any property that is owned or under the control of the County of Nevada that is not a public rights-of-way, including, for purposes of this Chapter, but not limited to, buildings, parks, poles, structures in the public rights-of-way such as utility poles and light poles, or similar facilities or property owned by or leased to the County of Nevada.
- Y. "Revocation" means County of Nevada's affirmative act of terminating a franchise.
- Z. "School" means any accredited primary school, secondary school, college, and university.
- AA. "Subscriber" means the County of Nevada or any person who is lawfully receiving, for any purpose or reason, any cable service via a cable communications system with Franchisee's express permission, whether or not a fee is paid for such service.
- BB. "Termination" means the conclusion of a franchise by any means, including, but not limited to, by expiration of its term, abandonment, or revocation.
- CC. "Transfer" means any transaction in which:
 - 1. All or a portion of any facilities or any rights to use or operate facilities located in the public rights-of-way are sold, conveyed, transferred, assigned, encumbered or leased, in whole or in part, directly or indirectly, by one or more transactions to another person, whether voluntarily or by operation of law or otherwise; or
 - 2. There is any change, acquisition, or transfer in the identity of the person in control of the Franchisee, or any person that controls Franchisee, including, without

- limitation, forced or voluntary sale, merger, consolidation, or receivership; or
3. The rights or obligations under the franchise are sold, conveyed, transferred, assigned, encumbered or leased, in whole or in part, directly or indirectly, by one or more transactions to another person, whether voluntarily or by operation of law or otherwise.
 4. “Unaffiliated Video Programming Provider” or “UVPP” means any person who uses capacity on a franchised cable system to deliver cable service or other communications service (as that term is used in 47 U.S.C. §542(h)) to subscribers and who is not an affiliate of the Franchisee.
 5. “Upstream Channel” means a channel designed and activated to carry transmissions from a point on the cable system, other than the headend, to the headend or another point on the cable system.
 6. “User” means a person, or official representative, or department of the County of Nevada utilizing a channel, capacity or equipment and facilities for purposes of producing or transmitting video, voice, and data materials contrasted with receiving it in the capacity of a subscriber. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.202 Franchise Required for Cable Systems and Open Video Systems

No person may construct or operate a Cable Communications System in the County of Nevada without first obtaining a Franchise; provided that the following shall not be required to obtain a Franchise under this Chapter:

- A. County of Nevada; or
- B. A UVPP that is only delivering Cable service or other communications service (as that term is used in 47 U.S.C. §542(h)) to subscribers. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.203 Possessory Interest of Public Property FOR Cable Systems and Open Video Systems

- A. A Franchise granted pursuant to this Chapter shall notify the Franchisee of potential tax liability for property taxes pursuant to Cal. Rev. & Tax Code §107.6. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.204 Failure to Obtain a Franchise

Consistent with the requirements of due process, a person’s failure to obtain a Franchise as required by this Chapter may, in the County’s discretion, result in:

- A. Forfeiture, by operation of law, of the person’s facilities located in the public Rights-of-Way that are not authorized by an existing Franchise; and/or
- B. A County order and/or court order that the facilities be removed, and that penalties

and damages be paid as set forth in the County Code or in state law. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.205 Existing Franchises

Franchisees existing as of the effective date of this Chapter shall, in addition to all the obligations and duties prescribed by the terms of their existing Franchises, be subject to the substantive and procedural requirements herein, except as prohibited by applicable law. Nothing herein is intended to invalidate a lawful, existing Franchise or to waive any obligations imposed by such a Franchise. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.206 Administration of Ordinance; Adoption of Regulations

- A. Adoption of Regulations. The County of Nevada may from time to time adopt regulations to implement the provisions of this ordinance.
- B. Delegation. The Nevada County Administrator or their designees are hereby authorized to administer the provisions of this ordinance and any franchise issued pursuant thereto, and to provide any notices (including non-compliance notices) and to take any action on the County of Nevada's behalf that may be required hereunder or under applicable law.
- C. No Waiver. The failure of the County of Nevada, upon one or more occasions, to exercise a right or to require compliance or performance under a franchise or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing.
- D. Administration of Public, Educational and Government Access. The County of Nevada may designate one or more entities, including itself, to control and manage the use of Public, Educational, and Government Access channels, facilities, and equipment. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.207 General Conditions Upon Construction, Operation and Repair

- A. Franchisee Must Follow Local Rules. The construction, operation, and repair of cable communications systems shall be performed in compliance with all laws, ordinances, departmental rules, regulations, and practices affecting such system. By way of example, and not limitation, this includes zoning and safety codes, construction standards, regulations for providing notice to persons that may be affected by system construction, and directives governing the time, place and manner in which facilities may be installed in the rights-of-way. Persons engaged in the construction, operation, or repair of communications facilities shall exercise reasonable care in the

performance of all their activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property.

- B. No Permit Without Franchise. A franchise is required before a permit may be issued for work associated with the construction of a cable communications system. Any permit issued for such work to a person that does not hold a franchise shall vest no rights in the permittee; the permit may be revoked at will, and the permittee shall remove all facilities installed under the permit upon the County of Nevada's demand.
- C. Permits Must Be Obtained. Construction, operation, or repair of a cable communications system shall not commence until all required permits have been obtained from the proper County of Nevada officials and all required fees have been paid. All work performed will be performed in strict accordance with the conditions of the permit. Upon order of the County of Nevada, any work and/or construction undertaken that is not completed in compliance with the County of Nevada's requirements, or which is installed without obtaining necessary permits and approvals shall be removed.
- D. No Interference. Interference with the use of the public rights-of-way by others, including others that may be installing cable communications systems, must be minimized. The County of Nevada may require a person using the rights-of-way to cooperate with others through joint trenching and other arrangements to minimize adverse impacts on the rights-of-way.
- E. Plans for and Publicizing Work. Work shall be publicized as the County of Nevada may direct from time to time. The publication of work may be used to notify the public and operators of other communications systems, of the impending work, in order to minimize inconvenience and disruption to the public.
 - 1. Each Franchisee shall provide the County of Nevada with a plan for any initial system construction, or for any substantial rebuild, upgrade or extension of its facility, which shall show its timetable for construction of each phase of the project, and the areas of the County that will be affected.
 - 2. The Administrator for the County of Nevada may from time to time, when the County receives application for a permit to use a particular route, or upon the Administrator's own initiative, designate by published order a route or proposed route for installation of communications facilities and may (1) require all persons who wish to emplace underground facilities along that route or any part thereof to install them during a specified period provided all costs are shared equitably and (2) otherwise prohibit initial emplacement of such facilities along the route or any part

thereof for twenty-four (24) months or after such other, longer period as is necessary to protect the public interest.

F. Existing Poles to Be Used. To the extent possible, operators of cable communications systems shall use existing poles and conduit. Additional poles may not be installed in the right-of-way, nor may pole capacity be increased by vertical or horizontal extenders, without the permission of the Administrator for the County of Nevada.

1. To minimize disruption of public passage or infrastructure, to forestall or relieve exhaustion of rights-of-way capacity, or to protect environmentally sensitive areas, the County of Nevada Administrator may require as a condition of issuing any rights-of-way permit for erection of new poles or construction of underground conduit, the installation of which requires excavation of or along any traveled way that the Franchisee, Licensee, or holder of the rights-of-way permit provide pole space or empty conduits in excess of its own present and reasonably foreseeable requirements for the purpose of accommodating the County and/or other franchisees and licensees.

G. Undergrounding

1. Whenever all existing utilities are located underground in an area in the County of Nevada, every cable communications systems operator in the same area must locate its cable communications system underground.
2. Whenever the owner of a pole locates or relocates underground within an area of the County of Nevada, every cable communications systems operator in the same area shall concurrently relocate its facilities underground.
3. The Administrator for the County of Nevada may, for good cause shown, exempt a particular system or facility or group of facilities from the obligation to locate or relocate facilities underground, where relocation is impractical, or where the County and the subscriber's interest can be protected in another manner. Nothing in 2.26 of this Code prevents the County of Nevada from ordering communications facilities to be located or relocated underground except for Franchisee's ordinary engineering practice making undergrounding impracticable or infeasible under other provisions of the Codes of the County of Nevada.

H. Prompt Repairs. Any and all public rights-of-way, other public property, or private property that is disturbed or damaged during the construction, operation, maintenance or repair of a cable communications system shall be promptly repaired by the operator. Public property and public rights-of-way must be restored to the satisfaction of the County of Nevada or to a condition as good or better than before the disturbance or damage occurred.

I. Movement of Facilities for Government

1. A cable communications systems operator shall, by a time specified by the County of Nevada, protect, support, temporarily disconnect, relocate, or remove any of its property when required by the County of Nevada by reason of traffic conditions; public safety; public right-of-way construction and repair (including regrading, resurfacing or widening); public right-of-way vacation; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned system or utility, public work, public facility, or improvement; or for any other purpose where the work involved would be aided by the removal or relocation of the cable communications system. Collectively, such matters are referred to below as the “public work.”
2. Except in the case of emergency, the County of Nevada shall provide written notice describing where the public work is to be performed at least one week prior to the deadline by which a cable communications systems operator must protect, support, temporarily disconnect, relocate or remove its facilities. However, in an emergency, or where a cable communications system creates or is contributing to an imminent danger to health, safety, or property, the County of Nevada may protect, support, temporarily disconnect, remove, or relocate any or all parts of the cable communications system without prior notice, and charge the cable communications systems operator for costs incurred.

J. Movement for Others

1. To accommodate the construction, operation, or repair of the facilities of another person authorized to use the streets or public property, a Franchisee shall, by a time specified by such person, protect, support, temporarily disconnect, relocate or remove its facilities. The Franchisee must be given written notice describing where the construction, operation or repair is to be performed at least fifteen (15) days prior to the time by which its work must be completed. The County of Nevada may resolve disputes as to responsibility for costs associated with removal, relaying, or relocation of facilities among entities authorized to install facilities in the streets or on public property if such entities are unable to do so themselves.
2. A cable communications systems operator shall, on the request of any person holding a valid permit issued by a governmental authority, temporarily raise or lower its wires by a time specified to permit the moving of buildings or other objects. A cable communications systems operator shall be given not less than seven (7) days advance notice to arrange for such temporary wire changes. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same.

K. Abandonment in Place

1. A cable communications systems operator may abandon any property in place in the public rights-of-way upon written notice to the County of Nevada. However, if, within ninety (90) days of the receipt of written notice of abandonment, the County

of Nevada determines, that the safety, appearance, functioning or use of the public rights-of-way and facilities in the public rights-of-way will be adversely affected, the property must be removed by a date specified by the County of Nevada.

2. A cable communications systems operator that abandons its property must, upon request, transfer ownership of the properties to the County of Nevada at no cost, and execute necessary quitclaim deeds and indemnify the County of Nevada against future costs associated with mitigating or eliminating any environmental hazard associated with the abandoned property.

L. **System Subject to Inspection.** Every cable communications system shall be subject to inspection and testing by the County of Nevada. Each operator must respond to requests for information regarding its system and plans for the system as the County of Nevada may from time to time issue, including requests for information regarding its plans for construction, operation and repair and the purposes for which the plant is being constructed, operated, or repaired.

M. **Underground Services Alert.** Each operator of a cable communications system that places facilities underground shall be a member of the regional notification center for subsurface installations (Underground Services Alert) and shall field mark the locations of its underground communications facilities upon request. The operator shall locate its facilities for the County of Nevada at no charge.

N. **Plan for Construction.** Every franchise shall specify for the County of Nevada a construction schedule that will apply to any required construction, upgrade, or rebuild of the cable communications system. The schedule shall provide for the prompt completion of the project, shall show its timetable for construction of each phase of the project, with benchmarks for deliverables and the areas of Nevada County that will be affected. The County of Nevada shall have the right to impose penalties on the operator for a failure to meet the accepted timetable and benchmarks.

O. **Use of Facilities by the County of Nevada.** The County of Nevada shall have the right to install and maintain, free of charge upon any poles or in any conduit owned by a Franchisee any wire and pole fixtures that do not unreasonably interfere with the cable service operations of the Franchisee. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.300 STATE VIDEO SERVICE FRANCHISES

Section 2.26.301 General Provisions

A. **Purpose.** This Section is applicable to video service providers who have been awarded a state video franchise under the Cal. Pub. Util. Code §§ 5800 - 5970 (the Digital Infrastructure and Video Competition Act of 2006 [“DIVCA”]), to provide cable or video services in any location(s) within the unincorporated boundaries of the County. It is the purpose of this Section to implement within the unincorporated boundaries of the County the provisions of DIVCA and the rules of the California Public Utilities Commission

promulgated thereunder that are applicable to a “local franchising entity” or a “local entity” as defined in DIVCA.

B. Rights Reserved.

1. The rights reserved to the County of Nevada under this Chapter are in addition to all other rights of the County of Nevada, whether reserved by this ~~here~~ or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the County of Nevada.
2. Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:
 - i. Compliance with applicable requirements for the privilege of transacting and carrying on a business within the County of Nevada, including, but not limited to, compliance with the conditions that the County of Nevada may establish before facilities may be constructed for, or providing, non- video services;
 - ii. Any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits, and street cut permits; and
 - iii. Any permit, agreement or authorization for occupying any other property of the County of Nevada or any private person to which access is not specifically granted by the state franchise.
3. No permit issued by the County of Nevada to a State Franchise Holder is itself a franchise, nor shall any permit create a vested right that would prohibit the County of Nevada from revoking or amending the permit.

C. Compliance with County Ordinances. Nothing contained in this Chapter shall be construed so as to exempt a State Franchise Holder from compliance with all ordinances, rules or regulations of the County of Nevada now in effect or which may be hereafter adopted which are consistent with this Chapter or Cal. Pub. Util. Code §§ 5800 - 5970, or any obligations under any franchise issued by the County of Nevada insofar as those obligations may continue to be enforced under Cal. Pub. Util. Code §§ 5800 – 5970.

D. Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the County of Nevada pursuant to Cal. Pub. Util. Code § 5840(m) of DIVCA that it is commencing to provide video service to the County, a holder of a local franchise is entitled to seek a state franchise pursuant to Cal. Pub. Util. Code §5930(c) and upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.302 Definitions for State Video Service Franchises

Definitions Generally—Interpretation of Language. For purposes of this Chapter, the

following terms, phrases, words, and their derivations shall have the meaning as set forth in this Section. Words not defined in this Section, shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47 USC., and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and “including” and “include” are not limiting. The words “shall” and “will” are always mandatory, but the use of those terms grants no private rights to any person with respect to the County of Nevada. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

A. “Gross Revenues” defined in DIVCA Cal. Pub. Util. Code § 5860(d) means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder’s network to provide cable service or video service within the unincorporated areas of the County.

B. “PEG Access,” or “PEG” means the availability of a cable or State Franchise Holder’s system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the County of Nevada and its designated access providers, to acquire, create, and distribute programming not under a State Franchise Holder’s editorial control.

C. “State Franchise Holder” means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in Cal. Pub. Util. Code § 5830, within any portion of the unincorporated limits of the County.

D. “Incumbent Cable Operator,” as defined in DIVCA Cal. Pub. Util. Code §5830(i), means a cable operator or OVS serving subscribers under a franchise in a particular city, county or city and county franchise area on January 1, 2007.

E. “Material Breach,” as defined in DIVCA Cal. Pub. Util. Code §5900(j), means any substantial and repeated failure of a video service provider to comply with service quality and other standards specified in Cal. Pub. Util. Code § 5900(a). (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.303 Franchise Fees for State Video Service Franchises

A. Franchise Fees. Any State Franchise Holder operating within the unincorporated areas of the County shall pay to the County of Nevada a franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under Cal. Pub. Util. Code § 5860.

B. Payment of Franchise Fees. The franchise fee required pursuant to this Chapter shall be paid quarterly, in a manner consistent with Cal. Pub. Util. Code § 5860. The State Franchise Holder shall deliver to the County of Nevada, by check or other means, which shall be agreed to by the County of Nevada, a separate payment for the State franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the County of Nevada.

C. Examination of Business Records. The County of Nevada may examine the business records of a State Franchise Holder in a manner consistent with Cal. Pub. Util. Code § 5860(i).

D. Late Payments. In the event a State Franchise Holder fails to make payments required on or before the due dates specified herein, the County of Nevada shall impose, pursuant to DIVCA Cal. Pub. Util. Code § 5860(h), a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

E. Lease of County-Owned Network. In the event a State Franchise Holder leases access or spectrum to a fiber network owned by the County of Nevada, the County of Nevada may set a franchise fee for access to the County-owned network separate and apart from the franchise fee charged to State Franchise Holders pursuant to this Chapter which fee shall otherwise be payable in accordance with the procedures established by this subsection. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.25.304 Customer Service

A. Customer Service Standards. A State Franchise Holder shall comply with Cal. Gov't Code §§ 53055, 53055.1, 53055.2 and 53088.2; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, including any such federal or state standards hereafter adopted. In case of a conflict, the stricter standard shall apply.

All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

B. Penalties for Violations of Standards. The County of Nevada shall enforce the compliance of State Franchise Holders with respect to the state and federal customer service and consumer protection standards set forth in this Chapter. The County of Nevada will provide a State Franchise Holder with a written notice of any alleged material breaches, as defined in Cal. Pub. Util. Code § 5900 and in this Chapter, of applicable customer service or consumer protection standards, and will allow the State Franchise Holder thirty (30) days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a State Franchise Holder within the thirty (30)-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the County of Nevada:

1. For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.
2. For a second material breach of the same nature within twelve (12) months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.
3. For a third material breach of the same nature within twelve (12) months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.
4. Any penalties imposed by the County of Nevada shall be imposed in a manner consistent with Cal. Pub. Util. Code § 5900. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.305 Permits and Construction

A. Except as expressly provided in this Chapter, all provisions of the County of Nevada Codes and all County of Nevada administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a State Franchise Holder on any County public rights-of-way, public property, or County easement.

B. Permits. Prior to commencing any work for which a permit is required by the County of Nevada Codes, a State Franchise Holder shall apply for and obtain a permit in accordance with the provisions of all Title 12, Zoning Codes, and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of Cal. Pub. Res. Code §§ 21000 - 21189.70.10. (The California Environmental Quality Act). Any work requiring County Land Use permits, building permits and/or grading permits, other than encroachment permits described below, shall be applied for and approved or denied in accordance with the provisions of

County Codes including the appeal process of such an approval or denial outlined in 12.05.120 the Codes for the County of Nevada.

C. The Community Development Agency Director or designee shall either approve or deny State Franchise Holder's application for an encroachment permit, as defined in DIVCA Cal. Pub. Util Code § 5885(c)(1), required under County of Nevada Code within sixty (60) days of receiving a completed permit application from the State Franchise Holder.

D. If the Community Development Agency Director denies a State Franchise Holder's application for an encroachment permit, the Community Development Agency Director shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

E. A State Franchise Holder that has been denied an encroachment permit by final decision of the Community Development Agency Director may appeal the denial to the County Board of Supervisors. Upon receiving a notice of appeal, the Board of Supervisors shall take one of the following actions:

1. Affirm the action of the Community Development Agency Director without any further hearing; or
2. Refer the matter back to the Community Development Agency Director for further review with or without instructions; or
3. Set the matter for a de novo hearing before the Board of Supervisors.

F. In rendering its decision on the appeal, the Board of Supervisors shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the Community Development Agency Director unless the Board of Supervisors is itself conducting a public hearing on the matter.

G. The issuance of an encroachment permit is not a franchise and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.306 Emergency Alert System

Each State Franchise Holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the State Franchise Holder's network. To the extent consistent with Cal. Pub. Util. Code § 5880, each State Franchise Holder shall install and maintain an audio override on all channels for transmission of emergency messages and alerts, and shall

provide for character generated information to be superimposed on all channels for the hearing impaired. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.307 Public, Educational, and Government Access Channel Capacity, Support, Interconnection, and Signal Carriage

A. PEG Channel Capacity.

1. There are currently four (4) PEG access channels activated. A State Franchise Holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of Cal. Pub. Util. Code § 5870, within the time limits specified therein.
2. A State Franchise Holder shall provide an additional PEG channel when the County of Nevada satisfies the standards set forth in Cal. Pub. Util. Code § 5870(d) or any entity designated by the County of Nevada to manage one or more of the PEG channels.
3. All State Franchise Holders shall comply with the provision of DIVCA related to PEG channels. Without limiting the foregoing, the PEG channels shall be carried on the basic service tier. To the extent feasible, the PEG channels shall not be separated from other channels carried on the basic service tier and channel numbers for the PEG channels shall be the same channel numbers used by the Incumbent Cable Operator, as defined in DIVCA Cal. Pub. Util. Code § 5830(i), unless prohibited by Federal Law and shall provide picture and sound quality, channel accessibility, and location equal to, or substantially equal to, that provided by incumbent cable providers. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the local entity unless the change is required by federal law.

B. PEG Support.

1. Amount of PEG support fee. Any State Franchise Holder shall pay to the County of Nevada —or if directed by the County of Nevada to the County’s designated PEG provider—a PEG fee equal to one and four tenths percent (1.4%) of gross revenues, an amount equivalent to the level of PEG funding remitted by the Incumbent Cable Operator to the County’s designated PEG provider during the period of January 1, 2006 to December 30, 2006.
2. The PEG support fee shall be used in a manner that is consistent with state and federal law.
3. A State Franchise Holder shall remit the PEG support fee quarterly, within forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.
4. In the event that a State Franchise Holder fails to pay the PEG support fee when due, or underpays the proper amount due, the State Franchise Holder shall pay interest, pursuant to DIVCA Cal. Pub. Util. Code § 5860(h), at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or

the maximum rate specified by state law.

C. Interconnection.

A. Each State Franchise Holder and each Incumbent Cable Operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Cal. Pub. Util. Code § 5870(h). Each State Franchise Holder and Incumbent Cable Operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a State Franchise Holder and an Incumbent Cable Operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the County of Nevada may require the Incumbent Cable Operator to allow each State Franchise Holder to interconnect its network with the Incumbent Cable Operator's network at a technically feasible point on the State Franchise Holder's network as identified by the State Franchise Holder. If no technically feasible point of interconnection is available, each State Franchise Holder shall make interconnection available to each PEG channel originator programming a channel in the County and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each State Franchise Holder unless otherwise agreed to by the parties. (Ord. 2415. (07/26/2016)); Ord. 2522. (04/18/2023))

Section 2.26.308 Notices

B. Each State Franchise Holder or applicant for a state franchise shall file with the County of Nevada a copy of all applications or notices that the State Franchise Holder or applicant are required to file with the California Public Utilities Commission.

C. Unless otherwise specified in this Section, all notices or other documentation that a State Franchise Holder is required to provide to the County of Nevada under this Section or the California Public Utilities Code shall be provided to both the County Manager and the County staff person in charge of cable and telecommunications, or their successors or designees. (Ord. 2415. (07/26/2016); Ord. 2522. (04/18/2023))

Section 2.26.400 FRANCHISES FOR SOLID WASTE SERVICES

Section 2.26.401 Franchise Required for Solid Waste Services

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.

Section 2.26.402 Incorporation of this Chapter by Reference

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

Section 2.26.403 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.

Section 2.26.404 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 15.13.010 through 15.13.260 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.

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.

Section 2.26.500 LIBERTY ENERGY POWER COMPANT FRANCHISE

Section 2.26.501 Definitions for Liberty Energy Company Franchise

Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. The phrase “public roads” shall mean the public highways, streets, roads, ways and places as the same now or may hereafter exist within the area now being served by Liberty Energy Power Company in the County of Nevada, including state highways and/or freeways now or hereafter established within said County of Nevada.
- B. The phrase “poles, wires, conduits and appurtenances” shall mean poles, towers,

supports, wires, conductors, cables, guys, stubs, platforms, crossarms, braces, transformers, insulators, conduits, ducts, vaults, manholes, meters, cutouts, switches, and, without limitation to the foregoing, any other property, located or to be located in, upon, along, across, under or over the public roads within the County of Nevada, and used or useful in transmitting and/or distributing electricity.

C. The phrase “installing, maintaining, and using” shall mean to construct, erect, install, lay, operate, maintain, use, repair or replace.

Section 2.26.502 Franchise Granted to Liberty Energy Power Company

The franchise of installing, maintaining, and using poles, wires, conduits and appurtenances, including communication circuits, in so many and in such parts of the public roads within the area now being served by Liberty Energy Power Company in Nevada County as the grantee of said franchise may from time to time elect to use, subject to provisions of 2..26.420, for the purpose of transmitting and distributing electricity to the public for any and all purposes, is hereby granted by said County to Liberty Energy Power Company, its successors and assigns.

Section 2.26.503 Term of Franchise - Fifty Years

The term of said franchise shall commence with the effective date hereof, and continue and remain in full force and effect for fifty (50) years or until such time as the grantee shall surrender or abandon same or said franchise shall be forfeited for non- compliance by the possessor thereof with its terms, or the State of California, said County of Nevada, or other public corporation thereunto duly authorized, shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain in accordance with then existing law all property actually used and useful in the exercise of said franchise situate within the unincorporated area of said County of Nevada. Said franchise shall never be considered or taken into account, in fixing the value of said property, in excess of the actual cost to the grantee hereof in procuring the same.

Section 2.26.504 Poles, Wires, Etc., to be Installed, Constructed, Maintained Under Supervision of County Road Commissioner

All poles, wires, conduits, and appurtenances which shall be constructed and used under and pursuant to the provisions of this ordinance, and in the exercise of said franchise shall be installed, constructed, and maintained in compliance with all valid laws and ordinances from time to time in force.

Section 2.26.505 Relocation of Poles, Wires, Etc., to be Done by Grantee

Grantee of this franchise shall relocate, without expense to County, any poles, wires, conduits and appurtenances theretofore installed, and then maintained or used under this franchise, if, and when made necessary by any lawful change of grade, alignment or width of any public road by the County of Nevada, including the construction of any subway or

viaduct, provided however, that the cost of any such relocation made necessary by the construction or any lawful change of grade, alignment or width of any freeway constructed by the State of California shall be divided equally between grantee and the State of California.

Section 2.26.506 Grantee to Place Public Roads Damaged by Installation of Poles, Etc., In Good Condition

Grantee shall, immediately upon installing, maintaining, and using said poles, wires, conduits and appurtenances, or any part thereof, at its own cost and expense, place said public roads, or so much thereof, as may have been damaged thereby, in as good order and condition as that in which they were before being disturbed or excavated for the purpose of installing, maintaining, and using said poles, wires, conduits, and appurtenances, or any part thereof.

Section 2.26.507 Grantee Has Right to Install, Maintain and Use Any or All Poles, as Necessary and Proper

Grantee shall have the right of installing, maintaining, and using any or all of such poles, wires, conduits and appurtenances from time to time as may be necessary and proper.

Section 2.26.508 Grantee Shall Pay County 2% of Gross Annual Receipts

Grantee shall, during the term for which this franchise is granted pay to the County of Nevada two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of applicant or derived from the sale within the limits of the County of Nevada of the utility service for which the franchise is awarded. Such percentage shall be payable annually from the date of the granting of the franchise, and if such payment shall not be made, such franchise shall be forfeited. The method of computing said payment shall be in accordance with that laid down by the Supreme Court of the State of California in its construction of the foregoing language, and any future modification of such method set forth in any decision of the Supreme Court hereafter rendered shall supersede the method prior to such decision.

Section 2.26.509 Franchise Granted Under Provisions of Laws of State of California

The said franchise is granted under and pursuant to the provisions of the laws of the State of California which relate to the granting of franchises by counties.

Section 2.26.510 This Franchise Shall Not Be Exclusive

This franchise shall not be exclusive.

**Section 2.26.600 FRANCHISES FOR TRANSMISSION OF ELECTRICITY,
GAS, OIL and WATER**

**Section 2.26.601 Franchise Required for Transmissions of Electricity, Gas, Oil,
and Water**

As permitted under state law, a County franchise shall be required for operations or activities involving transmission of electricity, gas, oil, or water, above or below ground, in the unincorporated area of the County of Nevada, and the franchise shall only be granted by the Board of Supervisors under the authority of the “Franchise Act of 1937” (Cal. Pub. Util. Code §§ 6201 – 6302).

**Section 2.26.602 Incorporation of Regulations Affecting Franchises in Nevada
County by Reference**

All parts of Sections 2.26.010 through 2.26.145 are hereby incorporated by reference and made a part of this Section as if set forth here in full.

CHAPTER 27: BIDDING PROCEDURE

Sections:

Section 2.27.010	Bidding Procedure
Section 2.27.020	Public Projects
Section 2.27.030	Bids
Section 2.27.040	Informal Bidding Procedure
Section 2.27.050	Formal Bidding Procedure
Section 2.27.060	Rejection of Bids and Acceptance of Bids
Section 2.27.070	Performance of Contract by County Personnel
Section 2.27.080	Plans, Specifications, Etc.; When Required; Examination By Bidders
Section 2.27.090	Inapplicability of Chapter to Juvenile Forestry Camps, Juvenile Homes
Section 2.27.100	Bid and Performance Bonds
Section 2.27.110	Emergencies
Section 2.27.120	Change Orders on Road Projects

Section 2.27.010 Bidding Procedure

The provisions of this Chapter shall be employed on all County of Nevada public projects.

Section 2.27.020 Public Projects

“Public Project” means:

- A. A project for the erection, improvement, and repair of public buildings and works.
- B. Work in or about streams, bays, waterfront, embankment, or other work for protection against overflow, except maintenance, repair, or reconstruction work.
- C. Supplies and materials used in maintenance, repair or reconstruction work in or about streams, bays, waterfront, embankments, or other maintenance, repair, or reconstruction work for protection against overflow.

Except for the erection, improvement and repair of public buildings, the construction of dams, reservoirs, power plants and electrical transmission lines of 230,000 volts and higher, nothing in this Chapter shall apply to a publicly owned water, power or waste disposal system.

Expenditures for public projects shall not include the costs of:

- A. Equipment, supplies and materials acquired by a public agency to enable the timely completion of a public project.

B. Plans, specifications, engineering and advertising required for public projects.

Section 2.27.030 Bids

Informal bids may be used: public projects between \$4,000 and \$10,000.

Formal bids shall be used: public projects of \$10,000 or more. (Ord. 755. (06/28/1976); Ord. 2522. (04/18/2023))

Section 2.27.040 Informal Bidding Procedure

1. Purchasing Agent is designated, authorized and directed to carry out the provisions of this Chapter.
2. Purchasing Agent shall notify interested contractor(s) of the County of Nevada of the opportunity to register with the County to be subsequently notified of informal bidding proceedings. The list shall be maintained currently and shall be a public record.
 - a. Purchasing Agent shall publish notice for informal bids in a newspaper of general circulation printed and published within the County of Nevada.
 - b. Notice shall be published in accordance with Cal. Pub. Cont. Code § 20150.7 and Cal. Gov't Code § 6061 of the and shall be completed at least 24 hours before the time scheduled for opening of bids.
 - c. Purchasing Agent may give supplemental notice by mailing notice to contractors on the list required by 2.27.040 (2) in this CHapter.
 - d. Purchasing Agent may use display advertising and may invite bids in a trade publication.
 - e. The notice shall describe in general terms the project to be done and state a closing date for submission of such informal bids. The notice shall reserve the right to reject all bids.
 - f. The Purchasing Agent shall have the right to execute for the County all contracts for public projects not in excess of Ten Thousand Dollars (\$10,000) when properly budgeted.

Section 2.27.050 Formal Bidding Procedure

1. Notices inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly state the project to be done.
2. First publication of notice shall be at least ten (10) days before the date of opening the bids. Notice shall be published at least twice, not less than five (5) days apart, in a newspaper of general circulation, printed and published in the jurisdiction of the County. Notice may also be published in trade publications.

Section 2.27.060 Rejection of Bids and Acceptance of Bids

In its discretion, the County may reject any bids presented. If, after the first invitation for bids, all bids are rejected, after re-evaluating its cost estimates of the project, the

County shall abandon the project or shall re-advertise for bids in the manner prescribed by this Chapter. If after re-advertising, the County rejects all bids presented, the County may proceed with the project by use of County personnel or may re-advertise. If two or more bids are the same and the lowest, the County may accept the one it chooses. If no bids are received, the County may have the project done without further complying with this Chapter.

Section 2.27.070 Performance of Contract by County Personnel

If, after the first invitation for bids, all bids are rejected, the County may, after reevaluating its cost estimates of the project, pass a resolution by a four-fifths vote of its board of supervisors declaring that the project can be performed more economically by County personnel, or that in its opinion a contract to perform the project can be negotiated at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this Chapter.

Section 2.27.080 Plans, Specifications, Etc.; When Required; Examination by Bidders

The Board of Supervisors of the County shall adopt plans, specifications, and working details for all public projects the expenditure for which exceeds \$10,000.

All bidders on public projects which exceed \$10,000 in cost, shall be afforded the opportunity to examine the plans, specifications, and working details for the project.

Section 2.27.090 Inapplicability of Chapter to Juvenile Forestry Camps, Juvenile Homes

The provisions of this Chapter shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with section 880) of Chapter 2, Part 1, Division 2 of the California Welfare & Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps, ranches, or homes; or to public projects employing prisoners pursuant to Cal. Gov't Code § 25359, and public projects involving persons engaged in Federal, State or County job or work training programs.

Section 2.27.100 Bid and Performance Bonds

A. On any public project subject to the provisions of this Chapter, or to the provisions of the California Public Contracts Code, and requiring the solicitation of formal bids where the bids are in excess of \$25,000, the County shall require the posting of 1) bid bonds and 2) performance bonds and labor and materials bonds as a prerequisite to the entering into a contract as follows:

1. For contracts less than \$5,000,000, the performance bond and labor and material bond shall each be in an amount equal to 100% of the value of the contract.
2. For contracts of \$5,000,000 to \$10,000,000 or more, the performance bond and labor and material bond shall each be in an amount equal to 50% of the value of the bid.
3. For contracts over \$10,000,000, the performance bond and labor and material bond shall each be in an amount equal to 25% of the value of the contract.
4. Where bid bonds are required, they shall be in an amount equal to 10% of the value of the contract.

Section 2.27.110 Emergencies

A. Pursuant to Cal. Pub. Cont. Code §20134, in cases of emergency, when repair or replacement or other action is necessary to permit the continued conduct of County operations or services, or to avoid danger to life or property, the Board of Supervisors, by majority consent, may proceed at once to replace or repair any and all facilities without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let contracts.

B. The Board of Supervisors may authorize any such work to be done by day labor, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of the use of machinery and tools and of material, and labor and of worker's compensation insurance expended by them in doing the work, plus not more than fifteen (15%) percent to cover all profits and administration. Any such contract shall include a requirement for the payment of prevailing wages in accordance with the provisions of State law. No more than the lowest current market prices shall be paid for materials whenever possible.

C. For the purpose of this Section, an "Emergency" shall be defined as follows:

1. Time of war, siege or attack *or* threat of war, siege or attack.
2. Conditions of disaster or of imminent peril to safety of persons or property caused by such conditions as severe air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, earthquake or other such conditions.
3. Time of work stoppage or labor controversy or conditions which by reason of magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of the County.
4. Whenever an order, notice, demand or lawsuit or threat of order, notice, demand or lawsuit is filed against the County of Nevada by a regulatory or enforcement agency, either state or federal, having jurisdiction over the County which order, notice, demand or lawsuit poses an immediate threat of fine, closure of a facility or interruption of vital or mandatory service.
5. Any other threat to a function of government which is conducted for the

protection of the public health, safety and/or welfare, the interruption of which would pose a severe threat of harm to the public health, safety and/or welfare.

D. A determination that an emergency exists shall be made by the Board of Supervisors prior to the making of any repairs or replacements under this Section or taking any other authorized action. When the emergency is of such a nature that immediate action is necessary, the Board of Supervisors shall hold an emergency meeting pursuant to the provisions of the Brown Act, Cal. Gov't Code § 54956.5. In the event that it is not possible to conduct a meeting due to the nature of the emergency or disaster, the County Executive Officer or, in their absence or incapacity, the Assistant County Executive Officer, or in both of their absences or incapacity, the Director of the Nevada County Office of Emergency Services, may authorize the necessary work or direct the repair or replacement and their actions shall be reported to the Board of Supervisors at its next meeting. Said actions shall only be those necessary to protect people and property from injury until a meeting of the Board of Supervisors may be convened.

E. Notwithstanding the ability to let contracts under this Section without bidding and wherever it is feasible to do so, informal bids shall be obtained from contractors by telephonic solicitation prior to the award of any contract for emergency repairs or replacements.

Section 2.27.120 Change Orders on Road Projects

The Director of the Department of Public Works is authorized to order changes or additions in any work being performed on County Highways which work is being performed pursuant to Article 25 of the California Public Contract Code (commencing with Cal. Pub. Cont. Code § 20390) whenever the Board of Supervisors has authorized a contingency fund to cover such changes or additions. When so ordered, any change or addition to the work shall not exceed ten percent (10%) of the original contract price or the amount of the contingency, whichever is less. Any change orders exceeding the above limits shall be brought to the Board of Supervisors for approval. The Board may authorize such changes where the Board makes a finding that it is in the public interest to do so, may deny the change or may require that the work be publicly bid.

CHAPTER 28: ALTERNATIVE PROCEDURES FOR LEASING OF COUNTY PROPERTY

Sections:

Section 2.28.010	Legislative Intent
Section 2.28.020	Leases for Property in Excess of \$10,000 Per Month
Section 2.28.030	Leases for Property Less Than \$10,000 Per Month
Section 2.28.040	Lease as Taxable Interest

Section 2.28.010 Legislative Intent

It is the intent of the Board of Supervisors in adopting this Chapter to provide an alternative procedure for the leasing of any real property belonging to the County of Nevada, which property is found (at the time of the lease and through the term thereof) to have a fair market rental value which shall be \$10,000 per month or less, all as is allowed pursuant to Cal. Gov't Code § 25537.

Section 2.28.020 Leases for Property in Excess of \$10,000 Per Month

Any real property belonging to the County of Nevada which is found to have a fair market rental value in excess of \$10,000 per month (at any time during the term of the proposed lease) shall be let to the highest responsible bidder and in accordance with all of the procedures specified in Cal. Gov't Code §§ 25520 to 25539.10.

Section 2.28.030 Leases for Property Less Than \$10,000 Per Month

A. The Board of Supervisors may lease any real property belonging to the County of Nevada to any person, corporation or entity as it deems prudent without complying with the procedures specified where the following conditions are met:

1. The term of the lease is for not more than ten (10) years; and
2. The Board finds that the fair market rental value of the property (at the time of the execution of the lease and through the term thereof) will not exceed \$10,000 per month.

B. Notice of the lease shall be published one (1) time in a newspaper of general circulation and shall be posted in the office of the Clerk of the Board of Supervisors. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any county officer authorized to execute the lease. Any lease entered into pursuant to this Section shall not be renewable. The lease shall specify that the lessee shall not be allowed to hold over at the end of the lease term. Any subsequent lease for the same property or any part thereof which lease is executed within one (1) year from the date of

the expiration of the lease executed pursuant to this Section shall be let in accordance with the procedures specified in 2.28.020..

C. The County of Nevada Information and General Services Agency Director and the Purchasing Agent, or their designee, are hereby delegated the authority to execute all leases authorized under this Chapter, provided that such officers shall report any such action to the Board of Supervisors within thirty (30) days following the execution of any lease by them.

Section 2.28.040 Lease as Taxable Interest

All leases of any real property belonging to the County of Nevada shall specify, in accordance with Cal. Rev. & Tax. Code § 107.6 that the lessee will be subject to taxation for the possessory interest in the property.

TITLE 3: EMERGENCY OPERATIONS AND SERVICES

CHAPTER 1: IN GENERAL

Sections:

Section 3.01.010 Definitions

Section 3.01.020 Purposes of Chapter

Section 3.01.030 Expenditures Deemed for Protection of Inhabitants and Property

**Section 3.01.040 Succession of Members of the Board of Supervisors in a Declared
Emergency**

Section 3.01.050 Succession as Emergency Services Director

Section 3.01.060 Conformance to Federal and State Emergency Services Policies

Section 3.01.010 Definitions

For the purposes of this Chapter, the following words and phrases shall, when used in this Chapter the meanings respectively ascribed to them by this Section:

- A. STATE OF WAR EMERGENCY means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this State or nation is attacked by an enemy of the United States, or upon receipt by the State of a warning from the Federal government indicating that such an enemy attack is probable or imminent.
- B. STATE OF EMERGENCY means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake or other conditions, other than conditions resulting from a labor controversy or conditions causing a "State of War Emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat.
- C. LOCAL EMERGENCY means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake or other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat. (Ord. 1958. (01/20/1998))

Section 3.01.020 Purposes of Chapter

The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the Emergency Services required for persons and property within the County in the event of an emergency or disaster and to provide for the coordination of the emergency functions of the County with all other public agencies and affected private persons, corporations and organizations. (Ord. 1958. (01/20/1998); Ord. 2518.

(03/14/2023))

Section 3.01.030 Expenditures Deemed for Protection of Inhabitants and Property

Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.01.040 Succession of Members of the Board of Supervisors in a Declared Emergency

If a declared emergency as per 3.01.010, is of a catastrophic event of such magnitude and the emergency results in a Board member being killed, missing, or so seriously injured as to be unable to perform their duties, each member of the Board may designate, pursuant to Cal. Gov't Code § 8635, in advance, such standby Officers to serve when that Board member is unable to serve. Such standby Officers shall serve with compensation. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.01.050 Succession as Director of Emergency Services

In the event of the death, serious injury, incapacity, or unavailability of the Emergency Services Director, during an emergency, the following officers shall assume the duties, powers, and responsibilities of the Emergency Services Director in the following order:

- A. Assistant Emergency Services Director or designee.
- B. County Executive Officer or designee.
- C. Community Development Agency Director or designee. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.01.060 Conformance to Federal and State Emergency Services Policies

The Emergency Services organization of Nevada County shall conform to the policies and procedures of the Federal Emergency Management Agency and Governor's Office of Emergency Services, and their successors, as those policies and procedures mandate the organizational use of the Standardized Emergency Management System (SEMS) and/or National Incident Management System (NIMS), Operational Area, Multi-Agency Command System (MACS), and Incident Command System (ICS). (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

CHAPTER 2: EMERGENCY SERVICES COUNCIL; DIRECTOR; ASSISTANT DIRECTOR

Sections:

Section 3.02.010 Nevada County - Operational Area Emergency Services Council - Created

Section 3.02.020 Composition; Appointment of Members; Officers

Section 3.02.030 Meetings

Section 3.02.040 Powers and Duties of Emergency Services Council

Section 3.02.050 Emergency Services Director—Office Created; Designated

Section 3.02.060 Powers and Duties of Emergency Services Directors Generally

Section 3.02.070 Powers in Event of Proclamation of Disaster

Section 3.02.080 Duties of Emergency Services Assistant Director

Section 3.02.010 Nevada County – Operational Area Emergency Services Council – Created

Nevada County – Operational Area Emergency Services Council is hereby created. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.02.020 Composition; Appointment of Members; Officers

The local Emergency Services Council, created under the provisions of the preceding Section, shall consist of the following:

- A. The Chair of the Board of Supervisors, who shall be Chair of the Operational Area Emergency Services Council.
- B. The Emergency Services Director, who shall be Vice-Chair, of the Operational Area Emergency Services Council.
- C. The Office of Emergency Services Program Manager.
- D. Such service chiefs of operating Emergency Services and disaster departments, services or divisions as are provided for by Resolution pursuant to this Chapter.
- E. Representatives of civic, business, labor, veteran, professional or other organizations having an official group or organized emergency services and disaster responsibility, as may be appointed by the Board of Supervisors. (Ord. 175. (03/01/1951); Ord. 2518. (03/14/2023))

Section 3.02.030 Meetings

The Emergency Services Council shall meet upon the call of the Chair of the Board of Supervisors, or upon the call of the Vice-Chair. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.02.040 Powers and Duties of Emergency Services Council

It shall be the duty of the Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the Board of Supervisors, emergency services plans and agreements, and such Ordinances and Resolutions, rules, and regulations as are necessary to implement such plans and agreements; conduct critiques of emergency response actions and recommend improvements as required.

Section 3.02.050 Emergency Services Director —Office Created; Designated

There is hereby created the office of Emergency Services Director. Said Director shall be appointed by the Information and General Services Agency Director. The Emergency Services Director shall serve without additional compensation for the performance of additional duties as assigned. (Ord. 1958. (01/20/1998); Ord. 2233. (04/10/2007); Ord. 2518. (03/14/2023))

Section 3.02.060 Powers and Duties of Emergency Services Director Generally

The Emergency Services Director is hereby empowered:

- A. To request that the Board of Supervisors proclaim the existence or threatened existence of a local emergency or disaster and the termination thereof, if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session, subject to confirmation by the Board of Supervisors within seven (7) calendar days;
- B. To request that the Chair of the Board of Supervisors task the Governor to proclaim a state of emergency when, in the opinion of the Director, the resources of the areas or region are inadequate to cope with the disaster;
- C. Through the Emergency Operations Center and/or Multi-Agency Command structure to control and direct the effort of the Emergency Services organization of the County for the accomplishment of the purposes of this Chapter;
- D. To direct coordination and cooperation between divisions, services, and staff of the Emergency Services organization of the County and to resolve questions of authority and responsibility that may arise between them;
- E. To appoint liaison(s) to such other jurisdictions as may be necessary;
- F. To represent the Emergency Services organization of the County in all dealings with public or private agencies pertaining to Emergency Services. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.02.070 Powers in Event of Proclamation of Disaster

In the event of the proclamation of a local emergency, or the proclamation of a state of emergency by the Governor or the State Director of the Office of Emergency Services, the Director is hereby empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency or disaster; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors within seven (7) calendar days;

- B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use;
- C. To require Emergency Services of any County officer or employee and, in the event of the proclamation of a State of Emergency or war emergency by the Governor in the region in which the County is located, to command the aid of as many citizens of the County as they think necessary in the execution of their duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers as per Cal. Gov't Code §§3100-3109. All County of Nevada employees are designated as Disaster Service Workers as per Cal. Gov't Code §§ 3100–3109. Disaster Service Workers are issued the oath of office and may be called upon to support unmet needs in the community during a declared disaster
- D. To requisition necessary personnel or material of any County department or agency;
- E. To execute all of their ordinary powers, all of the special powers conferred upon them by this Chapter or by Resolution adopted pursuant hereto, all powers conferred upon them by any statute, regulation or agreement approved by the Board of Supervisors, or by any other lawful authority, and in conformity with Chapter 7, of Division 1, Title 2 of the Government Code, (commencing with Section 8550), to exercise complete authority over the County and to exercise all police power vested in the County by the Constitution and general laws. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.02.080 Duties of Emergency Services Assistant Director

The Emergency Services Assistant Director shall, under the supervision of the Director, develop Emergency Service plans and organize the Emergency Service program of the County and shall have such other duties as may be assigned by the Director. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

CHAPTER 3: ORGANIZATION

Sections:

Section 3.03.010 Emergency Services Organization - Composition

Section 3.03.020 Resolution Establishing Organization and Prescribing Duties

Section 3.03.030 Punishments of Violations – Acts Prohibited During Emergencies

Section 3.03.040 Emergency Operations Center

Section 3.03.010 Emergency Services Organization - Composition

All officers and employees of the County, together with those volunteer forces enrolled to aid them during an emergency or disaster, and all groups, organizations and persons who may, by agreement or operation of the law, including persons pressed into service under 3.02070, shall constitute the Emergency Services organization of the County, and shall be charged with duties incident to the protection of life and property in the County during such emergency or disaster. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.03.020 Resolution Establishing Organization and Prescribing Duties

The functions and duties of the County Emergency Services organization shall be distributed among such divisions, services, and special staff as the Board of Supervisors shall prescribe by Resolution.

The Board of Supervisors shall, concurrently with the adoption of this Chapter, set forth the form of organization, establishment, and designation of divisions and services, the assignment of functions, duties, and powers, and the designation of officers and employees. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the federal government. (Ord. 1958. (01/20/1998); Ord. 2518. (03/14/2023))

Section 3.03.030 Punishment of Violations - Acts Prohibited During Emergencies

- A. Any person who violates any of the provisions of this Section or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this Section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine or by imprisonment to the extent authorized by state or local law.
- B. Beginning on the date the existence of a State of War Emergency, State of Emergency, or Local Emergency is declared or proclaimed by the President of the United States, Governor of the State of California, the County of Nevada Emergency Services Director or successor, as described in this Chapter, and/or the Board of Supervisors, and within the area to which the declaration applies, no person, contractor, corporation, business, or other entity during an emergency shall:
 - 1. Willfully obstruct, hinder, or delay any member of the emergency organization in the

enforcement of any lawful rule or regulation issued pursuant to this Section or in the performance of any duty imposed upon them by virtue of this Section;

2. Do any act forbidden by any lawful rule or regulation issued pursuant to this Section, if the act is of such a nature as to give or be likely to give assistance to the enemy, during a State of War Emergency, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection thereof;
3. Wear, carry, or display, without authority, any means of identification specified by any Emergency Service agency of the State of California, the County of Nevada, any special district, or any city or town in the County of Nevada;
4. Sell or offer to sell, any consumer food items; repair, construction, or reconstruction services; emergency or medical supplies; housing; transportation; freight; storage services; or gasoline for an amount which is ten (10) or more percent greater than the price charged by a person, contractor, corporation, business, or other entity for said goods or services immediately prior to the proclamation of emergency, unless said person, contractor, corporation, business, or other entity can prove that the increase was directly attributable to additional costs imposed on it by the supplier of the goods or for labor and materials used to provide the service;
 - a. A business offering an item for sale at a reduced price immediately prior to the proclamation or declaration of the emergency may use the price at which it usually sells the item to calculate the price pursuant to this subsection.
 - b. Notwithstanding the time period set forth herein, for a period of thirty (30) days following a proclamation or declaration referred to in this Section, it is unlawful for an owner or operator of a hotel or motel to increase the hotel's or motel's regular rates, as advertised immediately prior to the proclamation or declaration of emergency, by more than ten (10) percent, unless an owner or operator of a hotel or motel can prove that the increase in price is due to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.
 - c. A violation of this subsection is a violation of Cal. Penal Code § 396 and shall constitute an unlawful business practice and an act of unfair competition within the meaning of Cal. Bus. & Prof. Code § 17200. The remedies and penalties provided by this Section are cumulative with the remedies and penalties under Cal. Penal Code § 396, Cal. Bus. & Prof. Code § 17200, and the remedies and penalties available under all other laws of this State.
 - d. The District Attorney, or the County Counsel with agreement of the District Attorney, may bring a civil action pursuant to Cal. Bus. & Prof. Code § 17206 to enforce this subsection.
 - e. Subsection 4 is to end no more than 180 days after the initial declaration of emergency.
5. Buy, sell, remove, deface, cover, hide, destroy, or tamper with any sign, tag or placard posted by a member of the County Emergency Services Organization on a building or structure damaged in an emergency;
6. Post any sign, tag or placard not authorized by the County Emergency Services Organization on a building or structure damaged in an emergency;
7. For purposes of this subsection, the following definitions shall apply:
 - a. A consumer food item is any article, which is used or intended for use for food, drink, confection, or condiment by humans or animals except for alcoholic beverages,

- b. Repair, construction, or reconstruction services are those contractor services for repairs to residential and commercial property of any type, which are damaged as a result of the disaster. This includes, but is not limited to, the removal of debris (including a damaged tree), towing services, and waste disposal,
- c. Emergency supplies shall mean those goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, water, heating oil, propane, firewood, flashlights, radios, batteries, blankets, soaps, and diapers,
- d. Medical supplies shall mean those medical goods and services required to sustain the health, safety, and welfare of a person or animal, including, but not limited to, prescription and nonprescription drugs, bandages, gauzes, and disinfectants. (Ord. 2503. (01/25/2022); Ord. 2518. (03/14/2023))

Section 3.03.040 Emergency Operations Center

The primary Nevada County Emergency Operations Center shall be such appropriate space as designated by the Emergency Services Director. The Emergency Services Director, or designee, is authorized to activate the Emergency Operations Center as circumstances require. Backup Emergency Operations Center(s) shall be designated in the Departments Continuity of Operations Plans (COOP). The Director may designate such other facility or facilities as may be appropriate to the emergency. The Director of Emergency Services is authorized to expend such funds as appropriated by the Board of Supervisors to maintain and provision the Emergency Operations Center including, but not limited to, providing such meals as may be necessary for the health and welfare of the Emergency Operations Center staff, and may require assignment of staff resources from County departments as may be necessary if verified and approved by the County Executive Officer, or their designee. Such employees shall be on temporary emergency assignment and their personnel costs shall remain the cost of the parent department. Such employees shall be entitled to compensation as required by State and Federal law and the Nevada County Personnel Code. The Emergency Services Director shall endeavor to recover associated costs on behalf of the County and its departments and to apportion such recovered costs as appropriate. (Ord. 1958, (01/20/1998); Ord. 2518. (03/14/2023))

TITLE 4: FIRE SAFETY REGULATIONS
CHAPTER 1: HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL
ABATEMENT

Sections:

Section 4.01.010	Findings
Section 4.01.020	Application of Chapter
Section 4.01.030	Definitions
Section 4.01.040	Nuisance Declared; Duty to Abate Hazardous Vegetation and Combustible Material
Section 4.01.050	Enforcement
Section 4.01.060	Notice to Abate
Section 4.01.070	Service of Notices
Section 4.01.080	Enforcement Process
Section 4.01.090	Appeals Process
Section 4.01.100	Hazardous Vegetation Abatement Hearing Body
Section 4.01.110	Abatement by Public Official
Section 4.01.120	Abatement Penalties and Costs
Section 4.01.130	Hearing on Proposed Lien
Section 4.01.140	Notice of Lien; Recordation of Lien; Collection of Lien
Section 4.01.150	Violations
Section 4.01.160	Penalties for Violations
Section 4.01.170	Authority to Promulgate Reasonable Rules and Regulation
Section 4.01.180	No Duty to Enforce

Section 4.01.010 Findings

- A. The Nevada County Board of Supervisors supports the improved parcel defensible space obligations found in Cal. Pub. Res. Code§ 4291 and as adopted in the County of Nevada's local amendments to the California Building Standards Code. However, PRC 4291 does not address hazardous vegetation and combustible material abatement beyond the property line of a parcel on which a protected building or structure is located or the potential impact that hazardous vegetation beyond a property line could have on an adjacent improved parcel. This Chapter extends and supplements state law, utilizing the same treatment requirements as provided by PRC 4291, to ensure defensible space is maintained on parcels adjacent to improved parcels and along emergency access and evacuation routes and fire access easements so that landowners benefit from defensible space on adjacent parcels where appropriate.

- B. During the fire season, County of Nevada generally has a dry, arid climate conducive to wildfires. Nevada County also has a very diverse and complex land scape, which includes dry, brush-covered and grass-covered wildlands, mountainous areas, dense heavily forested properties and other terrains which are home to many sensitive plant and animal species. Many of the County's native and non-native plant species can be highly combustible during normal dry periods and have contributed to significant wildfires within the County. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and have resulted in catastrophic fire losses to life, property and the environment.
- C. Of paramount importance to the Nevada County Board of Supervisors and the citizens of Nevada County are the protection of lives and structures from the threat of wildfire, and the safety of firefighters and law enforcement during wildfires. The proper establishment of defensible space benefits property owners, public safety personnel and all citizens of the County of Nevada by dramatically increasing the likelihood that structures will survive a wildfire, provides for firefighter safety during a firestorm and generally aids in the protection of lives.
- D. The purpose of this Chapter is to provide for the removal of hazardous vegetation and combustible material from around the exterior of improvements situated in the unincorporated areas of the County to reduce the potential for fire and to promote the public health, safety and welfare of the community. It is the further purpose of this Chapter to establish a hazardous vegetation reduction program that provides a process to identify and abate hazardous vegetation on parcels and protects the lives and property of the citizens of the County of Nevada, while at the same time protecting sensitive plant and animal species and protecting against significant erosion and sedimentation. The removal of hazardous vegetation in the areas subject to this Chapter is recognized as an essential action homeowners and property owners can take to increase the chances that homes, structures and other property will survive a wildfire, while protecting the natural environment. Regular fuels management and modifications consistent with the requirements of this Chapter are necessary to ensure adequate defensible space is achieved. The defensible space required by this Chapter is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to structures on adjacent improved parcels.

'The Nevada County Board of Supervisors does not provide fire protection or suppression services within the County. Such services within the County of Nevada are provided by CAL FIRE and numerous independent local fire protection districts, the United States Forest Service, and the Bureau of Land Management.

This Chapter is enacted by ordinance pursuant to the powers granted to the

Board of Supervisors concerning the abatement of hazardous vegetation and combustible material as contained in Cal. Health & Safety Code §§ 14930 and 14931. Additional authority for the abatement of nuisances, establishment of procedures, and establishment of real property liens through the Board of Supervisors is provided in Cal. Gov' t Code §§ 25845 and 25845.5. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.020 Application of Chapter

This Chapter shall apply to:

- A. This Chapter shall be applicable to all unincorporated areas of the County of Nevada.
- B. All Parcels adjacent to Improved Parcels where: (a) the owner/occupant of the Improved Parcel is unable to obtain the required Defensible Space, as delineated in adopted County Codes; and (b) the current condition of fuels on the subject Parcel is assessed by the Public Official as a hazardous fire condition. The owner of the subject Parcel shall provide the fuel modifications to meet the Defensible Space requirements of the adjacent Improved Parcel subject to applicable law including the finding that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the Structure.
- C. All Parcels where:
 - 1. The parcel is adjacent to a roadway which is determined by the Public Official to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement; and
 - 2. The current condition of fuels on the adjacent Parcel is assessed by the Public Official as a hazardous fire condition.
- D. This Chapter may be enforced within those unincorporated areas by independent fire districts having governing bodies other than the Board, provided the governing body acts to enforce this Chapter by adopting an appropriate resolution authorizing the fire chief of the district to enforce the requirements of this Chapter.
- E. If any part of this Chapter is in conflict with any other part of this code the more restrictive provision(s) shall control. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.030 Definitions

As used in this Chapter, the following definitions shall apply:

- A. "Abate" or "Abatement" shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- B. "Abatement costs" shall mean any and all costs incurred by the County of Nevada or a local independent fire district to enforce this Chapter and to abate the hazardous vegetation or combustible material on any property pursuant to this Chapter, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.
- C. "Biomass" shall mean all green waste material generated during the fuel's treatment project. Biomass includes, without limitation, all grass, weeds, vegetation and tree trimmings.
- D. "Board of Supervisors" or "Board" shall mean the Board of Supervisors for the County of Nevada.
- E. "Citation" or "Administrative Citation" shall mean a civil citation issued pursuant to the Chapter stating there has been a violation of one or more provisions and setting the amount of the civil penalty to be paid by the responsible party.
- F. "Combustible material" shall mean all rubbish, litter or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard.
- G. "County" shall mean the County of Nevada, a political subdivision of the State of California.
- H. "Days" shall mean calendar days.
- I. "Defensible space" means that area described in Cal. Pub. Res. Code § 4291 and as otherwise described in this Code, which is adjacent to each side of a building or Structure and must be cleared of brush, Hazardous Vegetation, or Combustible Material, as set forth in this Code.
- J. "Ember Resistant Zone" means an area free of combustible material, hazardous vegetation, or vegetative debris located close to a Structure that can result in either radiant heat or a direct flame contact exposure to the Structure.
- K. "Fire hazard" shall mean any condition, arrangement, act or omission which:
 - 1. Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or

2. May obstruct, delay, hinder or interfere with the operations of a fire department or the egress of occupants in the event of fire.
- L. "Fuel Modification Area" shall mean a strip of land in which the following fuel reduction activities are required to occur:
1. Cut and remove all weeds and grasses down to four (4") inches or lower;
 2. Prune and remove "ladder fuels" up to ten (10') feet or higher;
 3. Remove all dead or decaying trees and tree limbs; and
 4. Perform any other fire protection or maintenance activities within the Fuel Modification Area(s) consistent with the standards and requirements contained in Cal. Pub. Res. Code § 4290 or as required by a Public Official.
- M. "Hazardous vegetation" shall mean any vegetation that is combustible and endangers the public safety by creating a fire hazard. Hazardous vegetation includes material that in its natural state will readily ignite, burn and transmit fire from native or landscape plants to any Structure or other vegetation. Hazardous vegetation includes, but is not limited to, dry grass and leaves, brush, weeds, green waste, dead or dying trees, low-hanging branches, litter or other flammable vegetation that create a fire hazard. Hazardous vegetation shall not include a commercial agricultural crop that is being actively grown and managed by the property owner or their legal tenant.
- N. "Improved Parcel" shall mean a portion of real property on which a Structure is located, the area of which is determined by the Assessor's maps and records and which may be identified by an Assessor's Parcel Number.
- O. "Ladder fuels" shall mean fuels that can carry a fire vertically between or within Combustible Material or Hazardous Vegetation.
- P. "Public Official " shall include the County of Nevada Fire Marshal, the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, company officers and trained prevention staff as may be designated by a Fire Chief to enforce the provisions of this Chapter, Office of Emergency Services staff. Public Officials include County Code Compliance officers.
- Q. "Parcel" shall mean a portion of real property of any size, the area of which is determined by the Assessor's maps and records and which may be identified by an Assessor's Parcel Number.
- R. "**PRC 4291**" shall mean California Public Resources Code section 4291, and any amendments thereto.
- S. "Responsible Party" shall mean an individual, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, firm, organization, partnership,

joint venture or any other person or entity whatsoever whose act or omission caused or contributed to a violation of this Chapter.

- T. "Structure" shall mean any structure with some sort of foundation such as concrete or piers and/or vehicles meeting at least one of the following:
- Is occupied and used as a business or residence three (3) months of the year or more in any combination of days;
 - Has one (1) or more utilities connected to it, including but not limited to, natural gas, propane, or electricity. This includes any means of connection, permitted or otherwise;
 - Has three (3) or more walls, and a roof, and is greater than 119 square feet in size; or
 - Is used for mechanical processing.

The definition of a structure shall not include recreational vehicles with tires in good repair, not standing on leveling jacks or posts, and not otherwise meeting the above criteria.

- U. "Unimproved parcel" shall mean a portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number (APN) upon which no Structure is located. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.040 Nuisance Declared; Duty to Abate Hazardous Vegetation and Combustible Material

- A. Hazardous Vegetation and Combustible Materials within one hundred (100') feet of a Structure (or greater as determined by the Public Official) or along roadways that serve as primary ingress and egress routes, are hereby declared to be a public nuisance that may be abated in accordance with this Chapter, and by any other means available by law.
- B. It shall be the duty of every owner, occupant, and person in control of any Parcel or any interest there in, which is located in the unincorporated territory of the County of Nevada to abate there from, and from all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system), all Combustible Material, and Hazardous Vegetation which constitutes a fire hazard and public nuisance which may endanger or damage neighboring property or forestland.
- C. The requirements of this Section shall be satisfied if the Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system) are cleared in accordance with a Notice to Abate by cutting brush, trimming trees, thinning trees,

disking, mowing, plowing or any other method described in a Notice to Abate, or, if no Notice to Abate is issued, by removing all Hazardous Vegetation and Combustible Materials as follows:

1. Maintain a Defensible Space of one hundred (100') feet from each side and from the front and rear of a Structure, but not beyond the property line except as provided by law. The amount of fuel modification necessary may consider the flammability of the Structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the Structure. The intensity of fuels management may vary within the one hundred (100') foot perimeter of a Structure, the most intense being with the first thirty (30') feet around a Structure. Consistent with fuels management objectives, steps should be taken to minimize erosion;
2. Maintain a one hundred (100') foot wide area of land around Structure(s) located on an adjacent Improved Parcel (some or all of this Defensible Space requirement may be required on an adjacent Parcel depending upon the location of the Structure on the Improved Parcel);
3. Maintain free of Ladder Fuels a minimum of a ten (10')-foot wide strip of land beyond the edge of the driving surface including the shoulder of the roadway serving as primary ingress and egress to the parcel, or the primary ingress and egress of other parcels, to a height of fifteen (15') feet along the boundary of a Parcel;
4. Remove the portion of a tree that extends within ten (10') feet of the outline of a chimney, stovepipe, or roofline of all Structures;
5. Climbing vines must be removed from trees and Structures within the one hundred (100') foot defensible space zone around Structure(s);
6. Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood;
7. Maintain the roof of a Structure free of leaves, needles, or other vegetative materials;
8. Maintain the Parcel free of ladder fuels within the one hundred (100') foot Defensible Space area around Structure(s).
9. Provide a minimum of ten (10') feet clearance of all combustible material and hazardous vegetation surrounding propane tanks, generators, privately owned power poles, and fuel storage tanks.
10. Maintain a five (5') foot ember-resistant zone around Structures and underneath decks, stairs, porches or other combustible material attached to Structures.
11. Improved and Unimproved parcels less than or equal to one acre in size

may be treated

as a Fuel Modification Area for the entirety of the parcel within the discretion of the public official.

- D. The Public Official may mandate additional fuels management of an area more or less than the above-referenced widths or height on a Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the County maintained system), for the protection of public health, safety or welfare or the environment if the Public Official finds that the additional fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to a Structure on an Improved Parcel. The Public Official shall determine appropriate defensible space distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the adjacent Improved Parcel at risk from an approaching fire. These factors shall include, but are not limited to, local weather conditions, fuel type(s), topography, and the environment where the adjacent Parcel or the Structure(s) is located;
- E. When a Structure is less than one hundred (100') feet from a property line and Combustible Material or Hazardous Vegetation on an adjacent Parcel presents a fire hazard for the Structure the owner of the Parcel where the fire hazard exists shall be responsible for clearing the area on that owner's land which is within one hundred (100') feet of the Structure and is needed to provide the necessary fire protection in the manner and to the extent required by the Public Official. The owner, occupant or other person in control of the Structure shall be responsible for fifty (50%) percent of the abatement cost on the adjacent Parcel if the owner of said adjacent Parcel consents in writing to the abatement. If the owner of the Structure is not willing to pay the fifty (50%) percent abatement cost on the adjacent property, no further action will be taken. In the event the adjacent parcel owner is not willing to participate in the fifty (50%) percent cost share they may be held responsible for one hundred (100%) percent of the abatement costs on their property should the County proceed with abatement.
- F. Where the terrain, condition or environment on the adjacent Parcel is such that it cannot or should not be disked or mowed, the Public Official may require, or authorize, other means of hazardous vegetation or combustible material removal.
- G. No Parcel owner may allow any portion of vegetation on their property to interfere with street and emergency vehicle access, regardless of whether the

access is along a public street or along a private residential access road. The Public Official may provide written notice to the property owner requiring vegetation to be trimmed for a specified additional distance when the Public Official determines the vegetation would otherwise interfere with street or emergency vehicle access.

1. If the Parcel Owner fails to maintain these clearance requirements, the Public Official may abate this nuisance without further notice and at the Parcel Owner's expense. This subsection shall not apply to cultivated groundcover such as green grass, ivy, succulents, or similar plants used as groundcovers, provided they do not constitute a fire hazard.
2. Pursuant to Cal. Health & Safety Code §14930 and Cal. Gov't Code §25845, as amended, a Public Official may summarily abate weeds or hazardous growth on private property that in any way hinders emergency access and may charge the Parcel Owner for the costs of the abatement. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.050 Enforcement

- A. The Public Official shall be the primary authority for enforcement of this Chapter and shall administer and enforce the requirements as provided in this Chapter.
- B. The Public Official shall have the following responsibilities and authorities in the enforcement and administration of the provisions of this Chapter:
 1. Receive and respond to complaints through planning and conducting inspections within the limits of available resources.
 2. Review the requirements of this Chapter with property owners and/or occupants found to be out of compliance, to support voluntary compliance with the provisions of this Chapter.
 3. The determination for appropriate clearance distances will be made based upon a visual inspection of the Parcel and shall consider all factors that place the Parcel or adjoining Structure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the Parcel or adjoining Structure(s) is located.
 4. Prepare and issue Notices to Abate, and such other notices as may be necessary to encourage voluntary compliance with the provisions of this Chapter.
 5. Carry out all enforcement and abatement proceedings as described in this Chapter.
 6. Conduct post-notice/pre-abatement inspections and documentation and

conduct post- abatement inspections and documentation.

7. The Public Official may, at their discretion, issue an administrative citation for violations of this Chapter, in lieu of abating a Parcel.
8. Within local fire district boundaries, inspections established by this Chapter may be performed by designated fire district personnel.
9. Conduct abatements and handle accounting, assessment and collection of costs, including recordation of liens.

C. Nothing herein shall limit the ability of a Public Official, to enforce the provisions of this Chapter, from making initial inspections or independent compliance checks without first receiving a complaint. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.060 Notice to Abate

Whenever the Public Official determines, based on a planned inspection, that a Parcel is in violation of this Chapter and requires abatement, the Public Official shall send the owner of record for the Parcel a Notice to Abate. The Notice to Abate shall be in writing and shall:

- A. Identify the owner(s) of the Parcel upon which the violation exists, as named in the records of the County Assessor, and identify the occupant(s) or person in control of the property, if other than the owner(s) and if known or reasonably identifiable.
- B. Describe the location of the Parcel by its commonly used street address, if any; and identify the Parcel by reference to the Assessor's Parcel Number, if any.
- C. Briefly describe the violation(s) on the Parcel and identify the Fuel Modification Area(s) which are required to abate the violation(s) and bring the Parcel into compliance with this Chapter.
- D. Contain a statement that the legal owner or occupant is required to correct the violation and allow at least thirty (30) calendar days from the date the Notice is served for the work to be completed.
- E. Outline the appeal process as provided in this 4.01.090.r.
- F. Contain a statement that, unless the legal owner or occupant abates the violation(s) and brings the Parcel into compliance with this Chapter or seeks an appeal within the time prescribed in the Notice, the violation may be abated at the legal owner and/or occupant's expense. It shall also state that the abatement costs, including administrative costs, may be made a special assessment added to the County assessment roll and become a lien on the real property or be placed on the unsecured tax roll.

- G. Contain a statement that this Chapter provides that the Parcel owner and any person in possession of the Parcel upon which the Hazardous Vegetation or Combustible Material is found to exist shall be jointly and severally liable for all abatement costs incurred by the County. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.070 Service of Notices

All notices required by this Chapter shall be served in the following manner:

- A. By delivering it personally to the legal owner(s) of the Parcel(s) and to the occupant(s), or by mailing it by first-class United States mail to the legal owner(s) of the Parcel at their address as it appears on the last equalized assessment roll and to any non-owner occupant(s), if known, at the street address for the Parcel.
1. If the records of the Nevada County Assessor show that the ownership has changed since the last equalized assessment roll was completed, the Notice shall also be mailed to the new owner(s) at their address as it appears in said records; or
 2. In the event that, after reasonable effort, the Public Official is unable to serve the notice as set forth above, service shall be accomplished by posting copies of the notice along the frontage of the subject Parcel(s), and at such other locations on the Parcel(s) as are reasonably likely to provide notice to the owner(s) and any person known by the Public Official to be in possession of the Parcel(s). At least two (2) copies of the notice shall be posted on a Parcel pursuant to this Section.
- B. The date of service for the notice is deemed to be the date of personal delivery or posting, or three (3) days after deposit in the U.S. mail. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.080 Enforcement Process

- A. Not less than thirty (30) days after the Notice to Abate is served, the Public Official shall conduct a post-notice/pre-abatement inspection on the Parcel and, if the required Fuel Modification Area(s) have not been performed, the Public Official may require that the required Fuel Modification Area(s) be completed by the County, and the cost of enforcement and the abatement with administrative fee be attached to the property tax as a lien.
- B. For Parcels owned or controlled by public agencies, the Public Official, or designee, may provide a Notice of Nuisance and include the project area in the local community wildfire protection plan and request the hazardous vegetation or combustible material be abated in

accordance with the Healthy Forest Restoration Act of 2003 (H.R. 1904) or the PRC. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.090 Appeals Process

- A. Any person upon whom a Notice to Abate has been served may appeal the determination of the Public Official by delivering a written request for hearing to the Clerk of the Board's office within ten (10) calendar days of the date of the Notice to Abate, together with payment of any appeal fee as may be duly adopted by the Board of Supervisors. The written request shall include a statement of all facts supporting the appeal. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived.
- B. If a timely appeal is filed with the Clerk of the Board, no further enforcement action will be taken until after the Hazardous Vegetation Abatement Hearing Body has made a determination on the appeal. In the absence of a timely filed written request that complies fully with the requirements of this Section, the determination of the Public Official as set forth in the Notice to Abate shall become final and conclusive on the thirty-first (31st) day following service of the Notice.
- C. The hearing on the appeal shall occur not more than thirty (30) days after receipt of a timely appeal and shall provide written notice of the hearing date and time to the appellant at least ten (10) days prior to the date of the hearing, unless such time limits are waived in writing by the Public Official and the appellant. Continuances of the hearing will only be granted on a showing of good cause. Unavailability of an attorney does not constitute "good cause." (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.100 Hazardous Vegetation Abatement Hearing Body

A Hazardous Vegetation Abatement Hearing Body is hereby established to hear appeals on any Notice to Abate issued by a Public Official. The Hazardous Vegetation Abatement Hearing Body shall consist of the County Fire Marshal, or designee, the County's Emergency Services Director, or designee, and a Fire Chief from a local fire protection district selected by the Nevada County Fire Chiefs' Association; provided, however, that if the Notice to Abate being appealed was issued by the County Fire Marshal or designee, then the Hazardous Vegetation Abatement Hearing Body shall consist of the County's Emergency Services Director or designee, and two (2) Fire Chiefs from a local fire protection district selected by the Emergency Services Director. The Hazardous Vegetation Abatement Hearing Body shall have the authority to amend, dismiss, or uphold a

Notice to Abate by a majority vote. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2381. (06/10/2014); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.110 Abatement by Public Official

- A. If, at the end of the time allowed for compliance in the original Notice to Abate, or as extended in cases of appeal, or as specified by the Hazardous Vegetation Abatement Hearing Body, compliance has not been accomplished, the Public Official issuing the notice, or the agency of which they are an officer, may pursue a lawful abatement. The Public Official may proceed with the abatement of the Hazardous Vegetation or Combustible Material and provide that it be removed by Public Official or by employees of the agency or by a private contractor selected by the agency in accordance with applicable statutes. The cost of such removal and enforcement accompanied by a reasonable administrative charge may be imposed as an assessment in the County tax roll.
- B. The costs so assessed shall be limited to the actual costs incurred by the Public Official and the County in enforcing the violation and abatement upon the subject Parcel. Such costs may include, but are not limited to, the costs of all prior inspections, appeal hearings and other enforcement actions leading up to the abatement, payments to the contractor, costs of site inspection, costs of notice, boundary determination and measurement, costs for material disposal and all clerical, personnel, consultant, and other administrative costs. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.120 Abatement Penalties and Costs

Upon expiration of the time limits and appeal processes established by this Chapter, the Public Official shall acquire jurisdiction to abate the nuisance, and may carry out the following as appropriate:

- A. Disposal of Materials. Any materials abated may be disposed of as a part of the removal process to include, as appropriate, recycling or as a part of a Biomass utilization program.
- B. Cost Accounting, Receipts and Notice of Assessment. The Public Official shall keep an itemized account of the costs of enforcing the provisions of this Chapter, and of the proceeds of the sale of any materials connected therewith. Upon completion of the abatement, the Public Official shall prepare a notice to be served on the affected Parcel(s) as provided in 4.01.070, "Service of Notice" in this Code and specifying:
 - 1. The work done (supported by before and after pictures);
 - 2. An itemized account of the costs and receipts of performing the work;

3. An address, legal description, or other description sufficient to identify the Parcel that was subject to abatement and/or lien;
4. The amount of the assessment proposed to be levied against the Parcel(s), or the amount to be refunded, if any, due to excess proceeds over the expenses;
5. The time and place where the Public Official will submit the account to the Hazardous Vegetation Abatement Hearing Body for confirmation. The time and place specified shall be no less than fifteen (15) days after service of the notice;
6. A statement that the Hazardous Vegetation Abatement Hearing Body will hear and consider objections and protests to the account and proposed assessment or refund. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05 /10/2016); Ord. 2380. (05 /13/14); Ord. 2521. (04/18/2023))

Section 4.01.130 Hearing on Proposed Lien

At the time and place fixed in the notice, the Hazardous Vegetation Abatement Hearing Body will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hazardous Vegetation Abatement Hearing Body may make such modifications and revisions of the proposed account and assessment as deemed just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised, and shall issue a written recommendation regarding the proposed lien to the Board of Supervisors. The Board of Supervisors may summarily adopt the recommendation

of the Hazardous Vegetation Abatement Hearing Body without further notice of hearing or may set the matter for a *de novo* hearing in accordance with Cal. Gov't Code § 25845(h). The determination of the Board of Supervisors as to all matters contained therein shall be final and conclusive. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2521. (04/18/2023))

Section 4.01.140 Notice of Lien; Recordation of Lien; Collection of Lien

- A. Upon confirmation of an assessment by the Board of Supervisors, the Public Official shall notify the affected Parcel owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board of Supervisors, and advise them that they may pay the account in full within thirty (30) days in order to avoid the lien being recorded against the Parcel(s). If the lien amount is not paid by the date stated in the letter, the Public Official shall prepare and have recorded a Notice of Lien with the Nevada County Clerk-Recorder's office. The Notice of Lien shall contain:

1. A legal description, address and/or other description sufficient to identify

- the Parcel(s) to be liened;
 - 2. A description of the proceeding under which the special assessment was made, including the order of the Board of Supervisors under this code confirming the assessment;
 - 3. The amount of the assessment;
 - 4. A claim of lien upon the described Parcel(s).
- B. Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described Parcel(s), pursuant to Cal. Gov't Code § 25845. Such lien shall be at parity with the liens of State and County taxes, to the extent allowed by applicable law.
- C. After recordation, the Notice of Lien shall be delivered to the County Auditor-Controller, who shall enter the amount of the lien on the assessment roll as a special assessment. The amount set forth shall be subject to the same penalties and interest as ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment to the extent allowed by applicable law. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2521. (04/18/2023))

Section 4.01.150 Violations

Pursuant to Nevada County Code, it shall be an infraction or misdemeanor for any person, natural or corporate, owning, possessing, occupying, or controlling any lands or premises to fail to perform the duty set forth in this Chapter, or to fail to comply with the requirements in the Notice to Abate as specified in this Chapter, or to interfere with the performance of the duties herein specified for any of the Public Officials named in this part, or to refuse to allow any such Public Official, or approved private contractors, to enter upon any Parcel for the purpose of lawfully inspecting and/or as ordered, removing any Hazardous Vegetation and Combustible Material hereinbefore described as a public nuisance, or to interfere in any manner whatever with the Public Officials or contractors in the work of a lawful inspection and ordered removal herein provided. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13 /2014); Ord. 2521. (04/18/2023))

Section 4.01.160 Penalties for Violations

- A. This Chapter is a local safety code. Every violation of this Chapter which is determined to be an infraction, or an administrative violation shall be punishable in accordance with Cal. Gov't Code §§ 53069.4 and 25132, as may be amended from time to time.
- B. Any person violating or failing to comply with the provisions of this Chapter shall be guilty of a misdemeanor, except that when the District Attorney or

County Counsel shall elect to charge such violation as an infraction, it shall be an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly.

- C. Notwithstanding any other law, a violation of local building and safety codes that is an infraction is punishable under Cal. Gov't Code § 25132, as may be amended from time to time, by the following:
 - 1. A fine not exceeding one hundred thirty dollars (\$130) for a first violation.
 - 2. A fine not exceeding seven hundred dollars (\$700) for a second violation of the same ordinance within one year of the first violation.
 - 3. A fine not exceeding one thousand three hundred dollars (\$1,300) for each additional violation of the same ordinance within one year of the first violation.
 - 4. Upon a subsequent violation within a two (2) year period the violator shall be liable to the County for treble the abatement costs, including, but not limited to, costs incurred by local independent fire districts, in accordance with Cal. Gov't Code § 25845.5.
 - 5. Unless a violation creates an immediate danger to health and safety, a Responsible Party shall be provided with notice and an opportunity to correct the violation prior to the imposition of the administrative penalty.
 - 6. Acts, omissions, or conditions in violation of this Chapter that continue to exist, or occur on more than one day, constitute separate violations on each day. Fines may be levied.
- D. Pursuant to Cal. Gov't Code § 25132 (f), if the County levies a fine pursuant to subsections of 4.01.060 (C),
the County shall establish a process for granting a hardship waiver to reduce the amount of the fine upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.
- E. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by imprisonment in the county jail not exceeding six (6) months, or by fine not exceeding one thousand dollars (\$1,000), or by both.
- F. The administrative penalty, or any portion thereof, for a first-time violation which has become effective following the corrective period, may be waived by the Public Official in their sole discretion only if the Responsible Party corrects the violation in accordance with all conditions established by the Public Official.
- G. If after a third inspection, a Parcel owner continues to be noncompliant, the

Public Official may issue a noncompliance citation. This can be waived by the Public Official if the Parcel owner is cooperating, performing best efforts, and mitigation progress is visible.

- H. Whenever a notice has been issued, the Public Official may record a notice of noncompliance with the office of the County Recorder of Nevada County and shall notify the Parcel owner of such action. The notice of noncompliance shall describe the Parcel, shall set forth the noncomplying conditions, and shall state that any abatement costs incurred by the County as a result of the violations of this Chapter may be specially assessed as a lien on the property and that the Parcel owner has been so notified.
- I. Alternatively, the Public Official may prosecute violations of this Chapter by civil action, including, without limitation, issuance of administrative citations. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.170 Authority to Promulgate Reasonable Rules and Regulations

The Board of Supervisors reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this Chapter to enforce, interpret, and carry out the provisions of this Chapter. Such rules, regulations and resolutions may vary between different areas within the County of Nevada. (Ord. 2477. (05/12/2020); Ord. 2463. (03/26/2019); Ord. 2411. (05/10/2016); Ord. 2380. (05/13/2014); Ord. 2521. (04/18/2023))

Section 4.01.180 No Duty to Enforce

Nothing in this Chapter shall be construed as imposing on a Public Official or the County of Nevada any duty to issue a Notice to Abate, nor to abate any Hazardous Vegetation or Combustible Material within a Parcel's Defensible Space, nor to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material, and neither the Public Official nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Hazardous Vegetation or Combustible Material, nor for failure to abate any unlawful Hazardous Vegetation or Combustible Material, nor for failure to take any other action with regard to any unlawful Hazardous Vegetation or Combustible Material. (Ord. 2477. (05/12/2020); Ord. 2521. (04/18/2023))

CHAPTER 2: WILDFIRE PROTECTION STANDARDS, GENERAL REQUIREMENTS

Sections:

Section 4.02.010	Purpose and Intent of Chapter
Section 4.02.020	Scope
Section 4.02.030	Project Consultation and Review
Section 4.02.040	Violations
Section 4.02.050	Inspection Authority
Section 4.02.060	Exceptions to Standards
Section 4.02.070	Appeals
Section 4.02.080	Distance Measurements
Section 4.02.090	Maintenance of Defensible Space Measures
Section 4.02.100	Definitions

Section 4.02.010 Purpose and Intent of Chapter

The regulations contained in this Chapter and the provisions in Title 12, Zoning Regulations, Title 13, Subdivision Regulations, Title 16, Roads including Street Addressing and Naming, and Title 14 Buildings, and County adopted road standards collectively provide the necessary minimum wildfire protection standards that will minimize public safety effects with the establishment of land uses and buildings within State Responsibility Areas (SRA) lands within the County of Nevada. These regulations are intended to mitigate effects of wildland fire exposure to such land uses within the State Responsibility Areas and they are further adopted to equal, exceed, or provide the same practical effect contained in the California State Board of Forestry's Fire Safe Regulations adopted on November 7, 1990.

The fire safety regulations contained in these Chapters provide measures for emergency access, street name and building address signage, water reserves for emergency fire use, and vegetation modification.

These regulations are not to be applied retroactively to existing dwelling units as reflected on the official tax rolls as of October 10, 1991, or to any approved and unexpired entitlements (tentative maps, use permits, site plans, building permits, etc.). They shall be applied to all activities set forth in Sec. 4.02020. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.020 Scope

Activities affected by this Chapter include, but are not limited to:

- A. Subdivisions.
- B. Application for mobile home set-up permits and building permits for new construction, not related to an existing structure, filed on or after October 10, 1991.
- C. Application for a use permit and all ministerial and discretionary site plans.
- D. Road construction, including construction of a road that does not currently exist, or extension of an existing road, not including roads for agricultural or mining use solely on one ownership, and roads used solely for the management and harvesting of wood products. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.030 Project Consultation and Review

A. All projects subject to this Chapter shall be sent for review and comment to the appropriate fire district, to the California Department of Forestry Director (or designee) and/or any other designated fire official having expertise in wildland fire mitigation. Any conditions imposed by said fire agencies shall not be a substitute for or be less restrictive than the minimum requirements contained in these Chapters of the Nevada County Code.

B. All projects located on SRA lands shall be reviewed for compliance with all regulations in the Nevada County Code that provide fire safety requirements. No project may be authorized until the decision-making body or County agent has verified that all appropriate requirements have become a condition of project approval. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.040 Violations

Any permittee or applicant who violates any provision contained in this Chapter shall be guilty of an infraction, as per 12.05.120. (Ord. 1734.(09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.050 Inspection Authority

A. Inspections of the various fire safety regulations on SRA lands shall be completed by the County department under whose jurisdiction the fire safety standard exists and which has inspection authority. The Board of Supervisors may, by Resolution, authorize a different County department, division or officer with fire protection responsibility to perform all or part of such inspection duties.

B. Within local fire district boundaries, inspections established by this Chapter may be performed by district personnel with the approval of the California Department of Forestry Unit Chief. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))

C. All necessary inspections must be performed and approval obtained prior to final occupancy, map recordation or other authorization to occupy as applicable to the use or permit being finalized. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.060 Exceptions to Standards

A. Unless otherwise provided in this Chapter, all exceptions or modifications to the stated standards not contained in the Title 12, 12.05.070 Zoning, Variances' in this Code shall be considered by the planning agency having jurisdiction over the land use entitlement. The planning agency shall consider all the facts associated with the requested exception and request for mitigated practices. In approving same, the hearing body must find that the substituted mean(s) provide the same overall practical effect. Such evidence shall be supported by the Director.

Exceptions or modifications to any portion of the Zoning Chapter shall be considered pursuant to Section governing Variances. In addition to the findings required to approve an area variance, any exception or substitution to the stated standards shall have the same practical effect as supported by the Director and by finding of the appropriate hearing body. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))

B. All requests for exceptions and area variances shall include the following information:

1. The specific Section of the applicable Chapter of the Nevada County Code that is being sought to be modified.
2. Material facts and reasons supporting the request.
3. Details of the exception and substitute standard being proposed along with a demonstration that the same practical effect is being achieved.
4. Site plan and/or other supporting documentation showing the location of the exception, proposed modifications and any mitigating factors that contribute to the exception request. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.070 Appeals

All appeals from this Chapter pursuant to 12.05.120, Administration and Enforcement Sections, within this Code. Appeals may only be filed from actions taken by the appropriate hearing body. No appeal may occur without first having it considered as an exception or an area variance. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.080 Distance Measurements

All specified or referenced distances as to road lengths and vegetative clearing areas are

measured along the ground, unless otherwise stated. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.090 Maintenance of Defensible Space Measures

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for continued annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval, in an emergency access covenant or similar binding agreement. The persons or entity responsible for maintenance must be designated in the development plans. (Ord.

2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.02.100 Definitions

- A. ACCESSORY BUILDING: Any building used as an accessory to residential, commercial, recreational, industrial or educational purposes as defined in the California Building Code, 1989 Amendments, Chapter II, Group M, Division 1, Occupancy that requires a building permit.
- B. AGRICULTURE: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.
- C. ALL WEATHER SURFACE: An asphalt or concrete surface designed and certified by a registered professional engineer to carry the imposed weight load of a legally loaded 40,000 pound vehicle. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023)).
- D. BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code, 1989 Amendments, Chapter II, except Group M, Division 1, Occupancy. For the purposes of this Section, building includes mobile homes and manufactured homes, churches and Daycare facilities. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))
- E. CAL FIRE: California Department of Forestry and Fire Protection. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))
- F. CALIFORNIA FIRE CODE (CFC): California Code of Regulations, Title 24, Part 9, or as amended.
- G. DEFENSIBLE SPACE: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter, as used in this Chapter, is the area encompassing the parcel or parcels

proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

- H. DEVELOPMENT: As defined in Cal. Gov't Code § 66418.1.
- I. DIRECTOR: The Director of the Department of Forestry and Fire Protection or their designee.
- J. DRIVEWAY: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- K. EXCEPTION: As alternative to the specified standard, requests by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites to provide mitigation of the problem.
- L. FIRE VALVE: See hydrant.
- M. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- N. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- O. GREENBELT: A facility or land use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.
- P. HAMMERHEAD/T: A road or driveway that provides a "T"-shaped, three- point turnaround space for emergency equipment, being no narrower than the road that serves it.
- Q. HYDRANT: A valved connection on a water supply or storage system having one two-and-a-half (2.5") inch outlet with a cap for pressurized systems or a four and a half (4.5") inch to two and a half (2.5") inch reducer with a cap. Outlets shall be male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.
- R. LOCAL JURISDICTION: Any county, city/county agency or department or any locally authorized district that issues or approves building permits, use permits, parcel maps or tentative parcel maps or has authority to regulate development and construction activity.

- S. OCCUPANCY: The purpose for which a building, or part thereof, is used or intended to be used.
- T. ONE-WAY ROAD: A minimum of one (1) traffic lane width designed for traffic flow in one direction only.
- U. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. tit. 14 § 1270.01 (c).
- V. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes.
- W. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.
- X. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- Y. SAME PRACTICAL EFFECT: As used in this Chapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics and provisions for fire fighter safety including:
1. Access for emergency wildland fire equipment.
 2. Safe civilian evacuation.
 3. Signing that avoids delays in emergency equipment response.
 4. Available and accessible water to effectively attack wildfire or defend a structure from wildfire.
 5. Fuel modification sufficient for civilian and fire fighter safety.
- Z. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- AA. STATE BOARD OF FORESTRY (SBOF): A nine (9) member board, appointed by the Governor, which is responsible for developing the general forest policy of the State, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the State's interest in federal land in California.
- BB. STATE RESPONSIBILITY AREAS (SRA): As defined in Cal. Pub. Res. Code §§ 4126-4127.
- CC. STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

DD. SUBDIVISION: As defined in Cal. Gov't Code § 66424.

EE. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.

FF. TURNAROUND: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

GG. TURNOUTS: A widening in a roadway or driveway to allow vehicles to pass. Minimum twelve (12') feet wide and thirty (30') feet long with a twenty-five (25') foot taper on both ends.

HH. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway.

II. WILDFIRE: As defined in Cal. Pub. Res. Code §§ 4103 & 4104.

CHAPTER 3: DRIVEWAYS

Sections:

Section 4.03.010	Purpose
Section 4.03.020	Private Driveway Construction Standards
Section 4.03.030	Exception to Driveway Permit Requirement
Section 4.03.040	Petition for Exception to Driveway Standards

Section 4.03.010 Purpose

Proper emergency access providing all season, all-weather evacuation and access by emergency response vehicles is of paramount importance in order to assure that the spread of a wildland fire can be retarded. (Ord. 1734. (09/10/1991); Ord. 2323.

07/13/2010); Ord. 2531. (10/24/2023))

Section 4.03.020 Private Driveway Construction Standards

All newly constructed single-family residences shall be served by a driveway. Any subdivision proposing that two (2) lots be served by a common driveway shall have the driveway constructed prior to the map recordation. The driveway shall meet the following construction standards as administered by the Building Department through a driveway permit when a grading permit is not applicable.

A. Driveway Grade.

1. Below 4,000 feet elevation, driveway grade shall not exceed sixteen (16%) percent unless a Petition for Exceptions is supported by the County Fire Marshal or their appointed designee and granted by the planning agency having jurisdiction over the land use entitlement. Notwithstanding 4.02.060, Exceptions to Standards, there shall be no exceptions granted for grades in excess of twenty-five (25%) percent.
2. At or above 4,000 feet elevation, driveway grade shall not exceed sixteen (16%) percent maximum. Notwithstanding 4.02.060, Exceptions to Standards, there shall be no exceptions granted for grades in excess of sixteen (16%) percent where elevations range above 4,000 feet.

B. Driveway Surface.

1. Driveway surfaces shall be capable of supporting a 40,000 pound legally-loaded vehicle as outlined below:
 - a. Driveways and segments thereof that are between zero (0%) percent and sixteen (16%) percent grade shall be capable of supporting a 40,000 pound legally loaded vehicle as certified by a registered civil engineer, or a minimum of four (4") inch Class II aggregate base.
 - b. Driveways and segments thereof that are sixteen and one-tenth (16.1%) percent grade and above, shall be designed and certified by a registered civil engineer. Prior to foundation

inspection, the engineer shall provide stamped and signed written verification to the County Fire Marshal or their appointed designee that the rough grade complies with the site plan. Prior to, or concurrent with, final inspection, the engineer shall provide stamped and signed written verification that the final driveway complies with the site plan.

2. Driveways between sixteen and one-tenth (16.1%) percent and twenty (20.0%) percent grade shall be engineered with an all-weather surface.

C. Driveway Design.

1. At least the first thirty (30') feet of the driveway encroachment from the edge of pavement of the primary roadway shall be paved and shall conform to the design standards for driveway encroachments as illustrated in the Nevada County Department of Public Works Standards Drawings, available from the Department of Public Works.
2. The driveway must be built to within fifty (50') feet of the nearest point of each dwelling unit.
3. Surface width shall be ten (10') feet minimum with one (1') foot shoulders and fourteen (14') feet unobstructed horizontal clearance for driveway grades up to sixteen (16%) percent. For grades between sixteen and one-tenth (16.1%) percent and twenty (20%) percent, a twelve (12') foot minimum surface width with additional one (1') foot shoulders is required.
4. Vertical clearance shall be fifteen (15') feet minimum, measured from the outside edge of the shoulder.
5. Curve radius shall be fifty (50') feet minimum from centerline. For all driveway radii less than one hundred (100') feet, an additional four (4') feet of surfacing shall be provided on said curves. For all driveway radii between one hundred (100') and two hundred (200') feet, an additional two (2') feet surfacing shall be provided on said curves. All driveways shall also comply with 16.10.040, Road Design Standards regarding Curve Widening and Design Geometrics: Curve Widening.
6. Back-out maneuvering area in front of parking garages and open parking stalls shall be twenty-four (24') feet.
7. Turnouts and Turnarounds.
 - a. For driveways that are three hundred (300') feet or more in length, a turnaround or hammerhead with a maximum grade of twelve (12%) percent shall be provided within fifty (50') feet of the dwelling.
 - b. Driveways exceeding one hundred fifty (150') feet in length, but less than eight hundred (800') feet in length, shall provide a turnout near the midpoint of the driveway.
 - c. Driveways exceeding eight hundred (800') feet shall provide turnouts no more than four hundred (400') feet apart.
 - d. Turnaround: The terminus bulb shall have a minimum forty (40') foot radius.
 - e. Hammerhead T: The long axis shall be a minimum of sixty (60') feet and the leg shall be a minimum of forty (40') feet.

- f. Turnouts shall be a minimum of twelve (12') feet wide and thirty (30') feet long with a minimum twenty-five (25') foot taper on each end.
 - 8. All bridge and culvert portions of the driveway shall support a 40,000 pound legally loaded vehicle.
 - 9. Roadside vegetation: A fuel modification area shall be provided for a distance of ten (10') feet on each side of the driveway measured from the shoulder.
 - 10. All appropriate grading, drainage and erosion control shall be included pursuant to Title 14, Building Codes.
 - 11. Lateral slopes must be designed and installed to accommodate a minimum two percent (2%) and maximum four percent (4%) cross slopes, taking topography into consideration. (Ord. 1748. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2323. 07/13/2010); Ord. 2531. (10/24/2023))
- D. Gates on Driveways.
- 1. Gate entrances shall be at least two (2') feet wider than the width of the traffic lanes serving the gate and shall provide a minimum width of fourteen (14') feet unobstructed horizontal clearance.
 - 2. All gates providing access from a road to a driveway, or another road shall be located at least thirty (30') feet away from the edge of pavement of the primary roadway and shall open to allow a vehicle to stop without obstructing traffic on that primary road. (Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))
 - 3. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))

Section 4.03.030 Exception to Driveway Permit Requirement

A driveway permit pursuant to this Section shall not be required for a driveway legally constructed prior to November 21, 1991. (Ord. 1773. (05/12/1992); Ord. 2531. (10/24/2023))

Section 4.03.040 Petition for Exception to Driveway Standards

A. All exceptions or modifications to the Driveway Standards shall be considered by the Planning Director in consultation with the Fire Marshal. The Planning Director shall consider all the facts associated with the requested exception and request mitigations as deemed appropriate by the Planning Director and Fire Marshal. In approving the same, the Planning Director shall find that the mitigations provide the same overall practical effect as strict compliance with the Driveway Standards. In addition, the Planning Director shall make the following findings:

- 1. That there are special circumstances or conditions affecting said property;
- 2. That the exception is necessary for the preservation of a substantial property right of the petitioner;

3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exception will not constitute a grant of special privileges inconsistent with the limitations upon similar property; and
5. That the exception will provide the same practical effect of fire protection and is supported by an entity responsible for assuring compliance with Cal. Code Regs. tit. 14; Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5, §§ 1270-1276.05. (Ord. 2474. (01/14/2020); Ord. 2323. (07/13/2010); Ord. 2531. (10/24/2023))

CHAPTER 4: EMERGENCY WATER SUPPLY

Sections:

Section 4.04.010	Purpose and Intent
Section 4.04.020	Application
Section 4.04.030	General Standards
Section 4.04.040	Standards for Hydrants/Fire Valves

Section 4.04.010 Purpose and Intent

To provide available and accessible emergency water for wildfire protection on SRA lands, in specified quantities and locations to attack a wildfire or defend property from a wildfire. Such emergency water may be provided in a fire agency mobile water tender or naturally occurring or manmade containment structure, as long as the specified quantity is immediately available. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.04.020 Application

A. Subdivisions, Use Permits, Site Plans. The provisions of this Section shall apply when new parcels, use permits or site plans are approved. The water supply shall be available on-site prior to map recordation in the case of subdivisions or building construction in the case of use permits or site plans.

Remote Single-Family Residential Buildings. The provisions of this Section shall apply when building permits are approved for residential structures that are in excess of eight (8) miles from the closest fire department water tender and which otherwise do not meet the requirements of 4.04.030. The stored amount of on-site water available for fire protection shall be compliant with the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Firefighting." The minimum amount of stored water required is 2500 gallons and may be higher dependent on the size of the structures to be protected and will be exclusive of domestic requirements. The water shall be available on-site at the time of the framing inspection. Construction of the water storage facility shall be in compliance with the drawings kept on file in the Office of the Fire Marshal. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.04.030 General Standards

Each subdivision shall install a water supply system as provided in the following chart. All emergency water to meet fire flow requirements is in addition to the domestic water source.

LAND USE	DENSITY AC/DU	SYSTEM TYPE	FIRE FLOW REQ. (GPM)	HYDRANT SPACING

SINGLE- FAMILY	0-.5	Public (Note 1)	1,000	500
	.5-1.0	Public (Note 1)	500	500
	1.01-1.5	Public (Note 1)	500	1,000
	1.51-3	Public (Note 1)	500	1,000
		Community (Note 2)	500	1,000
	3-5*	Public (Note 1)	500	2,000
		Community (Note 2)	500	2,000
		Class 8 (Note 3)		1 mile
	5+*	Public (Note 1)	500	2,000
		Community (Note 2)	500	1 mile
		Class 8 (Note 3)	500	1 mile
MULTIPLE-FAMILY DWELLINGS		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
COMMERCIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		
INDUSTRIAL		Refer to Sec. 10.301(c) of 1988 Uniform Fire Code		

*NOTE: Subdivisions using Class 8 may require installation of strategic water supply with storage volumes based on the formula for community water systems.

Note 1. PUBLIC WATER SYSTEM - Nevada Irrigation District or other public water purveyor

standards.

Note 2. COMMUNITY WATER SYSTEM - Centrally located water storage system maintained by property owners.

In no case shall the water storage quantity be less than 4,000 gallons regardless of the number of parcels served. All such systems shall be designed to avoid contamination of potable water supplies in accordance with Environmental Health Standards.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q =quantity of water storage and F =the number of units or parcels served.

Note 3. CLASS 8 - Those areas within a fire jurisdiction where the Insurance Services Office (ISO) has issued a dwelling Class 8 rating, typically within five (5) miles of a fire station and within eight (8) miles of a water tender, the stored water requirement for fire protection of single-family residences may be waived.

The minimum water supply shall be determined by using the Formula $Q=1500F$ when Q =quantity of water storage and F =the number of units or parcels served. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.04.040 Standards for Hydrants/Fire Valves

A. The hydrant shall be located eighteen (18") inches above grade in a turnout/turnaround or other approved location, not less than fifty (50') feet from any building. Flammable vegetation shall be removed within eight (8') feet of the hydrant.

B. The hydrant shall be: (1) brass or anodized aluminum with two and a half (2.5") inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4.5") inch National Hose male thread with a four and a half (4.5") inch to two and a half (2.5") inch National Hose reducer with cap for draft systems; or (2) any hydrant approved by the American Water Works Association. Such hydrants shall be an insulated wet barrel or dry barrel as required by the delivery system. It shall have suitable crash protection if required by the local jurisdiction.

C. Signing of Water Sources - Each hydrant/fire valve or access to water shall be identified as follows:

1. If located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3") inches shall be located on the driveway address sign and mounted on a fire-retardant post, or
2. If located along a street or road, it shall be marked/signed to the satisfaction of the fire agency with fire protection responsibility or the hydrants located along state highways shall be as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

CHAPTER 5: FUEL MODIFICATION

Sections:

Section 4.05.010	Purpose and Intent
Section 4.05.020	Disposal of Flammable Vegetation and Fuels
Section 4.05.030	Fuel Modification/Greenbelts

Section 4.05.010 Purpose and Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, these areas shall provide (1) increased safety for emergency fire equipment and evacuating civilians; and (2) a point of attack or defense from a wildfire; and (3) strategic siting of fuel modification and greenbelts. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.05.020 Disposal of Flammable Vegetation and Fuels

Disposal of flammable vegetation and fuels caused by site development and construction, road and driveway construction and fuel modification, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, shall be completed prior to completion of road construction or final inspection of a building permit or subdivision, whichever is appropriate. (Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

Section 4.05.030 Fuel Modification/Greenbelts

- A. All structures within the State Responsibility Area are required to comply with the defensible space regulations in Cal. Code Regs. tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
- B. All parcels shall provide a minimum thirty (30') foot setback for all buildings from all property lines and/or the center of a road.
- C. When a thirty (30') foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect, which reduce the likelihood of home-to-home ignition. Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5') feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30') foot setback; or additional structural hardening such as those required in the California Building Code, Cal. Code Regs. tit. 24, Part 2, Chapter 7A.
- D. As determined by the Director, a fuel modification zone or greenbelt may be required along all or some subdivision exterior boundaries. All subdivisions in excess of ten (10) lots with a density of one residence per 1-1/2 acres or greater shall provide greenbelts or fuel modification areas as a separation between wildland fuels and the lots within the subdivision. In all cases, the minimum width of a greenbelt or fuel modification zone shall be determined by the Director.
- E. Depending on the fire hazard severity classification and other factors, those subdivisions providing a greenbelt may reduce or otherwise eliminate the setbacks required in the base zoning district in

Title 12, Zoning Ordinance, requiring thirty

(30') feet to interior side and rear yards. The less setbacks provided for may be used in lieu of the thirty (30') feet. Such reduction or elimination of setbacks must be determined as part of the review of the tentative map and shall be incorporated as notes on the final map. (Ord. 2474. (01/14/2020); Ord. 1734. (09/10/1991); Ord. 2531. (10/24/2023))

CHAPTER 6: SOUTH YUBA RIVER CORRIDOR BURN PROHIBITION

Sections:

Section 4.06.010 Findings and Purpose

Section 4.06.020 South Yuba River Corridor Burn Prohibitions

Section 4.06.010 Findings and Purpose

A. The State of California has designated the South Yuba River, from Lang Crossing to its confluence with Kentucky Creek below Bridgeport as a designated component of the California Wild and Scenic River System that contains extraordinary scenic, recreational, fishery, and wildlife values of statewide significance that deserve to be preserved in their free-flowing state for the benefit and enjoyment of the people of the state as provided in the California Wild and Scenic Rivers Act, pursuant to Cal. Pub. Res. Code

§§ 5093.50 – 5093.71.

B. In 2001, the Nevada County Board of Supervisors adopted Resolution 01- 355 to join the Memorandum of Understanding (MOU) between the United States Department of Agriculture (USDA) Forest Service, Bureau of Land Management and the California Department of Parks and Recreation on the management of the South Yuba River to develop a comprehensive, coordinated management plan called the South Yuba River Comprehensive Management Plan to coordinate a cohesive management strategy to manage public land resources and uses with the planning area of the South Yuba River Wild and Scenic System designation.

C. The South Yuba River Wild and Scenic System designated corridor covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet).

D. As stated in the South Yuba River Comprehensive Management Plan, the “South Yuba River corridor, with its local weather and steep topography, can produce wildfires with the potential to quickly and intensely spread

across ownership boundaries and human-caused fires are the primary concern both in the corridor and in the watershed. Human-caused fires have created the most damage, per event, of all wildfires within the watershed.

Lightning fires are of secondary concern.” (p. 24)

E. As further stated in the South Yuba River Comprehensive Management Plan, “Open campfires on public lands are not allowed anywhere within the corridor year-round. Where camping is allowed, gas camp stoves are allowed unless fire restrictions are in effect. Fires are allowed only in agency-provided pedestal grills and fire rings in designated sites.” (p. 42)

F. As further stated in the South Yuba River Comprehensive Management Plan, “Land ownership in the South Yuba River corridor is a patchwork of private and public lands. As a result, visitors have the potential to pass through private lands when accessing and recreating on public lands within the corridor. Some property owners welcome visitors to share their land. Others prohibit public access. There are conflicts at times between the visiting public and private property owners. Private property has been misused and occasionally damaged by thoughtless (and sometimes malicious) recreation visitors.” (p. 27)

G. The Yuba River Public Safety Cohort, a multi-agency workgroup that includes federal, state and local public, fire and law enforcement agencies, as well as community private and nonprofit organizations and representatives, are in support of banning open fire on private property within the South Yuba River Wild and Scenic System designated corridor during fire season to mitigate severe high-fire risk from human-caused fires. The corridor contains thick dry brush and flammable vegetation along steep slopes as well as limited and/or restricted access of the topography and the potential for high wind, making it very difficult to fight fires in this area, due to the potential speed of a fire to spread.

H. Per Board Resolution 18-062, a Nevada County 2018 Priority Objective is to “Prioritize the implementation of existing County policies and programs to reduce the risk of wildfire and the effects of wildfire on life, property and the environment. Pursue hazard vegetation mitigation funding sources and support related community partners with their efforts. Explore other ways to reduce the threat and damage from wildfires.”

I. For purposes of consistency of public policy, should the County of Nevada consider implementing a ban on open fire on private property during fire season, the South Yuba River Public Safety Cohort recommends using the boundaries of the South Yuba River Wild and Scenic designated corridor

that covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet) as the boundaries for a ban on open fire given the increased risk of human caused fire from the restricted access of the topography and potential for high wind events and

dangers thereof.

J. Any ban on open fire on private property considered and/or implemented by the County of Nevada shall not be considered an action from the MOU Comprehensive Management Plan party between the County of Nevada, USDA Forest Service, Bureau of Land Management and the California Department of Parks and Recreation but rather shall be considered an action of the sole discretion of the County of Nevada with input and support from the South Yuba River Public Safety Cohort.

K. Given the concerns regarding the restrictions on private property rights, it is recommended that any ban on open fire on private property considered and/or implemented by the County of Nevada be implemented as a pilot program in order to gain public input and feedback following the 2018- 2019 fire seasons for future fire restrictions and/or consideration of a permanent ordinance.

L. For purposes of consistency, upon the adoption of ordinance codified in this Section, all outdoor burning regulations shall be located in this Chapter and any outdoor burning regulations shall be removed from other sections of the Nevada County Codes.

M. Northern California is experiencing a destructive fire season and catastrophic wildfires have already resulted in massive structural damage and deaths. It is necessary to take immediate action to mitigate the hazards of human caused wildfire that would have devastating impacts on the watershed, the surrounding community and the County as a whole.

N. The proposed ordinance is an urgency measure, which if adopted by 4/5ths vote, will become effective immediately. The Board of Supervisors is authorized to adopt an urgency ordinance “for the immediate preservation of the public peace, health, or safety” as per Cal. Gov’t Code § 25123(d).

O. Per Board Resolution 20-041, a Nevada County 2020 Priority Objective is to “Reduce the loss of life during a wildfire by improving evacuation routes and early warning systems; creating more defensible space around private properties and driveways, building a network of maintained fuel breaks, engaging residents in emergency preparedness and fire-safe stewardship, and enhancing critical infrastructure.”

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 (1) 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 2021 fire season for future fire restrictions and/or consideration of a permanent ordinance.

Q. Per Board Resolution 22-092, a Nevada County 2022 Priority Objective is to “Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal and fire-safe land stewardship.”

R. Given the concerns on the catastrophic impact that a wildfire within the South Yuba River Corridor can have on the watershed and surrounding area, as seen during the Jones Fire in 2020 that burned 705 acres, destroyed twenty-one (21) structures, injured seven (7) people, resulted in evacuation of thousands of people and directly threatened the cities of Nevada City and the City of Grass Valley between August 17th to 28th, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended.

S. And given the major risks of wildfire due to human causes that can result in catastrophic impact on wildfire and surrounding area, as seen in the River Fire in 2021 that burned 2,619 acres, destroyed 142 structures, injured four

(4) people, and resulted in the evacuation of thousands of people between August 4th to 13th within both Placer County and Nevada County, it is recommended that a prohibition of open fire on private property within the South Yuba River Wild and Scenic Corridor be extended in perpetuity on an annual basis.

T. And given the impacts due to the restrictions on private property rights, it is noted that the Board of Supervisors retains the right to review, amend or repeal its permanent ordinance at its sole discretion at any time within applicable law. (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018); Ord. 2506. (05/26/2022); Ord. 2531. (10/24/2023))

Section 4.06.020 South Yuba River Corridor Burn Prohibitions

A. This prohibition is immediately from the start of declared fire restrictions (fire season) to the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) on an annual basis.

B. Every firm, person or corporation is prohibited from conducting any and all outdoor burning on private property within the portion of the South Yuba River corridor that covers the lower thirty-nine (39) mile stretch of the South Yuba River from Lang Crossing to its confluence with Kentucky Creek below Bridgeport in Nevada County within a quarter mile from the ordinary high water mark on each side of the river (1,320 feet), as described and shown in Attachment A, attached hereto and incorporated herein by reference, with the following exceptions:

1. Wood and charcoal fires in permanent provided pedestal grills and fire rings in a designated developed recreation site (i.e. organized campground) in an area that is cleared of all non-structural flammable material in all directions at least ten (10') feet in diameter from the fire's edge.
2. Wood, charcoal, gas, jellied petroleum or pressurized liquid fuel fires inside:
 - a. Enclosed stove, grill, barbecue or portable brazier that is located in a designated developed recreation site (i.e. organized campground) or improved parcel with readily available access to an emergency water supply system within thirty (30') feet of the fire, that meets the general standards provided in 4.06.030, and California Fire Code, Cal. Code Regs. Tit 24, §§ 307-308, in an area that is cleared of all non- structural flammable material at least ten (10') feet, in all directions, from the fire's edge with an occupying resident or owner present on the property.
 - b. A permanent fire ring or pit no larger than five (5') feet in diameter on an improved parcel that is located more than twenty-five (25') feet away from a combustible structure with readily available access to an emergency water supply system within thirty (30') feet of the fire, that meets the general standards provided in 4.06.030 and California Fire Code sections 307-308, in an area that is cleared of all non-structural flammable material in all directions at least ten (10') feet in diameter from the fire's edge, with an occupying resident or owner present on the property.
3. Smoking within an enclosed vehicle or building, or while stopped in an area that is cleared of all non-structural flammable material in all directions at least (5') five feet in diameter.

C. The foregoing shall not apply to any individual, firm or corporation who obtains a special permit from the U.S. Forest Service, Bureau of Land Management or California Department of Forestry which shall be necessary for the preservation of the public health, public safety or general welfare. This section shall apply to any and all outdoor burning of any kind, nature or description except campfires and cooking fires in designated allowable locations as outlined in Section II Subsection B above.

- D. Persons who violate any provision of this Code or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1000.00) or imprisonment not exceeding ninety (90) days in the County Jail, or both such fine and imprisonment.
- E. The ordinance codified in this Chapter will remain in effect in perpetuity on an annual basis during fire season as declared by California Department of Forestry and Fire Protection (CAL FIRE). (Ord. 2506. (04/26/2022); Ord. 2485. (12/15/2020); Ord. 2472. (11/12/2019); Ord. 2454. (09/11/2018); Ord. 2506. (05/26/2022))

TITLE 5: REVENUE AND FINANCE ADMINISTRATION
CHAPTER 1: FEES

Sections:

Section 5.01.010	Consolidated Fee Schedule
Section 5.01.020	Coroner Fees
Section 5.01.030	Elections Department Fees
Section 5.01.040	Concealed Firearm License Fee
Section 5.01.050	Fingerprinting Fee Required
Section 5.01.060	Fees for Transportation of Trees, Shrubs and Boughs
Section 5.01.070	County Clerk-Recorder Fee
Section 5.01.080	Probation Department Fees
Section 5.01.090	Fee for Explosives Permit
Section 5.01.100	Identification Photographs
Section 5.01.110	Geographic Information System
Section 5.01.120	Library Fines and Fees
Section 5.01.130	Transcription and Duplication Fees by the Clerk of the Board of Supervisors
Section 5.01.140	Property Tax Administration Fee
Section 5.01.141	Definitions
Section 5.01.142	Calculation and Charging of Property Tax Administration Fee
Section 5.01.143	Responsibilities and Duties
Section 5.01.150	Authority
Section 5.01.151	Definitions
Section 5.01.152	Criminal Justice Administration Fee
Section 5.01.153	Effective Date

Section 5.01.010 Consolidated Fee Schedule

The Board of Supervisors, shall, from time to time, adopt by resolution, fees. To provide greater transparency and ease of accessibility, fees may be listed within a County consolidated fee schedule. Additional fees may be established as permissible by state law and passed by Resolution of the Board of Supervisors.

Section 5.01.020 Coroner Fees

In accordance with Cal. Gov't Code §§ 27472, 54985, the Coroner of the County of Nevada shall charge and collect a fee, the amount which reflects the actual expense incurred by the Coroner, for the removal of a body from the place of death and/or the keeping of a body until its release or interment. Such fee shall be set by resolution of the Board of Supervisors

and shall be imposed in accordance with the Cal. Gov't Code § 27472. (Ord. 2244. (06/26/2007); Ord. 2413. (06/28/2016); (Ord. 2518. (03/14/2023))

Section 5.01.030 Elections Department Fees

A. The Elections Department is hereby authorized to charge and collect fees for the following services, the amount of which shall be adopted by Resolution of the Board of Supervisors of the County of Nevada.

1. Voter registration index.
2. Voter registration/street list by district (digital or printed).
3. Voter registration/street list County-wide (digital or printed).
4. Voter registration list proposed territory/district.
5. Absentee ballot voter list (digital or printed).
6. Absentee voter mailing labels.
7. Certified copy of voter's affidavit of registration.
8. Election results digital (County-wide only); 1999 on or available online; pre-1999 printed (County-wide or a portion thereof).
9. Filing a County initiative (fee is refundable if measure qualifies for the ballot).
10. Maps: 8 1/2" x 11"; 11" x 14"; 34" x 44".
11. Preprinted supervisorial district maps.
12. Other such fees as are adopted by Resolution of the Board of Supervisors or allowable by state or federal law.

B. The fee for certifying a copy of any paper, record or document, the original of which is on file in the County Elections Office. (Ord. 2056. (05/08/2001); Ord. 2108. (02/11/2003); Ord. 2346. (01/24/2012); (Ord. 2518. (03/14/2023))

Section 5.01.040 Concealed Firearm License Fee

The Sheriff is authorized and directed to charge and collect a fee for each concealed firearm license issued by the Sheriff's Office, and a sum for each renewal of said permit, in an amount to be determined by resolution of the Board of Supervisors. (Ord. 2413. (06/28/2016); (Ord. 2518. (03/14/2023))

Section 5.01.050 Fingerprinting Fee Required

Any person desiring to be fingerprinted by the Sheriff's Office shall pay a fee in an amount set by the Board of Supervisors, which the Sheriff shall deposit in the General Fund of the County. Said fee shall be in addition to any amount required by the State of California.

Section 5.01.060 Fees for Transportation of Trees, Shrubs and Boughs

The Sheriff is authorized and directed to collect a fee in an amount set by the Board of Supervisors for each application filed with the Sheriff's Office for tags for the transportation of trees, shrubs, and boughs as required by California Penal Code. The Sheriff is also authorized and directed to collect an additional fee in the amount to be set by the Board of Supervisors for each transportation tag issued.

Section 5.01.070 County Clerk-Recorder Fees

The Clerk-Recorder is hereby authorized to charge and collect, as provided by Cal. Gov't Code §§ 27366, 27397, and 54985, and the Cal. Fish & Game § 711.4, fees for the following services, and others, in the amount of which shall be adopted by Resolution of the Board of Supervisors of the County of Nevada:

1. Application for and issuance of a marriage license.
2. Application for and issuance of a confidential marriage license.
3. Duplicate marriage license.
4. Keepsake marriage license.
5. Issuance of authorization to marry and oath.
6. Marriage ceremony (in-house, on-duty); wedding ceremony witness.
7. Marriage ceremony solemnization.
8. Environmental impact report, clerk's fee.
9. Filing of a fictitious business name statement; first fictitious name; each additional fictitious name; each additional owner; abandonment; withdrawal.
10. Power of attorney for an admitted surety insurer; each subsequent name.
11. Bond of a notary public.
12. Notary signature certification, first signature and subsequent signatures.
13. Involuntary liens (mailed notice); 20-day preliminary notice.
14. Official records duplication, first page and subsequent pages.
15. Official records recordation, first page per document for social security number truncation program.
16. Records search, archival and files search.
17. Maps, first page and subsequent pages.
18. Certification; conformed copies.
19. Mailing and packaging (plus actual postage costs).
20. Fax charge, first page and subsequent pages.
21. Internet subscription service.
22. CD-ROM with one day's images.

23. CD-ROM with one week's images.
24. CD-ROM with one month's images.
25. CD-ROM with archival images.
26. CD-ROM with map images.
27. Complete set of Nevada County recorded maps on electronic format (1865-).
28. Quarterly update map in electronic format.
29. Clerk's filing fee for California Environmental Quality Act documents.
30. Official Records Recordation, First Page Per Document Recording Fee, Submitter Agreement Fee, and Vendor Fee for Electronic Recording Delivery Act of 2004.

*You cannot purchase just the electronic update without first purchasing the complete set.

Section 5.01.080 Probation Department Fees

The Probation Department is hereby authorized to charge and collect fees for the investigation and preparation of presentencing reports for the Superior Courts, and for probation supervision services, in accordance with the provisions of Cal. Penal Code §1203.1(b). The amount of such fees shall be adopted by Resolution of the Board of Supervisors of the County of Nevada. (Ord. 1763. (03/17/1992); (Ord. 2518. (03/14/2023))

Section 5.01.090 Fee for Explosives Permit

In accordance with Cal. Health & Safety §§ 12101-12401, the Sheriff's Office is hereby authorized to charge and collect a fee or fees for the application for, and issuance of, an explosives permit. Such fees shall be set by Resolution of the Board of Supervisors and shall be imposed in accordance with the provisions of Cal. Health & Safety §§ 12101-12401. (Ord. 1847. (10/26/1993); Ord. 2413. (06/28/2016); (Ord. 2518. (03/14/2023))

Section 5.01.100 Identification Photographs

The Sheriff's Office is hereby authorized to charge and collect a fee in an amount to be determined by Resolution of the Board of Supervisors upon request for and receipt of an identification photograph. (Ord. 1847. (10/26/1993); (Ord. 2518. (03/14/2023))

Section 5.01.110 Geographic Information System

In accordance with Cal. Gov't Code §6254.9, the County of Nevada shall charge and collect fees for maps, data, analyses, reports, and other such related information services and/or use of the Geographic Information System (GIS). A schedule of such fees shall be adopted by Resolution of the Board of Supervisors provided, however, that only the actual cost associated with the copying of any map or report shall be charged with regard to any

such map or report that was originally provided by the GIS system for any County purpose. (Ord. 1898. (03/26/1996); (Ord. 2518. (03/14/2023))

Section 5.01.120 Library Fines and Fees

In accordance with Cal. Educ. Code §§ 18700-18767, and Cal. Gov't Code § 54985, the Nevada County Community Library is authorized to charge and collect fees and fines to ensure adequate services are provided. Such fees and fines shall be set by resolution of the Board of Supervisors. (Ord. 2438. (06/27/17; Ord. 2294. (08/11/2009); (Ord. 2518. (03/14/2023))

Section 5.01.130 Transcription and Duplication Fees by the Clerk of the Board of Supervisors

The Clerk of the Board of Supervisors shall be the custodian of all recordings of the official proceedings of the Board of Supervisors. Most current proceedings are available online. The general public shall have the right to listen to or view these recordings and to request a written transcription or digital recording, or accessibility to recordings to create their own transcription of the proceedings recorded thereon subject to the following conditions:

- B. That the transcribing, or reproduction of the proceedings recorded shall only be done at a time which is reasonably convenient to the Clerk of the Board of Supervisors.
- C. That only the Clerk of the Board of Supervisors, or their designee, shall be allowed to operate said equipment for the purpose of producing a certified transcription or reproduction of the proceedings.
- D. That the person requesting the transcription or recording of the proceedings shall pay to the Clerk of the Board of Supervisors an advance deposit in an amount to be established by Resolution of the Board of Supervisors, which sum shall be applied to the total cost of preparing the transcript. The cost of transcribing the proceedings as set forth herein shall be calculated at the rate established by Resolution of the Board of Supervisors.
- E. The Clerk of the Board of Supervisors shall be responsible for and collect the advance deposit and all fees authorized herein. All proceeds derived therefrom shall be paid to the County General Fund. (Ord. 1658. (08/07/1991); Ord. 2389. (10/28/2014); (Ord. 2518. (03/14/2023))

Section 5.01.140 Property Tax Administration Fee

All local agencies shall be assessed for their full proportionate cost of the property tax administration fees for 1989-90 fiscal year and for each subsequent year as same may be allowed by State law. (Ord. 1705. (04/16/1991); Ord. 1723. (06/25/1991); Ord. 2518. (03/14/2023))

Section 5.01.141 Definitions

For purposes of this Chapter, the following definitions shall apply:

- A. PROPERTY TAX ADMINISTRATION COSTS shall be defined as those costs incurred by the County Assessor, Tax Collector, and Auditor-Controller related to the administration of the property tax assessment, collection, and allocation, less any reimbursements collected pursuant to other State or County provisions which defray a portion of the property tax administration expenses. "Property Tax Administration Costs" shall include both direct and overhead costs as permitted by Federal 2 C.F.R. §200 (2022).
- B. PROPERTY TAX ADMINISTRATION FEE shall be defined as the fee charged to a local jurisdiction for its proportionate share of Property Tax Administration Costs.
- C. LOCAL JURISDICTION shall be defined as a city, county, special district, or redevelopment agency. (Ord. 1705. (04/16/1991); Ord. 2518. (03/14/2023))

Section 5.01.142 Calculation and Charging of Property Tax Administration Fee

A property tax administration fee to reimburse the County of Nevada for property tax administration costs shall be charged to each local jurisdiction receiving a share of property taxes collected by the County of Nevada to the extent authorized by law.

The County Auditor-Controller shall calculate, in a manner consistent with law, the property tax administration costs proportionately attributable to each city for each fiscal year commencing with the 1989-1990 fiscal year, which costs shall, commencing in the 1990-1991 fiscal year, be withheld from each city for property tax administration services rendered in the prior fiscal year.

The County Auditor-Controller shall calculate, in a manner consistent with law, the property tax administration costs proportionately attributable to each school district, community college district, County Superintendent of Schools, special district and redevelopment agency for each fiscal year commencing with the 1989-1990 fiscal year and for each fiscal year thereafter, which costs shall, commencing in the 1990-1991 fiscal year be billed to each such special district and redevelopment agency for services rendered in the prior fiscal year, and which shall be due and payable 30 days after receipt of the billing.

To the extent that the County Auditor-Controller has previously issued any bills for fees, it is the intent of this Section that such billing be validated (if necessary) by the adoption of this Section. (Ord. 1705. (04/16/1991); Ord. 2518. (03/14/2023))

Section 5.01.143 Responsibilities and Duties

At least once each fiscal year, the County Auditor-Controller shall, upon request, report the amount of actual costs and allowable overhead costs to the Board of Supervisors and to any other jurisdiction or person.

The revenue received by the County pursuant to this Chapter shall be used only to fund the

actual costs of assessing, collecting, and allocating property taxes. (Ord. 1705. (04/16/1991); Ord. 2518. (03/14/2023))

Section 5.01.150 Criminal Justice Administration Fee Authority

A criminal justice administration fee is hereby established in accordance with the provisions of Cal. Gov't Code § 29550. (Ord. 1723. (06/25/1991); Ord. 2518. (03/14/2023))

Section 5.01.151 Definitions

For purposes of this Chapter, the following definitions shall apply:

A. ACTUAL ADMINISTRATIVE COSTS include only those costs for functions that are performed in order to receive an arrestee into a county detention facility, as further described in Cal. Gov't Code § 29550(c)).

B. LOCAL AGENCY shall be defined as a city, special district, school district, community college district, college or university. (Ord. 1723. 06/25/1991); Ord. 1866. (07/26/1994); Ord. 2518. (03/14/2023))

Section 5.01.152 Criminal Justice Administration Fee

A fee in the amount of \$155.00 shall be charged to any local agency for reimbursement to the County of Nevada for expenses incurred with respect to the booking and/or processing of persons arrested by an employee of such local agency where the arrested persons are brought to the Nevada County Jail for booking, processing or detention. The County of Nevada shall not charge a criminal justice administration fee for those bookings specifically excluded in Cal. Gov't Code § 29550(b). The criminal justice administration fee described herein shall not exceed the actual administrative costs, including overhead costs as permitted by Federal Circular A-87 standards incurred in booking or otherwise processing arrested persons.

The Sheriff's Office of the County of Nevada shall notify the Nevada County Auditor-Controller of the amount due to the County pursuant to the provisions of this Chapter. Such fee shall be due and payable to the County within 30 days from the date an invoice is transmitted from the Nevada County Auditor-Controller's office to the responsible local agency. (Ord. 1723. (06/25/1991); Ord. 1866. (07/26/1994); Ord. 2120. (06/10/2003); Ord. 2518. (03/14/2023))

Section 5.01.153 Effective Date

The County of Nevada Auditor-Controller's office may submit an invoice to a local agency for costs incurred in accordance with this Chapter on or after July 1, 1990. (Ord. 1723. (06/25/1991); Ord. 2518. (03/14/2023))

CHAPTER 2: REAL PROPERTY REVENUE TRANSFER TAX

Sections:

Section 5.02.010	Short Title; Adoption Authority
Section 5.02.020	Imposition; Rate
Section 5.02.030	Payment
Section 5.02.040	Exemptions from Tax - Instruments to Secure Debt
Section 5.02.050	Exemptions from Tax - Public Agencies
Section 5.02.060	Exemptions from Tax - Plans of Reorganization or Adjustment
Section 5.02.070	Exemptions from Tax - Orders of Securities and Exchange Commission
Section 5.02.080	Exemptions from Tax - Partnerships
Section 5.02.090	City Tax Credited Toward County Tax
Section 5.02.100	Repurchase of Unused Stamps; Stamps to be Accepted in Payment of Tax
Section 5.02.110	Administration; Allocation and Distribution of Taxes
Section 5.02.120	Refusal to Record Deed, Instrument, etc., Until Tax is Paid
Section 5.02.130	Refunds
Section 5.02.140	Other Laws Considered in Administration of Tax
Section 5.02.150	Insufficient Tax; Notice by Recorder; Presentation of Records
Section 5.02.160	Misrepresentation to Avoid Tax a Misdemeanor
Section 5.02.170	Operative Date
Section 5.02.180	Tax Roll Parcel Number and Location

Section 5.02.010 Short Title; Adoption Authority

This Chapter shall be known as the “Real Property Transfer Tax Ordinance of the County of Nevada”. It is adopted pursuant to Cal. Tax. & Rev. Code §§ 11901 – 11935.

Section 5.02.020 Imposition; Rate

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the County shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceed an amount to be set by Resolution of the Board of Supervisors.

Section 5.02.030 Payment

The tax imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the County shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) shall be paid by any person who makes, signs, or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

Section 5.02.040 Exemptions from Tax - Instruments to Secure Debt

The tax imposed pursuant to this Chapter shall not apply to any instrument in writing given to secure a debt.

Section 5.02.050 Exemptions from Tax - Public Agencies

Any deed, instrument, or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this Chapter when the exempt agency is acquiring title.

Section 5.02.060 Exemptions from Tax - Plans of Reorganization or Adjustment

The tax imposed pursuant to this Chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment.

- A. Confirmed under the Federal Bankruptcy Act, as amended;
- B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of sec. 205 of Title 11 of the United States Code, as amended;
- C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of sec. 506 of Title 11 of the United States Code, as amended;
or
- D. Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (A) to (D), inclusive, of this Section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

Section 5.02.070 Exemptions from Tax - Orders of Securities and Exchange Commission

The tax imposed pursuant to this Chapter shall not apply to the making or delivery of conveyances to make effective any court or regulatory body mandate or order if any.

- A. The order, in obedience to which such conveyance is made, recites that such conveyance is necessary or appropriate to effectuate the provisions of state and federal laws;
- B. Such order specifies the property which is ordered to be conveyed; and
- C. Such conveyance is made in obedience to such order.

Section 5.02.080 Exemptions from Tax - Partnerships

A. In the case of any realty held by a partnership, no tax shall be imposed pursuant to this Chapter by reason of any transfer of an interest in the partnership or otherwise, if

- 1. Such partnership (or other partnership) is considered a continuing partnership within the meaning of Sec. 708 of the Internal Revenue Code of 1954; and
- 2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Sec. 708 of the Internal Revenue Code of 1954, for purposes of this Chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

C. Not more than one (1) tax shall be imposed pursuant to this Chapter by reason of a termination described in subdivision (b), and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

Section 5.02.090 City Tax Credited Toward County Tax

If the legislative body of any city in the County imposes a tax pursuant to Cal. Rev. & Tax. Code §§ 11901 – 11935 equal to one-half the amount specified in this Chapter, a credit shall be granted against the taxes due under this Chapter in the amount of the city's tax.

Section 5.02.100 Repurchase of Unused Stamps; Stamps to be Accepted in Payment of Tax

The County Clerk -Recorder shall repurchase any unused adhesive stamps or unused Documentary Tax Stamps sold prior to July 1, 1968. The County Clerk -Recorder shall accept in payment of the tax any such stamps affixed to a document offered for recordation

and shall cancel the stamps so affixed.

Section 5.02.110 Administration; Allocation and Distribution of Taxes

The County Clerk - Recorder shall administer this Chapter and shall also administer any ordinance adopted by any city in the County pursuant to Cal. Rev. & Tax. Code §§ 11901 – 11935 imposing a tax for which a credit is allowed by this Chapter.

On or before the fifteenth day of the month the County Clerk - Recorder shall report to the County Auditor the amounts of taxes collected during the preceding month pursuant to this Section and each such city ordinance.

Section 5.02.120 Refusal to Record Deed, Instrument, etc., Until Tax is Paid

The Recorder shall not record any deed, instrument or writing subject to the tax imposed by this Chapter unless the tax is paid. If the party submitting the document so requests, the amount of tax due shall be shown on a separate paper which shall be affixed to the document by the Recorder after the permanent record is made and before the original is returned as specified in Cal. Gov't Code § 27321.

Every document subject to tax hereunder which is submitted for recordation shall show on the face of the document or in a separate document the amount of taxes due under this Chapter and the County Clerk - Recorder may rely thereon.

Every document subject to tax hereunder which is submitted for recordation shall show on the face of the document, or in a separate document, the location of the lands, tenements or other realty described in the document. If such lands, tenements or other realty are located within a city in the County, the name of the city shall be set forth. If such lands, tenements or other realty are located in the unincorporated area of the County of Nevada, that fact shall be set forth.

Section 5.02.130 Refunds

Claims for refunds of taxes imposed pursuant to this Chapter shall be governed by the provisions of Cal. Rev. & Tax. Code §§ 5096 – 5170.

Section 5.02.140 Other Laws Considered in Administration of Tax

In the administration of this Chapter the Recorder shall interpret its provisions consistently with those Documentary Stamp Tax regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the tax on conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967, except that for the purposes of this Chapter, the determination of what constitutes “realty” shall be determined by the definition or scope of that term under State law.

Section 5.02.150 Insufficient Tax; Notice by Recorder; Presentation of Records

Whenever the County Clerk - Recorder has reason to believe that the full amount of tax due under this Chapter has not been paid, they may, by notice served upon any person liable therefor, require them to furnish a true copy of their records relevant to the amount of the consideration or value of the interest or property conveyed.

Section 5.02.160 Misrepresentation to Avoid Tax a Misdemeanor

Any person or persons who makes, signs, issues or accepts or causes to be made, signed, issued or accepted and who submits or causes to be submitted for recordation any deed, instrument or writing subject to the tax imposed by this Chapter and makes any material misrepresentation of fact for the purpose of avoiding all or any part of the tax imposed by this Chapter shall be guilty of a misdemeanor.

Section 5.02.170 Operative Date

This Chapter shall become operative at 12:01 a.m. on January 1, 1968.

Section 5.02.180 Tax Roll Parcel Number and Location

Each deed, instrument or writing by which lands, tenements or other realty is sold, granted, assigned, transferred, or otherwise conveyed, shall have noted upon it the tax roll parcel number. The parcel number will be used only for administrative and procedural purposes and will not be proof of title and in the event of any conflicts, the stated legal description noted upon the document shall govern. The validity of such a document shall not be affected by the fact that such parcel number is erroneous or omitted, and there shall be no liability attaching to any person for an error in such number or for omission of such number.

If said lands, tenements, or other realty are located within a city in the County, the name of the city shall be set forth. If said lands, tenements, or other realty are located in the unincorporated area of the County, that fact shall be set forth.

The County Clerk - Recorder shall not record any deed, instrument or writing in this Section until such information is provided.

CHAPTER 3: SALES AND USE TAX

Sections:

Section 5.03.010	Short Title
Section 5.03.020	Operative Date; Contract with State
Section 5.03.030	Sales Tax
Section 5.03.040	Use Tax
Section 5.03.050	Credit Against Payment of Taxes Amount Due Any City
Section 5.03.060	Preventing or Enjoining Collection of Tax
Section 5.03.070	Amendments to State Revenue and Taxation Code
Section 5.03.080	When Chapter May be Made Inoperative (County)
Section 5.03.090	When Chapter May Be Made Inoperative (City)

Section 5.03.010 Short Title

This Chapter shall be known as the Nevada County Uniform Local Sales and Use Tax Ordinance.

Section 5.03.020 Operative Date; Contract with State

This Chapter shall become operative on April 1, 1958, and prior thereto this County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax Chapter.

Section 5.03.030 Sales Tax

A. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the County at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the County of Nevada on and after April 1, 1958 to and including June 30, 1972, and at the rate of one and one-quarter percent (1-1/4%) thereafter.

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031, all of the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031 as amended and in force and effect on April 1, 1958,

applicable to sales taxes are hereby adopted and made a part of this Chapter as though fully set forth herein.

2. Wherever, and to the extent that, in Cal. Rev. & Tax Code §§ 6025 – 6031, the State is named or referred to as the taxing agency, the County of Nevada shall be substituted therefore. Nothing in this subsection shall be deemed to require the substitution of the name of the County of Nevada for the word “state” when that word is used as part of the title of the State Controller, State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State; nor shall the name of the County be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the County, or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the provisions of that Code; and, in addition, the name of the County shall not be substituted for that of the State in in Cal. Rev. & Tax Code §§ 6701, 6702, except in the last sentence thereof in Cal. Rev. & Tax. Code §§ 6711, 6715, 6737, 6797, and 6828, as adopted.
3. If a seller’s permit has been issued to a retailer under the California Revenue and Taxation Code, an additional seller’s permit shall not be required by reason of this Section.
4. There shall be excluded from the gross receipts by which the tax is measured:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. Eighty percent (80%) of the gross receipts from the sale of property to operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this County.
- 4.5 There shall be excluded from the gross receipts by which the tax is measured:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
 - b. Eighty percent (80%) of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside of the

County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amended or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202 and 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

4.5 There shall be excluded from the gross receipts by which the tax is measured:

- a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
- b. Eighty percent (80%) of the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
- c. Eighty percent (80%) of the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

Section 5.03.040 Use Tax

A. An excise tax is hereby imposed on the storage, use or other consumption in the County of Nevada of tangible personal property purchased from any retailer on or after April 1, 1958, for storage, use or other consumption in the County at the rate of one percent (1%) of the sales price of the property to and including June 30, 1972, and at the rate of one and one-quarter percent (1-1/4%) thereafter. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

B. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031 , all of the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031, as amended and in force and effect on April 1, 1985, applicable to use taxes, are hereby adopted and made a part of this Chapter as though fully set forth herein.

1. Wherever, and to the extent that, in Cal. Rev. & Tax Code §§ 6025 – 6031, the State is named or referred to as the taxing agency, the name of this County shall be substituted therefore. Nothing in this subsection shall be deemed to require the

substitution of the name of this County for the word “state” when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State; nor shall the name of the County be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the County, or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter ; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of in Cal. Rev. & Tax Code §§ 6025 – 6031, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that Code; and in addition, the name of the County shall not be substituted for that of the State in sections 6701, 6702, except in the last sentence thereof, Cal. Rev. & Tax. Code §§ 6711, 6715, 67347, 6797 and 6828, as adopted, and the name of the County shall not be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Cal. Rev. & Tax. Code §§ 6203 and 6203.

2. There shall be exempt from the tax due under this Section:
 - a. The amount of any sales or use tax imposed by the State upon a retailer or consumer.
 - b. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any City and County, County, or City in this State.
 - c. Provided, however, that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall be exempt from eighty (80%) percent of the tax due under this Chapter.
3. There shall be exempt from the tax due under this section:
 - a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

- b. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any City and County, County, or City in this state, shall be exempt from the tax due under this ordinance.
- c. In addition to the exemptions provided in Cal. Rev. ax. Code §§ 6366 and 6366.1, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty (80%) percent of the tax.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amended or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202 and 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

- 3.5. a. The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.
- b. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Cal. Rev. & Tax Code §§ 6025 – 6031 by any City and County, County, or City in this state, shall be exempt from the tax due under this ordinance.
- c. Provided, however, that the storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes is exempted from eighty (80%) percent of the tax.
- d. In addition to the exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempt from eighty (80%) percent of the tax.

Section 5.03.050 Credit Against Payment of Taxes Amount Due Any City

Any person subject to a sales or use tax or required to collect a use tax under this ordinance shall be entitled to credit against the payment of taxes due under this ordinance the amount of sales and use tax due any city in this County, provided that the city sales and use tax is levied under an ordinance including provisions substantially conforming to the provisions of subdivisions (1) to (8), inclusive, of subdivision (h) of Cal. Rev. & Tax. Code § 7202, and other applicable provisions of Cal. Rev. & Tax Code §§ 6025 – 6031.

NOTE: The following language will become operative on the date of any act of the Legislature of the State of California, which amended or repeals and reenacts Cal. Rev. & Tax. Code §§ 7202, 7203 to provide an exemption for operators of waterborne vessels in the same or substantially the same language as that existing in those sections as they read on October 1, 1983.

Section 5.03.060 Preventing or Enjoining Collection of Tax

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this County or against any officer of the State or this County to prevent or enjoin the collection under this Chapter or Cal. Rev. & Tax Code §§ 6025 – 6031, or of any tax or any amount of tax required to be collected.

Section 5.03.070 Amendments to State Revenue and Taxation Code

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of this Chapter which relate to the sales and use tax and which are not inconsistent with Cal. Rev. & Tax Code §§ 6025 – 6031. Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this Chapter. (Ord. 220. (03/13/1958); Ord. 2526. (06/13/2023))

Section 5.03.080 When Chapter May be Made Inoperative (County)

A. Sections 4.4(b), 4.5(3.5) and 4.6(6.5) of this Chapter shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for state-assessed property which is identical to the ratio which is required for local assessments by Cal. Rev. & Tax. Code § 401, at which time Sections 4.4(b), 4.5(2) and 4.6 shall become inoperative.

B. In the event that Sections 4.4(b)(4.5), 4.5(3.5) and 4.6(6.5) of this Chapter become operative and the State Board of Equalization subsequently adopts an assessment ratio for state-assessed property which is higher than the ratio which is required for local assessments by Cal. Rev. & Tax. Code § 401, Sections 4.4(b)(4), 4.5(2) and 4.6 shall become operative on the first day of the month next following the month in which such

higher ratio is adopted, at which time Sections 4.4(b)(4.5), 4.5(3.5) and 4.6(6.5) of this Chapter shall be inoperative until the first day of the month following the month in which the Board of Supervisors again adopts an assessment required for local assessments by Section 401 of the California Revenue and Taxation Code at which time Sections 4.4(b)(4.5, 4.5(3.5) and G-V 4.6(6.5) shall again become operative and Sections 4.4(b)(4), 4.5(2) and 4.6 shall become inoperative.

Section 5.03.090 When Chapter May Be Made Inoperative (City)

The provisions of this Chapter may, by a subsequent ordinance, be made inoperative not less than sixty (60) days, but not earlier than the first day of the calendar quarter, following an increase by any City within this County of the rate of its sales or use tax above the rate in effect at the time this Chapter was enacted

CHAPTER 4: UNIFORM TRANSIENT OCCUPANCY TAX (Lodging and Short-Term Rental Tax)

Sections:

Section 5.04.010	Authority; Title
Section 5.04.020	Definitions
Section 5.04.030	Tax Imposed
Section 5.04.040	Exemptions
Section 5.04.050	Operator's Duties
Section 5.04.060	Annual Registration Certificate
Section 5.04.070	Reporting and Remitting
Section 5.04.080	Penalties and Interest
Section 5.04.090	Failure to Collect and Report Tax. Determination of Tax by Tax Administrator
Section 5.04.100	Appeal
Section 5.04.110	Records to be Retained
Section 5.04.120	Refunds
Section 5.04.130	Actions to Collect
Section 5.04.140	Tax Lien
Section 5.04.150	Violations; Misdemeanor

Section 5.04.010 Authority; Title

This Chapter shall be titled the "Uniform Transient Occupancy Tax." The provisions of this Chapter are adopted pursuant to, and consistent with, Cal. Rev. & Tax. Code §§ 7280 – 7283.51.

Section 5.04.020 Definitions

Except where the context otherwise requires, the definitions given in this Section govern the construction of this ordinance.

A. PERSON means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

B. LODGING FACILITY means any space or shelter or structure, or any portion of any space or shelter or structure which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes, but is not limited to, any hotel, inn, condominium, house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house

trailer at a fixed location, non-exempt campground, or other similar space or shelter or structure, or portion thereof, as provided for pursuant to Cal. Rev. & Tax. Code § 7280, or as that section may be amended. “Lodging facility” shall not include an “organized camp” as defined in Cal. Health & Safety Code § 18897(a).

C. OCCUPANCY means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

D. TRANSIENT means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this ordinance may be considered.

E. RENT means the consideration charged, whether or not received for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

F. OPERATOR means the person who is proprietor of the hotel, lodging or short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs their functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as their principal. Compliance with the provisions of this ordinance by either the principal or the managing agent shall, however, be considered to be compliance by both.

G. TAX ADMINISTRATOR means the Revenue and Collections Officer of the Nevada County Collections Division.

Section 5.04.030 Tax Imposed

For the privilege of occupancy in any hotel, each transient is subject to, and shall pay a tax in the amount of, ten (10%) percent of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the County which is extinguished only by payment to the operator or to the County. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transients’ ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid

directly to the Tax Administrator.

Section 5.04.040 Exemptions

No tax shall be imposed upon:

- A. Any federal or State of California officer or employee when on official business;
- B. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

Section 5.04.050 Operator's Duties

Each operator shall collect the tax imposed by this ordinance to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

Section 5.04.060 Annual Registration Certificate

In order that the County will have an accurate record of parties collecting transient occupancy tax, each operator will be required to register as hereinafter provided.

A. Prior to commencing business and annually thereafter during the month of January of each year, each operator of any hotel renting occupancy to transients shall register such hotel with the Tax Administrator and obtain from them an Annual Registration Certificate to be at all times posted in a conspicuous place on the premises. Registration shall be on a calendar year basis, i.e., from January 1 through December 31, or balance of calendar year in the instance of a mid-year registration. Such Annual Registration Certificate shall, among other things, state the following:

1. Name and address of the hotel.
 2. Name of the operator.
 3. Name and address of owners.
 4. Registration Certificate number and date issued.
- B. Failure to register prior to commencement of business, or failure to re-register in

the month of January in any year of continued operation, as above provided, shall be a misdemeanor.

C. The Registration Certificate shall not be transferable and shall be returned to the Tax Administrator upon sale of property or cessation of business along with the final remittance of transient taxes due.

D. The operator named on the face of this Registration Certificate shall be responsible to collect from transients the transient occupancy tax and remitting such tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department, or office in this County.

E. Notwithstanding the provisions of section governing Transactions Tax Rate of this Code, the Tax Administrator may waive the registration requirement for any year where the operator has filed its initial registration during the last six (6) calendar months of the immediately preceding year.

Section 5.04.070 Reporting and Remitting

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Tax Administrator, make a return to the Tax Administrator, on forms provided by them, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if they deem it necessary in order to ensure collection of the tax and they may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this ordinance shall be held in trust for the account of the County until payment thereof is made to the Tax Administrator.

Section 5.04.080 Penalties and Interest

A. ORIGINAL DELINQUENCY. Any operator who fails to collect and remit any tax imposed by this ordinance within the time required shall pay a penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax.

B. CONTINUED DELINQUENCY. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax and the ten (10%) percent penalty first imposed.

C. FRAUD. If the Tax Administrator determines that the nonpayment of any remittance due under this ordinance is due to fraud, a penalty of twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs (a) and (b) of this section.

D. INTEREST. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one and one-half percent (1.5%) per month on the unpaid balance of the tax, including penalties, from the date on which the remittance first became delinquent until paid.

E. PENALTIES MERGED WITH TAX. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

Section 5.04.090 Failure to Collect and Report Tax. Determination of Tax by Tax Administrator

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this ordinance, any report and remittance of said tax or any portion thereof required by this ordinance, the Tax Administrator shall proceed in such manner as they may deem best to obtain facts and information on which to base their estimate of the tax due. As soon as the Tax Administrator shall procure such facts and information as they are able to obtain upon which to base the assessment of any tax imposed by this ordinance and payable by any operator who has failed or refused to collect the same and to make such report and remittance, they shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this ordinance. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at their last known place of business. Such operator may within twenty (20) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than fifteen (15) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in section governing Limitations on Adoption of State Law and Collection of Use Taxes in this code.

Section 5.04.100 Appeal

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board of Supervisors within fifteen (15) days of the serving or mailing of the determination of tax due. The Board of Supervisors shall fix a time and place for hearing such appeal, and the Clerk of the Board of Supervisors shall give not less than fifteen (15) days written notice to such operator at their last known place of address. The findings of the Board of Supervisors shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

Section 5.04.110 Records to be Retained

It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this Chapter to keep and preserve, for a period of five (5) years, all records that may be necessary to determine the amount of such tax as they may have been liable for the collection of and payments to the County under this ordinance. As a minimum, the records deemed necessary for this determination shall be a chronological cash journal showing tax and room rates separately, or other comparable means of summarizing the operator's monthly or quarterly revenue, supported by room registrations, which may, with reasonable effort, be identified with the revenue summary. These records shall be available, at all reasonable times, for inspection by the County Tax Collector or Auditor-Controller. Performance of an audit does not waive the County's right to any tax or the five (5)-year requirement of preserving records.

Section 5.04.120 Refunds

A. Whenever the amount of any tax, interest or penalty has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the county under this ordinance, it may be refunded as provided in subsections B and C of this Section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms provided by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the County by filing a claim in the manner provided in subsection A of this Section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this Section unless the claimant establishes their right thereto by written records showing entitlement thereto.

Section 5.04.130 Actions to Collect

Any tax required to be paid under the provisions of this Chapter shall be deemed a debt owed by the operator who was responsible for the collection and remittance thereof. Any person owing money to the County under the provisions of this Chapter shall be liable to an action brought in the name of the County of Nevada for the recovery of such tax and subsequent penalties.

Section 5.04.140 Tax Lien

A. The Tax Administrator is authorized to record a Certificate of Delinquency of Transient Occupancy Tax Lien with the Nevada County Clerk-Recorder against an operator who fails to remit taxes, penalties, or interest due under this Chapter within the times required herein. The Certificate of Delinquency of Transient Occupancy Tax Lien may be filed by the Tax Administrator:

1. Twenty (20) days after the serving or mailing of the notice required by Sections of this Code governing Adoptions of Provisions of State Law (5.9), if the operator does not file the application for a hearing permitted to be filed.
2. If the operator files the application permitted to be filed, twenty (20) days after the Tax Administrator's determination of the amount of tax to be remitted pursuant to section 5.9, unless the operator files an appeal pursuant to Section Limitations on Adoption of State Law and Collections of Use Taxes within this Code.
3. If the operator files an appeal pursuant to Section governing Limitations on Adoption of State Law and Collection of Use Taxes, twenty (20) days after service of the Board of Supervisor's findings pursuant to that Section.

The Certificate of Delinquency of Transient Occupancy Tax Lien shall be filed within three (3) years after the tax becomes due. The Certificate of Delinquency of Transient Occupancy Tax Lien shall specify the amount of tax and penalties due, the name and last known address of the operator liable for the same, and a statement that the Tax Administrator has complied with all provisions of this Chapter with respect to the computation and levy of the tax owed by the operator. From the time of the recording

of the Certificate of Delinquency of Transient Occupancy Tax Lien, the amount required to be paid, together with penalties, constitutes a lien upon all real property in the County owned by the operator or thereafter acquired before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from the filing of the Certificate of Delinquency of Transient Occupancy Tax Lien, unless sooner released or otherwise discharged. Within ten (10) years of the date of the recording of the Certificate of Delinquency of Transient Occupancy Tax Lien (or within ten (10) years of the date of the last extension of the lien), the Tax Administrator may extend the lien by filing for record a new certificate in the office of the Nevada County Clerk-Recorder, and, from the time of filing, the lien under the original Certificate of Delinquency of Transient Occupancy Tax

Lien shall be extended for an additional ten (10) years, unless sooner released or otherwise discharged. The lien shall not be removed until the delinquent taxes, penalties for delinquency, and costs of collection are fully paid, or the property is sold for payment of the delinquent taxes, penalties for delinquency, and costs of collection.

B. At any time within three (3) years after the recording of a Certificate of Delinquency of Transient Occupancy Tax Lien under Subsection (A) above, the Tax Administrator may issue a warrant directed to any sheriff for the enforcement of the lien and the collection of any tax and penalties required to be paid the County under this Chapter. The warrant shall have the same effect as a writ of execution and be executed in the same manner and with the same effect as a levy and sale pursuant to a writ of execution. The Tax Administrator may pay or advance to the sheriff such fees, commission, and expenses for services as are provided by law for similar services pursuant to a writ of execution.

C. In lieu of issuing a warrant under Subsection (B), at any time within the three (3) years after a Certificate of Delinquency of Transient Occupancy Tax Lien was recorded under Subsection (A), the Tax Administrator may collect the delinquent amount by seizing, or causing to be seized, any property, real or personal, of the operator and sell any non-cash or non-negotiable property, or a sufficient part of it, at public auction to pay the amount of tax due, together with any penalties, interest, and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall only be of property of the operator not exempt from execution under the provisions of the California Code of Civil Procedure. (Ord. 2204. (05/23/2006); Ord. 2526. (06/13/2023))

Section 5.04.150 Violations; Misdemeanor

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable therefore by a fine or by imprisonment in the County jail, or by both such fine and imprisonment.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or

other data required by the Tax Administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this ordinance to be made, is guilty of a misdemeanor and is punishable as aforesaid.

CHAPTER 5: REASSESSMENT OF DAMAGED OR DESTROYED PROPERTY OR POSSESSORY INTEREST

Sections:

Section 5.05.010	Reassessment in Event of Damage by Misfortune or Calamity
Section 5.05.020	Application
Section 5.05.030	Assessor's Duties
Section 5.05.040	Appeal
Section 5.05.050	Tax Adjustment
Section 5.05.060	Tax Refunds
Section 5.05.070	Assessed Value Prior to Restoration and Reconstruction
Section 5.05.080	Procedure If No Application Filed
Section 5.05.090	Alternative Procedure If No Application Filed
Section 5.05.100	Assessment Upon Completion of Repair, Restoration or Reconstruction
Section 5.05.110	Implementation of Chapter

Section 5.05.010 Reassessment in Event of Damage by Misfortune or Calamity

Every assesses of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed without their fault, may apply for reassessment of that property in accordance with the provisions of Cal. Rev. & Tax. Code §§ §§ 170 – 198.1. The Assessor may initiate the reassessment where the assessor determines that within the preceding twelve (12) months taxable property located in the county was damaged or destroyed.

To be eligible for reassessment the damage or destruction to the property must be at least \$5,000 and must have been caused by any of the following:

- A. A major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster. As used in this paragraph “damage” includes a diminution in the value of property as a result of restricted access to the property where such restricted access was caused by the major misfortune or calamity.
- B. A misfortune or calamity.
- C. A misfortune or calamity which, with respect to a possessory interest in land owned by the state or federal government, has caused the permit or other right to enter upon the land to be suspended or restricted. As used in this paragraph, “misfortune or calamity” includes a drought condition such as existed in this state in 1976 and 1977. Such suspension or restriction shall be considered to be damage to property for purposes of this Chapter.

Section 5.05.020 Application

The application for reassessment may be filed within six (6) months of such misfortune or calamity by delivering to the assessor a written application requesting reassessment showing the condition and value, if any, of the property immediately after the damage or destruction, and the dollar amount of the damage. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Section 5.05.030 Assessor's Duties

A. Upon receiving a proper application, the Assessor shall appraise the property and determine separately the full cash value of land, improvements and personality immediately before and after the damage or destruction. If the sum of the full cash values of the land, improvements and personality before the damage or destruction exceeds the sum of the values after the damage by five thousand dollars (\$5,000) or more, the Assessor shall also separately determine the percentage reductions in value of land, improvements and personality due to the damage or destruction. The Assessor, in that event, shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to this section.

B. The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Nevada County Assessment Appeals Board within fourteen (14) days of the date of mailing the notice.

Section 5.05.040 Appeal

An appeal of the proposed reassessment to the Nevada County Assessment Appeals Board may be requested within fourteen (14) days of the mailing of the notice of reassessment. If an appeal is requested within the fourteen-day (14) period, the Board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the Board regarding the damaged value of the property shall be final, provided that a decision of the Nevada County Assessment Appeals Board regarding any reassessment made pursuant to this Section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

Those reassessed values resulting from reductions in full cash value of amounts, as determined above, shall be forwarded to the Auditor-Controller by the Assessor or the Clerk of the Nevada County Assessment Appeals Board, as the case may be. The Auditor – Controller shall enter the reassessed values on the roll. After being entered on the roll, such reassessed values shall not be subject to review, except by a court of competent jurisdiction.

Section 5.05.050 Tax Adjustment

When an assessment reduction is entered on the assessment roll as provided in this Chapter, the taxes due on the property shall be adjusted as follows; provided, however, that the amount of the reduction shall not exceed the actual loss:

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of the misfortune or calamity, shall be applied to the amount of the reassessment as determined in accordance with this Chapter and the assessee shall be liable for: (1) a prorated portion of the taxes that would have been due on the property for the current fiscal year had the misfortune or calamity not occurred, such proration to be determined on the basis of the number of months in the current fiscal year prior to the misfortune or calamity; plus, (2) a proration of the tax due on the property as reassessed in its damaged or destroyed condition, such proration to be determined on the basis of the number of months in the fiscal year after the damage or destruction, including the month in which the damage was incurred. If the damage or destruction occurred after March 1 and before the beginning of the next fiscal year, the reassessment shall be utilized to determine the tax liability for the next fiscal year provided, however, if the property is fully restored during the next fiscal year, taxes due for that year shall be prorated based on the number of months in the year before and after the completion of restoration.

Section 5.05.060 Tax Refunds

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Cal. Rev. & Tax. Code §§ 5096 – 5107 as an erroneously collected tax or by order of the Board of Supervisors without the necessity of a claim being filed pursuant to Cal. Rev. & Tax Code.

Section 5.05.070 Assessed Value Prior to Restoration and Reconstruction

The assessed value of the property in its damaged condition, as determined pursuant to this Chapter, compounded annually by the inflation factor specified in subdivision (a) of Section 51 of the California Revenue and Taxation Code, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of the law require the establishment of a new base year value.

If partial reconstruction, restoration, or repair has occurred on any subsequent lien date, the taxable value shall be increased by an amount determined by multiplying the difference between its factored base year value immediately before the calamity and its assessed value in its damaged condition by the percentage of the repair, reconstruction, or restoration completed on that lien date.

Section 5.05.080 Procedure If No Application Filed

If no such application has been made and the Assessor determines that within the preceding

six (6) months a property has suffered damage caused by misfortune or calamity, which may qualify the property owner for relief under an ordinance adopted under this section, the Assessor shall provide the last known owner of the property with an application for reassessment. The property owner shall file the completed application within thirty (30) days of notification by the Assessor but in no case more than six (6) months after the occurrence of said damage. Upon receipt of a properly completed, timely filed application, the property shall be reassessed in the same manner as required in subsection 4.3 above.

Section 5.05.090 Alternative Procedure If No Application Filed

In lieu of section 4.8 above, if no such application is made and the assessor determines that within the preceding six (6) months a property has suffered damage caused by misfortune or calamity, which may qualify the property owner for relief under an ordinance adopted under this Section, the assessor may, with the approval of the Board of Supervisors, reassess the property as provided in section 4.3 and notify the last known owner of the property of the reassessment.

Section 5.05.100 Assessment Upon Completion of Repair, Restoration or Reconstruction

When the property is fully repaired, restored or reconstructed, the Assessor shall make an additional assessment or assessments in accordance with this Section upon completion of the repair, restoration or reconstruction.

A. If the completion of the repair, restoration, or reconstruction occurs on or after March 1, but on or before May 31, then there shall be two (2) additional assessments. The first additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll. The second additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value to be enrolled on the roll being prepared.

B. If the completion of the repair, restoration, or reconstruction occurs on or after June 1, but before the succeeding March 1, then the additional assessment shall be the difference between the new taxable value as of the date of completion and the taxable value on the current roll.

C. On the lien date following completion of the repair, restoration, or reconstruction, the Assessor shall enroll the new taxable value of the property as of that lien date.

D. For purposes of this subdivision, “new taxable value” shall mean the lesser of the property’s: (1) full cash value; or (2) factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Cal. Rev. & Tax. Code § 70.

Section 5.05.110 Implementation of Chapter

The Assessor may apply Cal. Rev. & Tax. Code §§ 75 – 75.80 in implementing this Chapter, to the extent that chapter is consistent with this Chapter.

CHAPTER 6: LIBRARY TRANSACTIONS AND USE TAX

Sections:

Section 5.06.010	Title
Section 5.06.020	Use of the Tax; Annual Report
Section 6.06.030	Expenditure Plan
Section 5.06.040	Contract with State
Section 5.06.050	Transactions Tax Rate
Section 5.06.060	Place of Sale
Section 5.06.070	Use Tax Rate
Section 5.06.080	Adoptions of Provisions of State Law
Section 5.06.090	Limitations on Adoption of State Law and Collection of Use Taxes
Section 5.06.100	Permit Not Required
Section 5.06.110	Exemptions and Exclusions
Section 5.06.120	Amendment
Section 5.06.130	Enjoining Collection Forbidden
Section 5.06.140	Use of the Taxes
Section 5.06.150	Implementing Policies and Regulations
Section 5.06.160	Effective and Operative Dates
Section 5.06.170	Termination Date
Section 5.06.180	Actions to Determine Validity of Ordinance, Tax or Related Proceedings

Section 5.06.010 Title

This Chapter shall be known as the Nevada County Public Library Transactions and Use Tax Chapter of the County of Nevada. The transactions and use tax provisions of this Chapter shall be applicable in the incorporated and unincorporated territory of the County of Nevada. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.020 Use of the Tax; Annual Report

A. All revenues from the tax shall be deposited into a special fund and used exclusively to fund projects and purposes described in the Expenditure Plan set forth in Section 5.3. Such revenues shall be used only to supplement existing Library funding and shall not be used to supplant existing funding for the support of County of Nevada library services.

B. Pursuant to Cal. Gov't Code § § 50075.1 – 50077.5, the County's Chief Fiscal Officer shall file a report annually with the Board of Supervisors regarding the amount of tax revenue collected and expended, and the status of any project funded by the tax

revenue pursuant to the Expenditure Plan. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.030 Expenditure Plan

The Expenditure Plan is designed to provide and continue to improve library services by accomplishing the specific projects listed below with the revenues from the transactions and use tax generated over the voter-approved period. The expenditure plan preserves the existing libraries, enhances services and collections at the libraries, and extends branch library services to the served and unserved areas of the County. An annual expenditure plan for the use of funds allocated to library services shall be reviewed and adopted by the Board of Supervisors prior to July 1 of each year.

The specific projects for which the revenues from the transactions and use tax shall be expended are contingent upon total revenue received and allocated as follows:

- A. OPEN HOURS: Extend hours at Library locations in response to needs and desires of Library users.
- B. PROGRAMS AND SERVICES FOR CHILDREN AND TEENS: Increase children's services at all age levels and at all circulating library branches, including for the Summer Reading Program. Provide after school programs, homework help, and reference services for students at circulating branches in response to needs and desires of Library users.
- C. LIBRARY MATERIALS: Increase books and other materials for all ages and replace worn and out-of-date items at all library locations. Continue to include a variety of formats, such as DVDs, audiobooks, eBooks, and online resources.
- D. INFORMATION AND TECHNOLOGY ACCESS: Provide current information services and products in libraries and for remote access. Keep pace with changing and emerging technologies. Increase and improve public access to computers, high-speed broadband, and other technologies such as 3D printers, tablets, video conferencing, software, etc. Provide technology and digital literacy based educational classes for all ages.
- E. SERVICES FOR SENIORS AND LIBRARY USERS WITH DISABILITIES: Improve the accessibility of library locations, services, and materials for seniors and library users with disabilities. Offer a variety of library materials and services in order to be inclusive of the needs of all library users.
- F. LIBRARY SERVICE LOCATIONS: Establish, move, or add library service locations in areas where the demand for services and cost effectiveness is warranted. Improve and enhance current service locations to meet community needs and the objectives listed in this expenditure plan.

G. CITIZENS OVERSIGHT COMMITTEE: A Citizens Oversight Committee will be appointed by the Board of Supervisors consisting of members of the public interested in the continued operation of the public libraries. The purpose of the Committee will be to ensure that the proceeds of the library sales tax are appropriated in accordance with the Expenditure Plan set forth in this Section. Such Committee shall serve without compensation.

H. The County Librarian will meet with representatives of the County's Eastern and Western Friends of the Library organizations to develop and propose an equitable and fair fiscal plan for the operation of the libraries and the proceeds of the tax. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.040 Contract with State

Before the Operative Date, the County of Nevada will contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Chapter, provided that if the Nevada County Library has not contracted with the State Board of Equalization before the Operative Date, it will nevertheless reach an agreement, with the operative date to be the first day of the first calendar quarter following the execution of the contract. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.050 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-quarter of one percent (0.25%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the territory on and after the Operative Date. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.060 Place of Sale

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, despite the place to which delivery is made. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.070 Use Tax Rate

An excise tax is imposed on the storage, use or other consumption in the County of

tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in the territory at the rate of one-quarter of 1 percent (0.25%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax despite the place to which delivery is made. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.080 Adoptions of Provisions of State Law

Except as otherwise provided in this Chapter and to the extent that they are inconsistent with the provisions of Cal. Rev. & Tax. Code §§ 6001 – 7176 are adopted and incorporated by this reference. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.090 Limitations on Adoption of State Law and Collection of Use Taxes

A. In adopting the provisions of Cal. Rev. & Tax. Code §§ 6001 - 7176, wherever the State of California is named or referred to as the taxing authority, the name of this County shall be substituted for it. However, the substitution shall not be made when:

1. The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California.
2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee of it rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
3. In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Cal. Rev. & Tax. Code §§ 6001 – 7176.
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the provisions of that code.
4. In Cal. Rev. & Tax. Code §§ 6701, 6702 (except in the last sentence), 6711, 6715, 6737, 6797 or 6828.

B. The word “County” will be substituted for the word “State” in the phrase “retailer engaged in business in this State” in Cal. Rev. & Tax. Code § 6203 and in the definition of that phrase in Cal. Rev. & Tax. Code § 6203. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.100 Permit Not Required

If a seller’s permit has been issued to a retailer under Cal. Rev. & Tax. Code § 6067, this Chapter shall not require an additional transactor’s permit. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.110 Exemptions and Exclusions

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law of the amount of any state administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property other than fuel or petroleum products to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of California, the United States, or any foreign government.
2. Sales of property to be used outside the County of Nevada, which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or their agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this subsection, delivery to a point outside the County will be satisfied:
 - a. With respect to vehicles, other than commercial vehicles subject to registration under of the Cal. Veh. Code §§ 4000 - 5506, aircraft licensed according to Cal. Pub. Util. Code § 21411 and undocumented vessels registered under Cal. Veh. Code §§ 9840 -9880, by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, their principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, stating that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the

property for a fixed price under a contract entered into before the Operative Date.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease before the Operative Date.
5. For the purposes of subsections B.3 and B.4 of this Section, the sale or lease of tangible personal property will be deemed not to be obligated under a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There is exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state administered transactions and use tax ordinance.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operations directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued under the laws of California, the United States or any foreign government. This exemption is in addition to the exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1.
3. If the purchaser is obligated to purchase the property for a fixed price under a contract entered into before the Operative Date.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease before the Operative Date.
5. For the purposes of subsections C.2 and C.3 of this Section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property will be deemed not to be obligated under a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided for in subsection C.6 of this Section, a retailer engaged in business in the County will not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the canvasser, solicitor, subsidiary,

or person in the County under the authority of the retailer.

7. “A retailer engaged in business in the County” will also include any retailer of the following: vehicles subject to registration under Cal. Veh. Code §§ 4000 - 4023, aircraft licensed according to Cal. Pub. Util. Code § 21411, or undocumented vessels registered under the California Vehicle Code. This retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel or aircraft at an address in the County.

D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or a retailer liable for a transactions tax under Cal. Rev. & Tax. Code §§ 7251 – 7279.6 with respect to the sale to the person of the property, the storage, use or other consumption of which is subject to the use tax. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.120 Amendment

All amendments after the Operative Date to Part I of Division 2 of the Revenue and Taxation Code relating to sale and use taxes which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, will automatically become a part of this Chapter; provided however, that no such amendment will operate to affect the rate of tax imposed by this Chapter. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.130 Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process will issue in any suit, action or proceeding in any court against the State of California or the County, or against any officer of the State of California or the County, to prevent or enjoin the collection under this Chapter, or Cal. Rev. & Tax. Code §§ 7251 – 7279.6 of any tax or any amount of tax required to be collected. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.140 Use of the Taxes

Any and all transactions and use taxes shall be used exclusively for County-wide library programs and operations as such is set forth in the Expenditure Plan established by this Chapter. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.150 Implementing Policies and Regulations

Upon approval of this Chapter, or any amendments thereto, by two-thirds of the voters, the public libraries within Nevada County may adopt policies and regulations and take such other action as may be necessary for the implementation of the transactions and use

tax authorized by this Chapter. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.160 Effective and Operative Dates

B. This Chapter shall relate to the levying and collecting of a County Transactions and Use tax and shall take effect as provided by law. This Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the June 2, 1998, election approve the enactment of the Chapter. If approved, the provisions of this Chapter authorizing the levy of the one-eighth of 1 percent (0.125%) transactions and use tax will become operative on October 1, 1998.

C. The amendment to this Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the November 5, 2002, election approve the amendment of this Section. If approved, the amendment of this Chapter authorizing the continuation of the one-eighth of one percent (0.125%) transactions and use tax through September 30, 2018, shall become effective immediately.

D. The 2016 amendment to this Chapter shall take effect according to law only if at least two-thirds of the electors voting on the measure at the November 8, 2016, election approve the proposed Ordinance adjusting the tax rate to one-quarter of one percent (0.25%) and extending the tax for an additional fifteen (15) years. If approved by the voters, the adjusted tax rate will replace and supersede the existing tax rate as of the Operative Date.

E. The “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the election approving the imposition of the tax imposed by this Chapter, such election to be held on November 8, 2016. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.170 Termination Date

This Chapter shall expire fifteen (15) years from the Operative Date. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

Section 5.06.180 Actions to Determine Validity of Ordinance, Tax or Related Proceedings

Any action or proceeding wherein the validity of the adoption of the retail Transactions and Use tax ordinance provided for in this Chapter, or any amendments hereto, or any of the proceedings in relation thereto is contested, questioned, or denied, shall be commenced pursuant to Cal. Civ. Proc. §§ 860 – 870.5. Otherwise, the tax, and all proceedings in relation thereto, including the adoption and approval of this Chapter by ordinance, shall be held to be valid and in every respect legal and uncontestable. (Ord. 2414. (06/28/2016); Ord. 2526. (06/13/2023))

CHAPTER 7: WILDFIRE PREVENTION, EMERGENCY SERVICES, AND DISASTER READINESS TRANSACTION AND USE TAX

Sections:

Section 5.07.010	Title
Section 5.07.020	General Purpose
Section 5.07.030	Operative Date
Section 5.07.040	Purpose
Section 5.07.050	Contract with State
Section 5.07.060	Transactions Tax Rate
Section 5.07.070	Place of Sale
Section 5.07.080	Use Tax Rate
Section 5.07.090	Adoption of Provisions of State Law
Section 5.07.100	Limitations on Adoption of State Law and Collection of Use Taxes
Section 5.07.110	Permit Not Required
Section 5.07.120	Exemptions and Exclusions
Section 5.07.130	Amendments
Section 5.07.140	Enjoining Collection Forbidden
Section 5.07.150	Severability
Section 5.07.160	Effective Date
Section 5.07.170	Election Costs
Section 5.07.180	Termination Date

Section 5.07.010 Title

This Section shall be known as the "Nevada County Wildfire Prevention, Emergency Services, and Disaster Readiness Transactions and Use Tax." The County of Nevada, hereinafter shall be called "County." This Section shall be applicable in the incorporated and unincorporated territory of the County. (Ord. 2513. (08/09/2022))

Section 5.07.020 General Purpose

- A. To provide countywide emergency services in order to save lives, reduce the threat of wildfires, and improve all-hazards disaster readiness and evacuation safety; and
- B. To provide sustainable funding to support emergency services in the categories of planning, preparedness, prevention, mitigation, response, and recovery, in addition to other general government services. (Ord. 2513. (08/09/2022))

Section 5.07.030 Operative Date

Operative Date means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Section, the date of such adoption being as set forth below. (Ord. 2513. (08/09/2022))

Section 5.07.040 Purpose

This Section is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Cal. Rev. & Tax. Code § 7285, which authorizes the County to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Cal. Rev. & Tax. Code §§ 7251 – 7279.6.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Cal. Rev. & Tax. Code §§ 7251 – 7279.6, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Section.
(Ord. 2513. (08/09/2022))

Section 5.07.050 Contract with State

Prior to the operative date, the County shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the County shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. (Ord. 2513. (08/09/2022))

Section 5.07.060 Transactions Tax Rate

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Section. (Ord. 2513. (08/09/2022))

Section 5.07.070 Place of Sale

For the purposes of this Section, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or their agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration. (Ord. 2513. (08/09/2022))

Section 5.07.080 Use Tax Rate

An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this Section for storage, use or other consumption in said territory at the rate of one-half percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 2513. (08/09/2022))

Section 5.07.090 Adoption of Provisions of State Law

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Cal. Rev. & Tax. Code §§ 7251-7279.6, all of the provisions of Cal. Rev. & Tax. Code §§ 6001 – 61050 are hereby adopted and made a part of this Section as though fully set forth herein. (Ord. 2513. (08/09/2022))

Section 5.07.100 Limitations on Adoption of State Law and Collection of Use Taxes

In adopting the provisions of Cal. Rev. & Tax. Code §§6001 - 7176:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:
 - 1. The word "State" is used as a part of the title of the State Controller, State Treasurer,

State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Section.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Cal. Rev. & Tax. Code §§6001 - 7176; or b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provision of that code.
4. In Revenue and Taxation Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828.B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Cal. Rev. & Tax. § 6203 and in the definition of that phrase in § 6203.1."A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this State or for delivery in the State by the retailer and all persons related to the retailer that exceeds \$500,000.00. For purposes of this Section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder. (Ord. 2513. (08/09/2022))

Section 5.07.110 Permit Not Required

If a seller's permit has been issued to a retailer under Cal. Rev. & Tax. § 6067, an additional transactor's permit shall not be required by this Section. (Ord. 2513. (08/09/2022))

Section 5.07.120 Exemptions and Exclusions

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross

receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the County, which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or their agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Cal. Veh. Code §§ 4000 – 5506 , aircraft licensed in compliance with Cal. Pub. Util. Code § 21411, and undocumented vessels registered under Cal. Veh. Code §§9840 – 9928by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, their principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Section.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Section.
 5. For the purposes of subparagraphs (3) and (4) of this Section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Section, the storage, use or other consumption in this County of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or

consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Cal. Rev. & Tax Code §§ 6366 and 6366.1.3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter. 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Section.

3. For the purposes of subparagraphs (3) and (4) of this Section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
4. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer. 7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Cal. Veh. Code §§ 4000 – 5506, aircraft licensed in compliance with Cal. Pub. Util. Code § 21411, or undocumented vessels registered under Cal. Veh. Code §§ 9840 – 9928. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this Section may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Cal. Rev. & Tax. Code §§ 7251 – 7279.6 with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax. (Ord. 2513. (08/09/2022))

Section 5.07.130 Amendments

All amendments subsequent to the effective date of this Section to Cal. Rev. & Tax Code §§ 6001 - 7176, relating to sales and use taxes and which are not inconsistent with Cal. Rev. & Tax. Code §§ 7251- 7279.6 and Part 1.6 and Part 1.7 of Division 2 of the

Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Section, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Section.
(Ord. 2513. (08/09/2022))

Section 5.07.140 Enjoining Collection Forbidden

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this Section, or Cal. Rev. & Tax. Code §§ 7251 – 7279.6, of any tax or any amount of tax required to be collected. (Ord. 2513. (08/09/2022))

Section 5.07.150 Severability

If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. 2513. (08/09/2022))

Section 5.07.160 Effective Date

This Section relates to the levying and collecting of the County transactions and use taxes and shall take effect immediately. (Ord. 2513. (08/09/2022))

Section 5.07.170 Election Costs

Payment for the costs of the election shall be the responsibility of the County. If the election results in the approval of this Section by a majority of the those voting on the ordinance, the County shall be reimbursed for the cost of the election from the proceeds of the tax. (Ord. 2513. (08/09/2022))

Section 5.07.180 Termination Date

The authority to levy the tax imposed by this Section shall expire ten years from the operative date. (Ord. 2513. (08/09/2022))

CHAPTER: 8: CANNABIS BUSINESS TAX

Sections:

Section 5.08.010	Title.
Section 5.08.020	General Tax.
Section 5.08.030	Purpose.
Section 5.08.040	Definitions.
Section 5.08.050	Tax imposed.
Section 5.08.060	Reporting and remittance of tax.
Section 5.08.070	Registration and Business Tax Certificates.
Section 5.08.080	Payments and communications – timely remittance.
Section 5.08.090	Payment - when taxes deemed delinquent.
Section 5.08.100	Notice not required by the County.
Section 5.08.110	Penalties and interest.
Section 5.08.120	Waiver of Penalties.
Section 5.08.130	Refunds and credits.
Section 5.08.140	Refunds and procedures.
Section 5. 08.150	Personal Cultivation and Non-Remunerative/Compassion Care Cultivation Not Taxed.
Section 5.08.160	Administration of the tax.
Section 5.08.170	Appeal procedure.
Section 5.08.180	Enforcement - action to collect.
Section 5.08.190	Apportionment.
Section 5.08.200	Constitutionality and legality.
Section 5.08.210	Audit and examination of premises and records.
Section 5.08.220	Other licenses, permits, taxes, fees or charges.
Section 5.08.230	Payment of tax does not authorize unlawful business.
Section 5.08.240	Change of Ownership.
Section 5.08.250	Deficiency determinations.
Section 5.08.260	Failure to report—nonpayment, fraud.
Section 5.08.270	Tax assessment - notice requirements.
Section 5.08.280	Tax assessment - hearing, application and determination.
Section 5.08.290	Conviction for violation - taxes not waived.
Section 5.08.300	Violation deemed misdemeanor.
Section 5.08.310	Remedies cumulative.
Section 5.08.320	Amendment or repeal.

Section 5.08.010 Title.

This Chapter shall be known as the “Cannabis Business Tax”. This Chapter shall be applicable in the unincorporated area of the County of Nevada, which shall be known as the “County”.

Section 5.08.020 General Tax.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the County and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the County's general fund and be available for any legal County purpose.

Section 5.08.030 Purpose.

This Ordinance is adopted to achieve the following purposes, among others, and directs that the provisions hereof be interpreted to accomplish these purposes:

- A. To impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, distributing, transporting or engaging in any other commercial business activity related to medical and nonmedical cannabis or cannabis products in the unincorporated area of the County, pursuant to Cal. Bus. & Prof. Code § 19348, Rev. & Tax. Code § 34021.5, or other enabling legislation, notwithstanding if state law uses the term "marijuana" or "cannabis"; and
- B. To impose a tax on all cannabis business in accordance with the authority granted by Cal. Rev. & Tax. Code § 7284 to impose a business license tax; and
- C. To specify the type and rate of tax to be levied, the method of apportionment and the method of collection; and
- D. To comply with all requirements for imposition of a general tax, such tax to become operative only if submitted to the electorate and approved by a majority vote of the voters voting in an election on the issue.

Section 5.08.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

- A. "Base Rate" shall mean (a) the initial cannabis business tax rate in effect as of January 1, 2019, and (b) any adjusted cannabis business tax rate in effect as of on July 1 of each calendar year.
- B. "Business" shall include all activities engaged in or caused to be engaged in within the unincorporated area of the County, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to their employer.
- C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Cal. Health & Safety Code § 11018, and industrial hemp as defined by Cal. Health & Safety Code §

11018.5, and is not limited to medical cannabis.

- D. “Cannabis Accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body. “Cannabis accessories” also means cannabis accessories as defined by Cal. Health & Safety Code § 11018.2, and is not limited to medical cannabis accessories.
- E. “Cannabis Product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Cal. Health & Safety Code § 11018.1 and is not limited to medical cannabis products.
- F. “Cannabis Business” means any business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, possessing, processing, preparing, storing, packaging, labeling, delivering, testing, dispensing, and selling (retail or wholesale sales) of cannabis, of cannabis products or of any ancillary products and accessories, whether or not carried on for gain or profit. Cannabis business does not include any donation, for no consideration whatsoever, of medical cannabis or medical cannabis product to a compassion care patient (as defined by the Compassionate Use Act of 1996) for personal use in accordance with a Compassion Care or non-remunerative use license as contemplated by SB 829 or similar state legislation and/or any similar County Permit as may be required by Nevada County Codes.
- G. “Cannabis Business Tax”, “Business Tax” or “Commercial Cannabis Tax” means the tax due pursuant to this Chapter for engaging in cannabis business in the unincorporated area of the County.
- H. “Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants), each plane shall be counted as a separate canopy area. The plant canopy does not need to be continuous on any premise in determining the total square footage.
- I. “Commercial Cannabis Cultivation” means cultivation conducted by, for, or as part of a cannabis business.
- J. “County Permit” means a permit issued by the County to a person or entity to authorize that person or entity to operate or engage in a cannabis business. The term “County Permit” includes a commercial cannabis permit, or any other permit as the County may require to operate or engage in cannabis activity, issued pursuant to the provisions of the Nevada County Codes including Business Regulations, or any other provisions of the Nevada County Codes which may be adopted or amended

from time to time to authorize any cannabis activity.

- K. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or storage of cannabis, or any combination of these activities.
- L. “Cultivation Area” shall mean the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation, excluding immature plant areas, areas used for cultivation of plants not for sale, or used for research and development, on a single premise, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, without limitation, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises.
- M. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.
- N. “Engaged in Business as a Cannabis Business” means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the unincorporated area of the County or coming into the unincorporated area of the County from an outside location to engage in such activities. A person shall be deemed engaged in business within the unincorporated area of the County if:
 - 1. Such person or person’s employee maintains a fixed place of business within the unincorporated area of the County for the benefit or partial benefit of such person;
 - 2. Such person or person’s employee owns or leases real property within the unincorporated area of the County for business purposes;
 - 3. Such person or person’s employee regularly maintains a stock of tangible personal property in the unincorporated area of the County for sale in the ordinary course of business;
 - 4. Such person or person’s employee regularly conducts solicitation of business within the unincorporated area of the County;
 - 5. Such person or person’s employee performs work or renders services in the unincorporated area of the County;
 - 6. Such person or person’s employee utilizes the streets within the

unincorporated area of County in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

O. “Evidence of Doing Business” means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the unincorporated area of the County.

P. “Fiscal Year” means July 1 through June 30 of the following calendar year.

Q. “Gross Receipts,” except as otherwise specifically provided, means the total amount or compensation (including all receipts, cash, credits and property of any kind or nature) actually received or receivable for the sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed, whether or not such act or service is done as part of or in connection with the sale of materials, goods, wares, or merchandise and any discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. Included in “gross receipts” shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
5. Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person’s own account, not derived in the ordinary course of a business;
6. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer’s business;
7. Cash value of sales, trades or transactions between departments or units of the same business;
8. Whenever there are included within the gross receipts amounts which reflect

- sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
9. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar (\$1.00);
10. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Treasurer-Tax Collector with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.
- R. “Growing Cycle” means the life of cannabis plant grown from seed, clone or start to maturity, at which point the plant is harvested for flower or byproducts to dry, cure grade, trim or package for retail or wholesale.
- S. “Immature Plant” – A cannabis plant which is not flowering.
- T. “Immature Plant Area” – An area designated for the production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Promises.
- U. “Indoor” shall mean cultivation of cannabis using artificial light or mixed light within a detached fully enclosed and secure structure using artificial light at a rate above twenty-five (25) watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada.
- V. “Medicinal Cannabis”, “Medical Cannabis”, “Medicinal Cannabis Product” or “Medical Cannabis Product” means cannabis or a cannabis product recommended by a licensed physician, in accordance with Cal. Health & Safety Code §§ 11362.5 - 11362.83 and intended to be sold for use pursuant to Cal. Health & Safety Code §§ 11362.5 – 11362.9, by a medicinal cannabis patient in California who possess a physician’s recommendation or intended to be donated to or used by a compassion care patient.
- W. “Microbusiness” means an operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
- X. “Mixed-light” means cultivation of cannabis which involves the use of a combination of natural and supplemental artificial lighting. Can be classified as Mixed Light Tier 1 or Mixed Light Tier 2.

Y. “Mixed Light Tier 1” – The use of artificial light at a rate of six (6) watts per square foot or less.

Z. “Mixed Light Tier 2” - The use of artificial light at a rate of above six (6) watts and below or equal to twenty-five (25) watts per square foot. “Mixed Light” cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.

AA. “Non-Remunerative Cultivation” or “Compassion Care Cultivation” means the cultivation of medical cannabis only by a Primary Caregiver on behalf of a Qualified Individual for no monetary compensation as contemplated by SB 829 or similar state legislation and/or any similar permit required by Nevada County Codes. Non-remunerative cultivation or compassion care cultivation activities must be permitted under applicable State law and County codes and must comply with all applicable state and local Commercial Cannabis Cultivation regulations but are not considered Cannabis Businesses for the purposes of this Chapter.

BB. “Nursery” means a facility or part of a facility that is used primarily for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

CC. “Outdoor” shall mean cultivation of cannabis in any location that is not “Indoors” nor “Mixed Light” and which does not involve the use of artificial lighting of any kind.

DD. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

EE. “Personal Use” means cannabis cultivated at the cultivator’s primary place of residence in accordance with all other provisions of Nevada County Codes, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the personal use of the individual who cultivates the cannabis. Personal Use does not include non-remunerative/compassion care cultivation.

“Premise” refers to the site where Cultivation occurs and includes at least one (1) legal parcel but may include multiple parcels if such parcels are under common ownership or control and at least one parcel contains a legally permitted and occupied primary place of residence.

FF. “Sale” means and includes any sale, exchange, trade or barter. GG. “State” means the State of California.

HH. “State License”, “license”, or “registration” means a state license issued pursuant to Cal. Bus. & Prof. Code §§ 26000-26325, or other applicable state law.

II. “Treasurer-Tax Collector” means the Treasurer-Tax Collector of the County of Nevada, their deputies or designees, or any other County officer charged with the administration of the provisions of this Chapter.

JJ. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an

accrediting body that is independent from all other persons involved in the cannabis industry in the state, and (v) is registered with the State Department of Public Health.

Section 5.08.050 Tax imposed.

- A. Beginning January 1, 2019, there is established and imposed a cannabis business tax at the rates and methods set forth in this Chapter. Every person who is engaged in a cannabis business in the unincorporated area of the County shall pay a cannabis business tax in accordance with the requirements of this Chapter.
- B. Tax on Permitted Commercial Cannabis Cultivation Excluding Nurseries
 - 1. Every person who is engaged in commercial cannabis cultivation, excluding nurseries, in the unincorporated area of the County shall pay a cannabis business tax either:
 - a. At a rate of up to ten dollars (\$10.00) per square foot of commercial cannabis cultivation area per growing cycle;
 - b. At a rate of up to eight dollars (\$8.00) per ounce of cannabis or cannabis product sold, bartered, exchanged or otherwise transferred between a cultivator and other persons with State licenses and County Permits, per fiscal year;
 - c. At a rate of up to ten percent (10%) of the Gross Receipts per fiscal year.
 - 2. The initial cannabis business tax base rate effective January 1, 2019, shall be set at two and one-half percent (2.5%) of the Gross Receipts per fiscal year; provided, however, that persons engaged in permitted commercial cannabis cultivation shall not pay less than the following amounts per annum, if tax is based on gross receipt or gross weight:
 - a. Persons cultivating, for sale, a combined total of all growing cycles of less than or equal to two thousand five hundred (2,500) square feet of cannabis canopy shall pay a cannabis business tax of no less than twelve hundred fifty dollars (\$1250.00).
 - b. Persons cultivating, for sale, a combined total of all growing cycles of more than two thousand five hundred (2,500) square feet but less than or equal to a combined total of all growing cycles of five thousand (5,000) square feet of cannabis canopy shall pay a cannabis business tax of no less than twenty-five hundred dollars (\$2500.00)
 - c. Persons cultivating, for sale, more than a combined total of all growing cycles of five thousand (5,000) square feet of cannabis canopy shall pay a cannabis business tax of no less than five-thousand dollars (\$5,000.00).

These set annual minimums may be periodically adjusted during periods of economic or disaster related hardships. Any reductions are not considered permanent and will be re-evaluated annually, as necessary.

3. Beginning July 1, 2023 each person engaged in legally authorized commercial cannabis cultivation within the unincorporated area of Nevada County shall pay an initial annual tax of \$0.16 per square foot per cycle of outdoor or mixed light tier 1 cultivation area or \$0.32 per square foot per cycle of mixed-light tier 2 or indoor cultivation area.

C. Tax on all other Cannabis Businesses Including Nurseries

1. Every person who is engaged in all other commercial cannabis business, including but not limited to as a retailer, distributor, distribution facility, testing laboratory, transporter, manufacturing facility, nursery, dispensary or engaging in the delivery of cannabis or operating as a microbusiness, in the unincorporated area of the County shall pay a cannabis business tax at a rate of up to ten percent (10%) of the Gross Receipts per fiscal year.
2. The initial cannabis business tax rate effective January 1, 2019, through June 30, 2021, shall be set at two and one-half percent (2.5%) of the Gross Receipts, but no less than twenty-five hundred dollars (\$2,500.00) per fiscal year.

D. Adjustments and Increases to Tax Rates and Methodology

1. Beginning on July 1, 2021, and on July 1 of each succeeding fiscal year thereafter, the cannabis business tax rates imposed by this Section 8.5 shall be automatically increased by the annual Consumer Price Index (CPI) for all urban consumers in the San Francisco-Oakland-San Jose areas as published by the United States Government Bureau of Labor Statistics as published for February of each calendar year. For example, a two percent (2%) CPI on the initial two and one-half percent (2.5%) tax rate under this subsection would result in an adjusted tax rate of 2.55%. However, no CPI adjustment resulting in a decrease of any tax rate imposed by this subsection shall be made.
2. As of July 1, 2021, the Board of Supervisors may, by ordinance, increase the cannabis business tax base rate in increments of up to two percent (2%) per year, not to exceed the maximum tax rates set forth in this subsection. For example, a two percent (2%) discretionary increase in the initial base rate under this subsection would result in a four and one-half percent (4.5%) base tax rate. Such increases shall be at the discretion of the Board of Supervisors. Incremental increases in the base tax rate shall not occur more than once per fiscal year, following the approval by the Board of Supervisors of such increase at a regularly scheduled meeting of the Board of Supervisors; provided, however, that if the Board of Supervisors does not increase the base tax rate for a period of three years or longer, then there shall be no limit on the percentage of discretionary increase that may be imposed by the Board of Supervisors. Said discretionary increases in the base tax rate may be made in addition to any automatic CPI increase as provided above.

3. Notwithstanding the maximum tax rates established in Subsections of this Chapter, the Board of Supervisors may, in its discretion, at any time by ordinance, implement a lower tax rate for all persons engaged in commercial cannabis activity in the unincorporated area of the County or establish different tax rates for differing categories of commercial cannabis businesses, to be defined by the Board of Supervisors, subject to the maximum tax rates set forth in Subsections 8.5 B and 8.5 C of this Chapter. The Board of Supervisors may, by ordinance, also increase any such tax rate from time to time, not to exceed the maximum tax rates set forth in Subsections 8.5.B and 8.5.C of this Chapter. Notwithstanding the methodology used for the initial cannabis business tax set forth in Subsection 8.5.B, the Board of Supervisors may, in its discretion, at any time by ordinance, implement a change in the methodology or rate structure for commercial cannabis cultivation businesses, subject to the maximum tax rates and consistent with the tax methodologies set forth in Subsection 8.5.B. The Board of Supervisors may also, in its discretion, create a tiered rate structure based on State license or County Permit type so long as the highest tier in the rate structure does not exceed the maximum tax rate, per fiscal year.

Section 5.08.060 Reporting and remittance of tax.

A. The cannabis business tax imposed by this Chapter shall be imposed on a fiscal year basis and shall be due and payable as follows:

1. If the cannabis business tax is collected on gross receipts or by gross weight, each person engaged in a cannabis business and subject to the cannabis business tax shall, on or before the last day of the month following the close of each quarter, prepare and submit a tax return on the form prescribed by the Treasurer- Tax Collector with the total gross receipts and the balance of the tax due, if any. The full amount of the tax due shall be remitted to the Treasurer-Tax Collector at the time the return is filed. The tax due shall be no less than the quarterly installment due, but the Treasurer-Tax Collector may permit the taxpayer to pay the tax due for the entire fiscal year. Each cannabis business shall pay on or before the last day of the month following the close of each quarter.
2. If the cannabis business tax is owed on commercial cannabis cultivation and if the Board of Supervisors has implemented a square footage methodology for taxing cannabis cultivation, the square footage tax due shall be paid based on the square footage and number of growing cycles of cultivation authorized by the County Permit and reported annually on the annual tax registration. Based on the above information reported, the tax collector will, on an annual basis, mail to each authorized legal cannabis business a statement of taxes owed to be due in two (2) equal installments with due

dates specified on the tax statement. Should a license and/or permit (state or County) be issued after annual tax statements are mailed, a prorated statement of taxes due will be sent and due as specified on the tax statement. The tax statement may include a request for adjustment of the tax due to square footage authorized but not utilized for cultivation, and/or crop loss, along with evidence substantiating the square footage utilized and/or crop loss. The decision to prorate or adjust the tax will be made at the sole discretion of the County. A fee may be adopted by the Board of Supervisors and collected by the agency having jurisdiction or the Treasurer-Tax Collector to pay for the cost of investigating, verifying and opining on such request for adjustment of the tax. If the cannabis cultivation begins in the middle of the fiscal year, the Treasurer-Tax Collector shall prorate, in monthly increments, the amount due for the fiscal year.

3. All tax statements shall be completed on forms prescribed by the Treasurer-Tax Collector.
4. Tax statements and payments for all outstanding taxes owed the County are immediately due to the Treasurer-Tax Collector upon cessation of business for any reason.
5. The Treasurer-Tax Collector may, at their discretion, establish shorter report and payment periods for any taxpayer, as the Treasurer-Tax Collector deems necessary to ensure collection of the tax.
6. The Treasurer-Tax Collector may, as part of administering the tax and in their discretion, modify the form of payment and take such other administrative actions as needed to facilitate collection of the tax.

Section 5.08.070 Registration and Business Tax Certificates.

- A. In order that the Treasurer-Tax Collector shall have an accurate record of persons required to collect, report and remit the cannabis business tax in the unincorporated area of the County, prior to conducting business each person engaged in commercial cannabis cultivation or other cannabis business shall register such cannabis business with the Treasurer-Tax Collector, submit any information deemed necessary by the Treasurer- Tax Collector, and obtain a business tax certificate. Separate business tax certificates may be required for each business location.
- B. The issuance of a business tax certificate shall not entitle any person to engage in any cannabis business without first complying with the requirements of the Nevada County Codes and all other applicable laws.
- C. Business tax certificates issued under this Chapter are nontransferable.
- D. The Treasurer-Tax Collector may, as part of administering this Registration requirement and in their discretion, develop such registration forms, tax

certificates, posting requirements and implementing regulations, and take such other administrative actions as needed to facilitate and ensure compliance with the registration process.

Section 5.08.080 Payments and communications – timely remittance.

- A. Whenever any payment, statement, report, request or other communication is due, it must be received by the Treasurer-Tax Collector on or before the final due date. A postmark cancellation made by the United States Postal Service will be accepted as timely received. If the due date for the tax would fall on a Saturday, Sunday, County holiday or a United States Post Office closure date, the due date shall be the next regular business day on which the County is open to the public.
- B. For the purposes of this section, “on or before” shall be interpreted as: (1) hand delivery to, and receipt by, the Treasurer-Tax Collector, or (2) postal delivery of a properly stamped and addressed envelope containing the return and full amount of the tax to the United States Postal Service. Delivery to the Postal Service must be verified by cancellation by the Postal Service showing a postmark date no later than midnight on the date that the tax is due.

Section 5.08.090 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Treasurer-Tax Collector postmarked on or before the due date as specified in Sections 8.7 and 8.8 of this Chapter.

Section 5.08.100 Notice not required by the County.

The County may as a courtesy send a tax notice to the business. However, the Treasurer-Tax Collector is not required to send a notice of assessment, delinquency, or any other tax notice or bill to any person subject to the provisions of this Chapter. Failure to send any such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

Section 5.08.110 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one and one-half percent (1.5%) per month.
2. If the tax remains unpaid for a period exceeding one (1) calendar month beyond the due date, an additional penalty equal to ten percent (10%) of the

amount of the tax, plus interest at the rate of one and one-half percent (1.5%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one and one-half percent (1.5%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

- B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in Section 8.11, and any other amount allowed under state law.
- C. The commercial cannabis business tax due shall be that amount due and payable from the first date on which the person was engaged in commercial cannabis business in the unincorporated area of the County of Nevada, together with applicable penalties and interest calculated in accordance with Section 8.11.A, above.
- D. Any person whose commercial cannabis business tax is delinquent by at least sixty (60) calendar days may be subject to revocation of the County Permit associated with that cannabis business activity.
- E. The Treasurer-Tax Collector is authorized to make an assessment in the manner provided for in Sections 8.25 and 8.26 of the anticipated tax liability for up to the following four (4) quarters for any person who has failed to file one (1) or more returns or payments, or who has filed one (1) or more delinquent returns or payments, in any twelve (12) month period, without curing the failure or delinquency within sixty (60) days of the original due date after written notice by the Treasurer-Tax Collector of the failure or delinquency. Failure to remit the anticipated tax within sixty (60) days of the notice of assessment shall be grounds for revocation of the County Permit associated with the subject cannabis business or, in the case of an unpermitted cannabis business, may be grounds for denial of a permit application for said cannabis business.

Section 5.08.120 Waiver of Penalties.

The Treasurer-Tax Collector may waive the first and second penalties of ten percent (10%) each imposed upon any person if:

- A. The person provides evidence satisfactory to the Treasurer-Tax Collector that failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the County prior to applying to the Treasurer-Tax Collector for a waiver.
- B. The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during a twenty-four (24) month period.

Section 5.08.130 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 8.14.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

Section 5.08.140 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the County under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Treasurer-Tax Collector within one (1) year of the date the tax was originally due and payable. The claimant shall state, under penalty of perjury under the laws of the State of California, the specific grounds upon which the claim is founded. The claim shall be on forms furnished by the Treasurer-Tax Collector.

B. The Treasurer-Tax Collector, the County Auditor-Controller, their respective designees, or any other County officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Treasurer-Tax Collector to do so. The Treasurer-Tax Collector may collect a fee approved by the Board of Supervisors to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Treasurer-Tax Collector to make a determination on the claim for refund.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the County, the County shall refund the amount of tax erroneously paid up to one (1) year from when the error was identified.

Section 5.08.150 Personal Cultivation and Non-Remunerative/Compassion Care Cultivation Not Taxed.

A. The provisions of this Chapter shall not apply to personal cannabis cultivation.

B. This Chapter shall not apply to personal use of cannabis that is specifically exempted from State and County licensing or permitting requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

C. This Chapter shall not apply to non-remunerative/compassion care cultivation as defined in this Chapter.

Section 5.08.160 Administration of the tax.

A. It shall be the duty of the Treasurer-Tax Collector to collect the taxes, penalties,

- fees, and perform the duties required by this Chapter.
- B. For purposes of administration and enforcement of this Ordinance generally, the Treasurer-Tax Collector may, from time to time, promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Ordinance as they deem necessary to implement or clarify such provisions or aid in enforcement.
- C. The Treasurer-Tax Collector may take such administrative actions as needed to administer the tax, including but not limited to:
1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
 2. Implement all tax adjustments in accordance with this Chapter;
 3. Provide information to any taxpayer concerning the provisions of this Chapter;
 4. Receive and record all taxes remitted to the County as provided in this Chapter;
 5. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
 6. Assess penalties and interest to taxpayers pursuant to this Chapter;
 7. Determine amounts owed and enforce collection pursuant to this Chapter.

Section 5.08.170 Appeal procedure.

A. Any taxpayer aggrieved by any decision of the Treasurer-Tax Collector with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the County Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) calendar days of the serving or mailing of the notice of deficiency pursuant to Section 8.25 or notice of assessment pursuant to Section 8.27. If a timely notice of appeal is not filed, the tax, interest and penalties determined by the Treasurer-Tax Collector shall become final and conclusive.

B. The Clerk of the Board, or their designee, shall fix a time and place for hearing such appeal, and the Clerk of the Board, or their designee, shall give notice in writing to such operator at the last known place of address. The Treasurer-Tax Collector shall present the matter to the Board of Supervisors and include the evidence submitted by the taxpayer. The Treasurer-Tax Collector shall also submit proposed findings and a resolution of the appeal. At the hearing, both the Treasurer-Tax Collector and the taxpayer shall have an opportunity to explain their cases and introduce other statements and evidence. The Board of Supervisors may impose reasonable time limits on each party's presentation. The determination of the County Board of Supervisors shall be final and conclusive, and the notice of decision shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice of decision.

Section 5.08.180 Enforcement - action to collect.

A. Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the County. Any person owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the County to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

B. In addition to any other remedies available under Federal, State, or local law, if any amount required to be paid to the County under this Chapter is not paid when due, the Treasurer-Tax Collector may, within three (3) years after the amount is due, record a certificate of lien specifying the amount of taxes, fees, interest and penalties due, and the name and address of the person as it appears on the records of the Treasurer-Tax Collector. The lien shall also specify that the Treasurer-Tax Collector has complied with all provisions of this Chapter in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with penalties, fees and interest thereon, constitutes a lien upon all real property in the County owned by the person, or subsequently acquired by the person before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for ten (10) years from filing of the certificate of lien unless sooner released or otherwise discharged. A fee may be adopted by the Board of Supervisors and collected by the Treasurer-Tax Collector to pay for the cost of recording and administering the lien.

C. At any time within three (3) years after any person is delinquent in the payment of any amount required to be paid under this Chapter or within three (3) years after the last recording of a certificate of lien under Subsection B of this Section, the Treasurer-Tax Collector may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the County under this Chapter. The warrant shall be directed to the Sheriff and shall have the same effect as a writ of execution. The warrant shall be levied, and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The Treasurer-Tax Collector may pay or advance to the Sheriff, the same fees, commissions and expenses for service provided by law for similar services pursuant to a writ of execution.

D. At any time within three (3) years after recording a lien against any person, if the lien is not discharged and released in full, the Treasurer-Tax Collector may forthwith seize any asset or property, real or personal (including bank account), of the person and sell at public auction the asset or property, or a sufficient part of it to pay the amount due, together with any penalties and interest imposed for the delinquency and any cost incurred on account of the seizure and sale. Assets or property of the person subject to seizure and sale subject to this Chapter shall not include any assets or property, which is exempt from execution under the provisions of

the California Code of Civil Procedure.

E. The following shall constitute grounds for terminating any County Permit which authorizes cannabis business activity:

1. Failure to pay any cannabis business tax due under this Chapter within sixty (60) days of the due date.
2. Failure to cooperate with the Treasurer-Tax Collector, or designee, as determined by the Treasurer-Tax Collector, or their designee, during an audit pursuant to this Chapter.
3. Underpaying any business tax due under this Chapter in any reporting period by fifty (50%) percent more.
4. If the County determines that the nonpayment or underpayment of any cannabis business license tax due under this Chapter is due to fraud.

Section 5.08.190 Apportionment.

If a business subject to the tax is operating both within and outside the unincorporated area of the County, it is the intent of the County to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the unincorporated area of the County. For purposes of apportionment as may be required by law, the Treasurer-Tax Collector may promulgate such administrative procedures for apportionment as they find useful or necessary.

Section 5.08.200 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law.

Section 5.08.210 Audit and examination of premises and records.

A. The correctness of any tax return filed pursuant to this Chapter shall be subject to audit and verification by the Treasurer-Tax Collector, the County Auditor-Controller or their respective designees, who are authorized and empowered to inspect and audit the books and records of any commercial cannabis business. No cannabis business shall refuse or fail to allow the Treasurer-Tax Collector, the County Auditor-Controller or their respective designees, to inspect and audit such books and records, or shall refuse or fail to provide such additional information as requested by the Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees.

B. The Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees, shall have the power to inspect any location where commercial cannabis business occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, state tax returns, bank statements and other evidence documenting the gross receipts of the

business) of persons engaged in cannabis businesses in the County, for the purposes of ascertaining the amount of commercial cannabis business tax, if any, required to be paid by the provisions hereof, and for the purpose of verifying any statements or items thereof when filed by any person pursuant to this Chapter. In conducting such investigation, the Treasurer-Tax Collector shall have the power to inspect any equipment, such as computers or point of sale machines that may contain such records.

C. If any person engaged in a commercial cannabis business, after written demand by the Treasurer-Tax Collector, refuses to make available for audit, examination or verification such books, records or equipment as the Treasurer-Tax Collector requests, the Treasurer-Tax Collector may, after full consideration of all information within their knowledge concerning the cannabis business and activities of the person so refusing, make an assessment in the manner provided by Sections 8.26 and 8.27 of any taxes estimated to be due. The Treasurer-Tax Collector may collect a fee adopted by the Board of Supervisors to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Treasurer-Tax Collector to make a determination of the tax due.

D. It shall be the duty of every person liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve, for a period of at least four (4) years, all records as may be necessary to determine the amount of such tax as they may have been liable for the collection of and payment to the County, which records the Treasurer-Tax Collector, the County Auditor-Controller, or their respective designees shall have the right to inspect at all reasonable times.

Section 5.08.220 Other licenses, permits, taxes, fees or charges.

Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title, chapter or section of County Codes or any other ordinance or resolution of the County, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title, chapter or section of County Codes or any other ordinance or resolution of the County. Any references made or contained in any other title, chapter or section of County Codes to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other titles, chapters or sections of County Codes.

Section 5.80.230 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the County, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of County Codes, including but not limited to any and all permit requirements, and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as

authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

Section 5.08.240 Change of Ownership.

- A. In the event that there is a change of ownership of any cannabis business, the new owner is required to submit an updated registration form to the Treasurer-Tax Collector.
- B. Unless otherwise provided by law, upon the sale of any cannabis business:
 - 1. It is the joint and several liability of both the seller and the buyer to remit any cannabis business tax owed up until the date of the sale; and
 - 2. A Certificate of Delinquent Cannabis Business Tax Lien may be filed against both the buyer and/or the seller in an amount determined by the Treasurer-Tax Collector.
- C. Following any change of ownership, the new owner is subject to an audit by the Treasurer-Tax Collector, the Auditor-Controller or their designees.
- D. Any owner of a cannabis business required to collect or pay the cannabis business tax may apply for and receive, within ninety (90) days of application, a Tax Clearance Certificate, provided that all taxes, penalties and interest are paid in full for the time period specified.

Section 5.08.250 Deficiency determinations.

If the Treasurer-Tax Collector is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, they may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in their possession or that may come into their possession within three (3) years of the date the tax was originally due and payable. One (1) or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice of deficiency shall be given to the person concerned in the same manner as notices of assessment are given under Section 8.27.

Section 5.08.260 Failure to report—nonpayment, fraud.

- A. Under any of the following circumstances, the Treasurer-Tax Collector may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:
 - 1. If the person has not filed a complete statement required under the provisions of this Chapter;
 - 2. If the person has not paid the tax due under the provisions of this Chapter;
 - 3. If the person has not, after demand by the Treasurer-Tax Collector, filed a corrected statement, or furnished to the Treasurer-Tax Collector adequate substantiation of the information contained in a statement already filed, or

- paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Treasurer-Tax Collector determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Treasurer-Tax Collector to be due or estimated by the Treasurer-Tax Collector, after consideration of all information within the Treasurer-Tax Collector's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

Section 5.08.270 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as they shall register with the Treasurer-Tax Collector for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Treasurer-Tax Collector for such purpose, then to such person's last known address. For the purposes of this Section, a service by mail is complete at the time of deposit in the United States mail.

Section 5.08.280 Tax assessment - hearing, application and determination.

Within ten (10) days after the date of service of the notice of assessment, the person may apply in writing to the Treasurer-Tax Collector for a hearing on the assessment. If application for a hearing before the County is not made within the time herein prescribed, the tax assessed by the Treasurer-Tax Collector shall become final and conclusive. Upon receipt of any such application for hearing, the Treasurer-Tax Collector shall cause the matter to be set for hearing before them no later than forty-five (45) business days after the receipt of the application, unless a later date is agreed to by the Treasurer-Tax Collector and the person requesting the hearing. Notice of such hearing shall be given by the Treasurer-Tax Collector to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the assessment as made by the Treasurer-Tax Collector should not be confirmed and fixed as the tax due. After such hearing the Treasurer-Tax Collector shall determine and, if applicable, reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 8.27 for giving notice of assessment. The amount determined to be due shall be payable thirty (30) calendar days after written notice of the decision has been given, unless it is appealed to the Board of Supervisors in accordance with Section 8.17.

Section 5.08.290 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required cannabis business tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

Section 5.08.300 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punishable therefore as provided for in the Nevada County Code and the California Penal Code.

Section 5.08.310 Remedies cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Nevada County Codes and any other provision of law or equity are cumulative. The use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Ordinance.

Section 5.08.320 Amendment or repeal.

This Chapter may be repealed or amended by the County Board of Supervisors without a vote of the people to the extent allowed by law. However, as required by Article XIIC of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Ordinance above the maximum rates established by this Chapter. The people of the County of Nevada affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the County Board of Supervisors has acted to reduce the rate of the tax;
- B. An action that interprets or clarifies the methodology of the tax, or that interprets, clarifies or adds any definition applicable to the tax, so long as interpretation, clarification or addition (even if contrary to some prior interpretation, clarification or addition) is not inconsistent with the language and purposes of this Chapter;
- C. The collection of the tax imposed by this Chapter even if the County had, for some period of time, failed to collect the tax;
- D. The Board of Supervisors adoption of an ordinance, as authorized by Section 8.5 to increase or decrease the tax rate or to modify the method for assessing and collecting the tax provided the tax rate is not increased to a rate higher than the maximums established herein and the method of assessment is consistent with the methodologies established herein.

TITLE 6: BUSINESS REGULATIONS and LICENSES
CHAPTER 1: CHAIN CONTROL REGULATIONS

Sections:

- Section 6.01.010 Short Title “Chain Control Regulations”**
- Section 6.01.020 Permit Required**
- Section 6.01.030 Permit Required - Application Fees**
- Section 6.01.040 Installation and Removal Standards**
- Section 6.01.050 Suspension or Revocation of Permit**
- Section 6.01.060 Permit Required - Minimum Age of Applicant**
- Section 6.01.070 Penalty**
- Section 6.01.080 Appeal**

Section 6.01.010 Short Title “Chain Control Regulations”

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

Section 6.01.020 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.

Section 6.01.030 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 specified in 6.02.120, must be over the age of eighteen (18) 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 Chapter.

B. Application Fee

D. 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)); Ord. 2522. (04/18/2023))

Section 6.01.040 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.

Section 6.01.050 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.

Section 6.01.060 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.

Section 6.01.070 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.

Section 6.01.080 Appeal

An applicant or permittee may appeal a denial of a permit application or the suspension or

revocation of a permit issued under this Chapter 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.

CHAPTER 2: REGULATION OF MEDICAL TRANSPORTATION SERVICES

Sections:

Section 6.02.010	Purpose
Section 6.02.020	Definitions
Section 6.02.030	Service Requirements
Section 6.02.040	Initial Permit Application Procedures and Endorsement Levels
Section 6.02.050	Provisional Permits
Section 6.02.060	General Requirements Pertaining to the Display and Use of Permits
Section 6.02.070	Grounds for Disapproval of Permit application/Endorsement of Service Level
Section 6.02.080	County Approval Prerequisite to Obtaining Business License
Section 6.02.090	Operation Standards and Procedures
Section 6.02.100	Required Personnel
Section 6.02.110	Insurance Requirements
Section 6.02.120	Vehicle Equipment
Section 6.02.130	Requirements for Interior Configuration, Design and Dimensions of Ground Units
Section 6.02.140	Station Requirements
Section 6.02.150	General Requirements Regulating Air Ambulances
Section 6.02.160	Drugs and Controlled Substances
Section 6.02.170	Required Reporting
Section 6.02.180	Inspections
Section 6.02.190	Enforcement
Section 6.02.200	Unprofessional Conduct
Section 6.02.210	Appeal Hearing Process
Section 6.02.220	Circumstances for Revocation and/or Suspension of Nevada County Service Permit Authorized by Local EMS Agency
Section 6.02.230	Grounds for Immediate Revocation or Suspension
Section 6.02.240	Notice of Violation
Section 6.02.250	Complaints
Section 6.02.260	Compliance
Section 6.02.270	Exemptions from Requirements for Permit Miscellaneous
Section 6.02.280	Requirements
Section 6.02.290	Special Events
Section 6.02.300	Ambulance Rates
Section 6.02.310	Interfacility Transfers
Section 6.02.320	Disaster Operations

Section 6.02.330

Prohibited Acts

Section 6.02.010 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.

Section 6.02.020 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.

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 fifty percent (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.

Section 6.02.030 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 the County of Nevada, but within the State of California, initiates a transport within the County of Nevada 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, to operate pursuant to 6.02.050, 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.

Section 6.02.040 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 their right to appeal per 6.02.210.

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 6.02.110.

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 twenty four (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.

Section 6.02.050 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 (6) 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 (1) 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.

Section 6.02.060 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.

Section 6.02.070 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 (1) year or cannot meet the insurance requirements in Section 6.02.110.;
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 (10) 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.

Section 6.02.080 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.

Section 6.02.090 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 (10) 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 (1) 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.

Section 6.02.100 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.

Section 6.02.110 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 County of Nevada 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 County of Nevada 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.

Section 6.02.120 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.

Section 6.02.130 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 in accordance with 6.02.160;
 - 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.

Section 6.02.140 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 twenty-four (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.

Section 6.02.150 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.

Section 6.02.160 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.

Section 6.02.170 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 ten (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.

Section 6.02.180 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 6.02.220 (B).

Section 6.02.190 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.

Section 6.02.200 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.

Section 6.02.210 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.

Section 6.02.220 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.

Section 6.02.230 Grounds for Immediate Revocation or Suspension

A. The local EMS Agency may take any immediate disciplinary action set forth in 6.02.220 and 6.02.230 when the local EMS Agency has reason to believe that a permitted service has violated any Section of this Code, 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 as required by 6.02.210; except that such hearing, if the permit is revoked for the reasons stated in 6.02.210, shall not delay any immediate suspension ordered by the local EMS Agency.

C. A Notice of Revocation or Suspension issued in accordance with 6.02.240 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 under 6.02.110, for Insurance issues, or 6.02.240, 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.

Section 6.02.240 Notice of Violation

A. Whenever the local EMS Agency has reasonable cause to believe that any Section of these regulations other than 6.02.110, 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 Code 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.

Section 6.02.250 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 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.

Section 6.02.260 Compliance

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

Section 6.02.270 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.

Section 6.02.280 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.

Section 6.02.290 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 thirty (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, or their designee. Public health and sanitation plans shall be submitted for approval to the Nevada County Public Health Officer, or their designee. 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, or their designee, and guidelines for medical plans will be promulgated and approved by the County.

Section 6.02.300 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.

Section 6.02.310 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.

Section 6.02.320 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.

Section 6.02.330 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 Section.

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.

CHAPTER 3: ENVIRONMENTAL HEALTH CERTIFICATE OF OPERATION

Sections:

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Section 6.03.010 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.

Section 6.03.020 Authority

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

Section 6.03.030 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.

Section 6.03.040 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. 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.

Section 6.03.050 Definitions

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.

RESTAURANT

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

RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENT

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

FOOD PROCESSING ESTABLISHMENT

“Food Processing Establishment” shall mean any establishment as defined by Section Cal. Health & Safety Code § 111955.

MOBILE FOOD FACILITY

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

VENDING MACHINE

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

FOOD VEHICLE

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

ROADSIDE STANDS

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

PUBLIC SWIMMING POOL

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

Section 6.03.060 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. Vending Machine;
- F. Mobile Food Facility;
- G. Roadside Stand;
- H. Public Swimming Pool;
- I. Centralized Wastewater Collection, Treatment, and Disposal Systems.

Section 6.03.070 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.

Section 6.03.080 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.

Section 6.03.090 Revoked Certificate

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

Section 6.03.100 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.

Section 6.03.110 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, or their designee, 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, or their designee, 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.

Section 6.03.120 Form

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

Section 6.03.130 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.

Section 6.03.140 Application 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.

Section 6.03.150 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.

Section 6.03.160 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.

Section 6.03.170 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.

Section 6.03.180 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.

Section 6.03.190 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.

Section 6.03.200 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.

Section 6.03.210 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.

Section 6.03.220 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 6.03.200 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.

Section 6.03.230 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.

Section 6.03.240 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.

Section 6.03.250 Restaurant

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

Section 6.03.260 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.

Section 6.03.270 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.

Section 6.03.280 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.

Section 6.03.290 Vending Machines

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

Section 6.03.300 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.

Section 6.03.310 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.

Section 6.03.320 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.

Section 6.03.330 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.

Section 6.03.340 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.

Section 6.03.350 Permits to Distribute: Granting: Expiration Fees

The Certificates required by the provisions of 6.03.060 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.

CHAPTER 4: PROHIBITING THE DISTRIBUTION AND DISPLAY OF DRUG PARAPHERNALIA

Sections:

Section 6.04.010	Definition
Section 6.04.020	Display of Drug Paraphernalia
Section 6.04.030	Distribution of Drug Paraphernalia

Section 6.04.010 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, 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.

Section 6.04.020 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 eighteen (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 eighteen (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 eighteen (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.

Section 6.04.030 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.

CHAPTER 5: RAFTING REGULATIONS

Sections:

Section 6.05.010	Commercial Rafting; Permits Required
Section 6.05.020	Commercial Rafting on Truckee River
Section 6.05.030	Definitions
Section 6.05.040	Application for Commercial Rafting Operations; Hearings
Section 6.05.050	Time of Application
Section 6.05.060	Content of Application
Section 6.05.070	Limitation on Permits and Raft Days
Section 6.05.080	Permit Requirements
Section 6.05.090	Granting of the Permit
Section 6.05.100	Use of Raft Days: Fee
Section 6.05.110	Revocation
Section 6.05.120	River Clean Up
Section 6.05.130	Authority to Arrest

Section 6.05.010 Commercial Rafting; Permits Required

It shall be unlawful for any person to conduct or operate any business or activity which engages in commercial rafting on any river, stream, or creek, within the County of Nevada without first obtaining a permit from the County of Nevada as required by this Section.

Section 6.05.020 Commercial Rafting on Truckee River

Commercial rafting on the Truckee River within Nevada County shall be limited to supervised tours in rafts conducted between 10:00 a.m. and 5:00 p.m. on that portion of the river from the Boca Bridge downstream to the Sierra County Line.

Section 6.05.030 Definitions

A. RAFT shall mean and include any raft, inner tube, or any other type of inflatable or non-inflatable flotation device used or intended to be used for traversing any river or stream. It shall not include any boat required to be registered by the State of California or federal agency.

B. RIVER shall mean all rivers, streams, and creeks within the County of Nevada.

C. COMMERCIAL RAFTING shall mean and include any business or activity which receives any compensation for use of its rafts for rafting. Commercial rafting includes, but is not limited to, both outfitter supervised tours, such as guided or escorted tours in rafts, and rental operations, such as raft livery by concessionaires, raft rentals or loans, or sale and repurchase of rafts.

D. SUPERVISED TOURS IN RAFTS shall mean and include any trips on any river in flotation devices for two or more people for consideration organized by a rafting permittee who furnishes the rafts and trained guides, who guide, lead, accompany and supervise customers in entering, traversing and exiting the river.

E. RAFT DAY shall mean and include the authorized use pursuant to this Section of

floating one raft containing any person or persons, other than a tour guide, down the river once per day by a commercial rafting permittee.

Section 6.05.040 Application for Commercial Rafting Operations; Hearings

A. Application for a commercial rafting permit shall be obtained for the business location and/or points of ingress and egress to the river and shall be made in writing to the Planning Department accompanied by a non-refundable application fee as established by the latest adopted resolution of the Board of Supervisors. The applicant shall also pay all costs associated with processing the application as established by said latest adopted resolution.

B. A public hearing shall be held on all commercial rafting applications. The designated hearing body shall be the Planning Commission having jurisdiction over the river concerned. At least ten (10) days before such hearing, the granting authority shall give notice as follows:

1. Give written notice to all persons owning property within 300 feet or two (2) parcels removed whichever is greater of the exterior boundaries of the land area proposed to be used for any areas of ingress and egress, including resting or stopping areas and portage areas, along the proposed route as well as starting and ending points.
2. Give notice, by publishing notice of the hearing in a newspaper of general circulation in the county.

Section 6.05.050 Time of Application

A. A completed application for commercial rafting permits shall be submitted to the Planning Department prior to January 31st of each year in which the rafting operation is intended to be conducted. In any year in which no completed applications have been submitted by January 31st, the application deadline for rafting operations to commence that year shall be extended to March 31st provided, however, that extension of the application deadline shall not delay the termination date of any permit granted.

B. The rafting permit application shall be reviewed pursuant to the California Environmental Quality Act (CEQA).

Section 6.05.060 Content of Application

A. Applications for commercial rafting shall contain the following:

1. The name, residence, mailing address and telephone number of the applicant.
2. A site plan reflecting the location and legal description of the premises where the business is proposed to be conducted, including all lands to be used for parking, ingress and egress from the river (including stopping, resting and portage areas) and other incidental uses.
3. The name, residence, mailing address and telephone number of the property owner(s) granting the applicant permission to use their property at all areas of ingress and egress to the river and letters reflecting said consent.
4. The annual period of operation, including dates of commencement and termination.

5. A detailed explanation of the applicant's program, and plans to provide:
 - a. Rafts, including size and number to be used, maximum number of rafts and rafters to be accommodated per trip and number of trips per day.
 - b. Access to and pick up from the river, including description of shuttle vehicles to be used and proposed routes.
 - c. Guides, including number qualifications, training and how utilized, e.g. one (1) per raft or one each in lead and trailing kayaks.
 - d. Safety equipment and provisions for rescue.
 - e. Sanitation facilities including number, type and location.
 - f. Vehicle parking areas.
 - g. Provisions for cleanup.
6. Preliminary environmental forms.

Section 6.05.070 Limitation on Permits and Raft Days

The hearing body shall not grant at any one time or have more outstanding for use on any one river, commercial rafting permits to more than four (4) permittees and no permittee shall be granted authorization for any more than ten (10) raft days. At no time shall the total number of outstanding authorized raft days on any one river exceed forty (40) days.

Raft days may be transferred between commercial rafting permittees by mutual consent, provided that the transfer is entered in the permanent logbook of the permittees involved and advance written notice is provided to the monitoring agency.

Section 6.05.080 Permit Requirements

A commercial rafting permit shall be issued to an approved applicant only upon compliance with the following provisions:

- A. Each rafting permittee shall carry insurance effective before any rafting commences with a minimum of \$500,000.00 single limit general liability insurance, and \$100,000.00 property damage insurance and the County shall be named as an additionally insured party in each policy. All vehicles used to shuttle rafts and/or customers shall be similarly insured in the amount of \$1,000,000.00, single limit general liability, and \$100,000.00 property damage.
- B. Suitable and adequate sanitation and trash receptacles and facilities shall be provided and must be approved by the County Health Department.
- C. If required for the commercial rafting operation involved, suitable assembly and disembarking areas shall be provided at points of ingress and egress from the river.
- D. Off-street parking spaces shall be provided at the business location pursuant to the following: One (1) parking space for every three (3) rafters and one (1) parking space for each employee, shuttle bus and/or transport vehicle.

1. Parking as to number for any permitted commercial uses shall be pursuant to the Nevada County Codes.
2. The surfacing requirements for subsection (1) above shall be crushed rock rolled.
- E. Suitable provisions shall be made for safety vehicle access at points of ingress and egress from the river, including turn-around areas.
- F. Provisions shall be made for daily clean up at business locations and all areas of ingress and egress to the river and along the proposed route.
- G. Commercial rafting operators shall provide shuttle service for customers and rafts from the business location to the point of ingress to commence the trip and back from the point of egress ending the trip.
- H. All rafts of each permittee used on any river shall be identified by the name of the permittee and letters and/or numbers which shall be a minimum of six (6") inches high and prominently displayed so as to be visible from either shore while the rafts are in the water.
- I. Litter receptacles shall be provided for and carried in each raft. No glass containers shall be allowed in rafts.
- J. Permittees for commercial rafting operations other than supervised tours in rafts shall supply information to customers notifying them of the following (visually in map form and in writing):
 1. Where the white-water areas exist on the river.
 2. Where customers may enter or depart from the river.
 3. Where restroom facilities are available at specific locations.
 4. That certain lands alongside the river are private property and therefore illegal for persons to trespass upon and that customers shall depart from the river only at approved points of egress.
- K. All signs erected by the licensee shall be removed at the close of the rafting season and shall not be located on public lands or public right-of-way. No signs shall be erected upon private property without the prior written consent of the property owners. All signs shall comply with County sign ordinances and regulations.
- L. Rafts shall not be rented to customers before 10:00 a.m. or after 3:30 p.m. and no raft used for commercial rafting is permitted on the river before 10:00 a.m. or after 5:00 p.m.
- M. The permittee shall secure all applicable permits from the County of Nevada, and/or the State of California and/or the United States Government, including but not limited to any conditional use permits, site plan permits, building permits and health and sanitation permits, in addition to the permit provided for in this Section.
- N. The permittee shall maintain a permanent log containing the name and address of each customer and occupant and the date, time, and raft number thereof.
- O. Provide a letter from the appropriate fire protection agency, or other emergency

response agency, that adequate emergency response have been provided for.

P. Permittees for commercial rafting operations other than supervised tours in rafts shall issue receipts to each customer for the raft rentals, which receipts shall specify and provide the name, address and telephone number of the person/entity to whom any complaints may be directed.

Q. Permittees shall comply with all applicable State and Federal regulations.

Section 6.05.090 Granting of the Permit

After considering the application and all documentary and testimonial evidence presented, the hearing body may approve, deny, take under advisement or conditionally approve the issuance of a commercial rafting permit. Any valid or reasonable condition necessary to protect the public health, safety or general welfare, or in order to protect a valuable natural resource or the environment shall be required of the permittee. Permits shall be valid for two (2) calendar years and are non-transferrable.

Findings for approval of a commercial rafting permit shall be based on the following standards:

- A. That the sites for the proposed use are adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Chapter to adjust said use with land and uses in the neighborhood.
- B. That the proposed sites to be used are located on property that is zoned for any use, excluding RA, R1, R2 and R3.
- C. That the roads serving the sites are adequate to carry the quantity and kind of traffic which will be generated by the proposed use.
- D. That the proposed use will have no significant adverse effect on abutting property, including all points of ingress and egress and/or property adjacent to the proposed route of operation or permitted use thereof.
- E. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.
- F. That the permittee has demonstrated compliance or ability to comply with all other provisions of this Chapter.

Section 6.05.100 Use of Raft Days: Fee

Upon the issuance of a commercial rafting permit, the permittee shall be permitted to use raft days up to the total granted and transferred to them, subject to the payment of a further fee for actual use. Permittees for supervised tours in rafts shall pay a fee per person and per raft days, subject to adjustment in later years by resolution of the Board of Supervisors, permittees for supervised tours in rafts shall pay Two Dollars (\$2.00) per person and permittees for rental operations shall pay Five Dollars (\$5.00) per person for each raft day used, payable monthly, accompanied by a daily account record of days used, within fifteen

(15) days of the end of each calendar month of rafting. An advance deposit against actual fees of Forty Dollars (\$40.00) per raft day for permittees for supervised tours in rafts and Seventy-Five Dollars (\$75.00) per raft day for rental operation permittees shall be paid in advance of any use, subject to adjustment on the last payment of the year. Fees may be adjusted, from time to time, by Resolution of the Board of Supervisors. Fees collected pursuant to this Section shall be applied to the cost of County enforcement and oversight of rafting regulated herein.

Section 6.05.110 Revocation

Commercial rafting permits issued pursuant to these provisions shall be revoked by the hearing body at the conclusion of a public hearing after giving written notification to the permittee at least twenty-four (24) hours prior to each hearing for any of the following causes:

- A. Failure to fulfill any of the conditions attached to the issuance of the license.
- B. Violation by the permittee of any County, State or Federal law.
- C. False, misleading or fraudulent statements of material fact in the application or other document required by the provisions of this Chapter.
- D. Failure to pay and satisfy any just civil claim or judgment rendered against permittee.

Section 6.05.120 River Clean Up

Each permittee shall be responsible for maintenance and clean-up of areas of the river, including riverbanks, ingress and egress areas, and incidental rest areas, used by commercial rafting operators. Permittees for supervised tours in rafts may utilize their guides to satisfy this requirement, whereas rental operation permittees shall contract for such services at their sole expense.

- A. The clean-up provided for herein shall include, but shall not be limited to, provisions for the following:
 - 1. Regular clean up and maintenance as needed, beginning with the earliest start of rafting for any permittee and continuing until all rafting operations cease, with a final clean up after the season at low water.
 - 2. All trash articles due to normal use shall be removed from the river.
 - 3. Any chemical toilets utilized shall be serviced as usage dictates.
 - 4. Where the permittee has a rental operation, the required clean up shall also include:
 - a. Placement of trash barrels with plastic liners at regular or necessary intervals along the river(s) during the rafting season.
 - b. Emptying trash receptacles daily and removing at season's end.
 - c. Walking of riverbank to provide cleanup of trash not in containers weekly and annually after all rafting has ended for the season.

- d. On-river full-day clean-ups of river areas inaccessible by foot, including cleaning of pools by snorkeling by two people monthly and annually after all rafting has ended for the season.
5. Performance of the contract clean-up be guaranteed by a cash deposit, performance bond, or letter of credit in an amount at least equal to the advance deposit against fees provided for in Section governing "Use of Raft Days: Fee" of this Section for permittees for supervised tours in rafts and the annual clean-up contract compensation for rental operation permittees. Said deposit shall be released by the County of Nevada as soon as possible after the successful completion of the river clean up. The deposit shall be forfeited in its entirety for non- performance of the clean-up.

Section 6.05.130 Authority to Arrest

The Zoning Enforcement Officer within the County of Nevada Planning Department shall be the person primarily responsible for enforcing the provisions of this Section. In addition, the Nevada County Sheriff's Office shall also be responsible for enforcing the provisions of this Section. Said appropriate County agency shall have the authority and immunity of a public officer and employee as set forth in Cal. Penal Code § 836.5 to make arrests without warrant whenever they have reasonable cause to believe that the person to be arrested has committed a violation of this Section which constitutes a misdemeanor.

CHAPTER 6: REGISTRATION REQUIREMENT FOR COMMERCIAL WEIGHING AND MEASURING INSTRUMENTS AND PROVIDING FOR A FEE FOR SUCH REGISTRATION

Sections:

Section 6.06.010	Purpose
Section 6.06.020	Definitions
Section 6.06.030	Registration Certificate Required
Section 6.06.040	Application for Registration Certificate
Section 6.06.050	Term of Registration
Section 6.06.060	Annual Registration Fee
Section 6.06.070	Registration Certificate Issued to Corporation
Section 6.06.080	Transfer of Certificate
Section 6.06.090	Delinquent Certificate

Section 6.06.010 Purpose

The purpose of this Chapter is to establish a system for the registration of weighing and measuring instruments and to recover the cost of inspecting and testing such instruments as provided for by Cal. Bus. & Prof. Code §§ 12001 – 13800.

Section 6.06.020 Definitions

For the purpose of this Chapter, and unless the text otherwise requires, the following terms and phrases shall have the following definition:

- A. WEIGHING AND MEASURING INSTRUMENTS shall include all those devices covered by Cal. Bus. & Prof. Code § 12210.
- B. COMMERCIAL PURPOSES shall have the meaning assigned to it by Cal. Bus. & Prof. Code § 12500.
- C. COUNTY SEALER shall mean the sealer appointed by the County of Nevada Board of Supervisors and the Sealer's duly authorized agents.
- D. LOCATION means the room, enclosure, building, space or area where one or more weighing and measuring instruments are located or operated.

Section 6.06.030 Registration Certificate Required

No person shall use any weighing or measuring instrument for commercial purposes without having a current annual registration certificate for such instrument. The certificate shall be in addition to any other certificate, license or permit which may be required by the County or any other governmental entity. In the case of LP-gas vapor meters, a certificate shall be issued based on an annual count of an LP-gas dealer's meters located in the County, and if changes in the number of meters occur during the year, no additional certificate(s) shall be required.

Section 6.06.040 Application for Registration Certificate

An application for a registration certificate must be submitted to the County Sealer in the form prescribed by them. The County Sealer shall, upon receipt of a completed application and the payment of the applicable fees described herein, issue a current registration certificate.

Section 6.06.050 Term of Registration

Each registration certificate shall expire on December 31st of the year of its issuance and may thereafter be renewed on an annual basis upon payment of the applicable fees provided herein.

Section 6.06.060 Annual Registration Fee

A. An annual registration fee shall be charged for the calendar year, or any part thereof, for all weighing and measuring instruments requiring a registration certificate as provided for herein. The annual registration schedule of fees shall be adopted by Resolution of the Board of Supervisors, as provided by Cal. Bus. & Prof. Code § 12240.

The fee shall be just the annual registration fee as listed in the fee schedule for producers who possess a valid Certified Producers Certificate issued by the County, and if the device is brought into the Office of the Sealer of Weights and Measures for testing.

Section 6.06.070 Registration Certificate Issued to Corporation

A registration certificate may be issued to a corporation duly authorized to transact business in this state or to any person operating under a fictitious name who has complied with the provisions of Cal. Bus. & Prof. Code §§ 17900–17930. Otherwise, all such certificates shall be issued in the true name of the applicant. Except as above provided, no business, occupation or activity for which a certificate is required by this Chapter may be conducted under any false or fictitious name. A certificate issued to a corporation shall designate such corporation by the exact name which appears in the Articles of Incorporation of such corporation.

Section 6.06.080 Transfer of Certificate

A registration certificate is transferable from one person to another and is valid only for the

specific instruments and if the instruments are to be used at a fixed location for the specific location for which it is issued.

Section 6.06.090 Delinquent Certificate

Any person failing to renew a permit on or before January 31st of each year shall be required to pay an additional sum equal to fifty percent (50%) of the registration fee as a penalty for any such delinquency.

CHAPTER 7: FILM PERMITS

Sections:

- Section 6.07.010 Definitions**
- Section 6.07.020 Permits and Exemptions**
- Section 6.07.030 Rules and Regulations**
- Section 6.07.040 Applications and Issuance**
- Section 6.07.050 Liability Provisions**
- Section 6.07.060 Violation**
- Section 6.07.070 Film Liaison Position**
- Section 6.07.080 Filming Regulations**
- Section 6.07.090 Permit Maximum Time Requirements**
- Section 6.07.100 Additional Permit Requirements**

Section 6.07.010 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.

Section 6.07.020 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 Chapter 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.

Section 6.07.030 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.

Section 6.07.040 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.

Section 6.07.050 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 (30) 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 Chapter.
- 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.

Section 6.07.060 Violation

If an applicant violates any provision of this Chapter 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.

Section 6.07.070 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 for approval and said County Film Liaison shall have the authority to issue permits as set forth in this Chapter.

Section 6.07.080 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.

Section 6.07.090 Permit Maximum Time Requirements

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

- A. Two (2) business days for approval and issuance of a “normal” permit.
- B. Four (4) business days for traffic control which exceeds three minutes, stunts, or special effects.
- C. Ten (10) business days for road closures.

Section 6.07.100 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.

CHAPTER 8: ADULT BUSINESS LICENSES AND OPERATING REGULATIONS

Sections:

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Section 6.08.010 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); Ord. 2530. (10/24/2023))

Section 6.08.020 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); Ord. 2530. (10/24/2023))

Section 6.08.030 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); Ord. 2530. (10/24/2023))

Section 6.08.040 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 6.08070. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.050 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 of Title 12, and all County zoning requirements including those found in the Nevada County Code, specifically all zoning regulations, and shall be subject to appeal pursuant to 6.08.180. 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 Nevada County Codes governing Land Use and Development, unless the application is denied based upon one or more of the criteria set forth in 6.08.060 below.

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); Ord.

2530. (10/24/2023))

Section 6.08.060 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 Title 12, Zoning, in the Nevada County 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 6.08.040.
5. The required application fees have been paid.
6. The application complies with licensing requirements of 6.08.030. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.070 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 6.08.040. 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); Ord. 2530. (10/24/2023))

Section 6.08.080 Appeal of Decision

Any affected person may appeal the decision in writing within ten (10) days in accordance with the provisions of 6.08.180. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.090 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 twenty-four (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 twenty-four (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 (1) 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 (1) 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 twenty-four (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 twenty-four inches (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 eighteen (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 (1) security guard at all times while the business is open;
2. If the occupancy limit of the premises is greater than thirty-five (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 Title 16, Signs. . 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 twenty-five (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); Ord. 2530. (10/24/2023))

Section 6.08.100 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); Ord. 2530. (10/24/2023))

Section 6.08.110 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); Ord. 2530. (10/24/2023))

Section 6.08.120 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); Ord. 2530. (10/24/2023))

Section 6.08.130 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); Ord. 2530. (10/24/2023))

Section 6.08.140 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 6.08.040 above. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.150 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 this Section. (Ord. 2352. (07/10/2012); Ord. 2530. (10/24/2023))

Section 6.08.160 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 6.08090, Operating Standards and Title 12, 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 § 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 §§ 311 - 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); Ord. 2530. (10/24/2023))

Section 6.08.170 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); Ord. 2530. (10/24/2023))

Section 6.08.180 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); Ord. 2530. (10/24/2023))

Section 6.08.190 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); Ord. 2530. (10/24/2023))

CHAPTER 9: FIREARMS DEALERS

Sections:

Section 6.09.010 Gun Sales or Leases Must Be Through Qualified Dealer

Section 6.09.020 Permit Required

Section 6.09.030 License Qualifications

Section 6.09.040 License is Subject to Approval

Section 6.09.050 Renewal of License

Section 6.09.060 License Subject to Forfeiture

Section 6.09.070 Violation

Section 6.09.010 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.

Section 6.09.020 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.

Section 6.09.030 License Qualifications

Any person over the age of twenty-one (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.

Section 6.09.040 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.

Section 6.09.050 Renewal of License

Any license granted herein shall be valid for one (1) 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.

Section 6.09.060 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 ten (10) days of the application to purchase, or, after notice by the Department of Justice pursuant to Cal. Penal Code § 28220, within ten (10) days of the submission to the Department of any correction to the application, or within ten (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:

- (a) “FIREARMS MUST BE HANDLED RESPONSIBLY 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 THEM. VISIT THE WEBSITE OF THE CALIFORNIA ATTORNEY GENERAL AT [HTTPS://OAG.CA.GOV/FIREARMS](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.

Section 6.09.070 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 Chapter is guilty of a misdemeanor.

CHAPTER 10: BINGO

Sections:

Section 6.10.010	Bingo
Section 6.10.020	Definitions
Section 6.10.030	License Required
Section 6.10.040	License Fee
Section 6.10.050	License Application
Section 6.10.060	Rules and Regulations for Licensee Conducting Bingo Games for Charity
Section 6.10.070	Posting and Keeping License

Section 6.10.010 - Bingo.

This Ordinance is enacted under Section 19 of Article IV of the State Constitution and Section 326.5 of the Penal Code as amended and allows the game of Bingo to be conducted and played in the County of Nevada.

As used in this Ordinance "Bingo" means a game of chance in which prizes are allowed on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random.

Section 6.10.020 Definitions.

- A. As used in this Section, the word "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to the numbers or symbols selected at random.
- B. As used in this Section "County" shall mean the County of Nevada, State of California.
- C. Exempt, charitable organizations. As used in this Section, "exempt, charitable organizations" means all organizations exempted from the payment of the bank and corporation tax by Cal. Rev. & Tax. §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701-l and all mobilehome park associations and senior citizens organizations who wish to conduct bingo games to be used only for charitable purposes, or as specified for charitable or purposes specified in Cal. Penal Code § 326.5.
- D. License period. As used in this Section, the words "License Period" shall be for a period of twelve (12) consecutive months.
- E. A minor is described as one who has not reached the age of legal majority, or eighteen (18) years.

Section 6.10.030 License Required.

All organizations exempted from the payment of the bank and corporation tax by Cal/ Rev. & Tax. Code §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701-l and all mobilehome park associations and senior citizens organizations who wish to conduct bingo games, the proceeds of such games to be used only for charitable purposes or as specified for charitable or purposes specified in Cal. Penal Code § 326.5 shall procure a license to operate any such bingo game for charity, and it shall be unlawful for any such organization, mobilehome park association, or senior citizens organization to conduct a bingo game for charitable purposes within the unincorporated limits of the County of Nevada without first having procured a license from said County to do so and without complying with any and all applicable provisions of this ordinance.

Section 6.10.040- License Fee.

The County shall impose a license fee of \$25.00 for the issuance of a license or the renewal thereof, which fee shall be paid concurrently at the time of the application of said license. Said license shall be for a term of twelve (12) consecutive months.

All such licenses shall expire on the termination of the twelfth month and shall have to be renewed for the ensuing twelve (12) months. If an applicant for a license or renewal thereof is denied, one-half of said license fee shall be refunded to the organization.

(Ord. 824. (12/13/1977))

Section 6.10.050- License Application.

A. Every exempt, charitable organization required to have a license under the provisions of this Ordinance shall make application for the same to the County Clerk of the County of Nevada, on a form provided by the County Clerk, and upon payment of the prescribed license fee the County Clerk shall issue such exempt, charitable organization a license which shall contain:

1. The name of the exempt, charitable organization to which the license is issued.
2. The date of issuance.
3. Such other information as may be necessary for the enforcement of the provisions of this Ordinance, including, but not limited to, a written statement sworn to before some officer authorized to administer oaths that such organization is exempt from the payment of bank and corporation tax by Cal. Rev. & Tax Code § 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701-l or that such organization is a mobilehome park association or senior citizens organization.

No such statement shall be conclusive upon the County of Nevada or any officer thereof

as to matters therein set forth, and the same shall not prejudice the rights thereof of the County to make an independent investigation as to the status of the organization applying for a license.

Section 6.10.060 Rules and Regulations for Licensee Conducting Bingo Games for Charity.

The following rules and regulations, as set forth in Cal. Penal Code § 326.5 as amended, enacted under the authority of Section 19(c) of Article IV of the Constitution of the State of California, shall be applicable to all licensees under the provisions of this ordinance:

A. It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19(c) of Article IV of the State Constitution.

B. A violation of subdivision (A) of this Section shall be punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the County. A violation of any provision of this Ordinance other than subdivision (A) is a misdemeanor.

C. No minor shall be allowed to participate in any bingo game.

D. An organization authorized to conduct bingo games pursuant to this Ordinance shall conduct a bingo game only on property owned or leased by it and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

E. All bingo games shall be open to the public, not just to members of the authorized organization.

F. A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such a game, or participate in the promotion, supervision, or any other phase of such game.

G. No individual corporation, partnership or other legal entity except the organization authorized to conduct the bingo game shall hold a financial interest in the conduct of such bingo game.

H. With respect to organizations exempt from payment of the bank and corporation tax by Cal Rev. & Tax. Code § 23701d, all profits derived from a bingo game shall be kept in a separate fund or account and shall not be comingled with any other fund or account. Such profit shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this Section, all proceeds derived from a bingo game shall be kept in a separate fund or account and shall not be comingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.
 2. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes, or \$500.00 per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.
- I. No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.
 - J. The total value of prizes awarded during the conduct of an evening of bingo games shall not exceed \$250.00 in cash or kind or both, for each separate game which is held.

Section 6.10.070 Posting and Keeping License.

All licenses must be kept and posted in the following manner:

The licensee carrying on a bingo game for charity in the County of Nevada shall keep the license posted in a conspicuous place upon the premises where the bingo game is carried on.

TITLE 7: PUBLIC HEALTH, SAFETY and WELFARE
CHAPTER 1: SMOKING POLLUTION CONTROL

Sections:

Section 7.01.010	Title
Section 7.01.020	Definitions
Section 7.01.030	Regulation of Smoking in County Owned Facilities
Section 7.01.040	Smoking Prohibited - Elevators
Section 7.01.050	Smoking Prohibited - Hospitals and Health Care Facilities
Section 7.01.060	Smoking Prohibited - Public Meeting Rooms
Section 7.01.070	Smoking Prohibited - Theaters and Auditorium
Section 7.01.080	Smoking Prohibited - Public Restrooms
Section 7.01.090	Smoking Prohibited - Indoor Service Lines
Section 7.01.100	Smoking Prohibited - Restaurants
Section 7.01.110	Regulation of Smoking in the Office Workplace
Section 7.01.120	Smoking Prohibited in Public Areas at Various Places
Section 7.01.130	Posting of Signs Required
Section 7.01.140	Compliance
Section 7.01.150	Where Smoking is Not Regulated
Section 7.01.160	Penalty
Section 7.01.170	Non-Retaliation

Section 7.01.010 Title

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

Section 7.01.020 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.

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

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

Section 7.01.030 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 twenty feet (20') 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.

Section 7.01.040 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.

Section 7.01.050 Smoking Prohibited - Hospitals and Health Care Facilities

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.

Section 7.01.060 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.

Section 7.01.070 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.

Section 7.01.080 Smoking Prohibited - Public Restrooms

Smoking is prohibited and is unlawful in public restrooms.

Section 7.01.090 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.

Section 7.01.100 Smoking Prohibited - Restaurants

A. Smoking is prohibited in all restaurants.

Section 7.01.110 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 (1") 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 (3) 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.

Section 7.01.120 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.

Section 7.01.130 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 (1”) 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.

Section 7.01.140 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. As 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 7.01.110 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 7.01.110 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 7.01.110 of this Chapter by either of the following actions:

1. Serving notice to any person, firm, company, corporation, or association requiring the correction of any violation of that Section; or
2. Issuing a citation to any person, firm, company, corporation, or association in violation of that Section.

E. Any employer who violates 7.01.110, 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 7.01.110, 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.

Section 7.01.150 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.

Section 7.01.160 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 (12) 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 (12) month period, a fine of five hundred dollars (\$500.00).

Section 7.01.170 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.

**TITLE 8: ANIMAL REGULATION
CHAPTER 1: ANIMAL CONTROL**

Sections:

Section 8.01.010	Geographical Area Covered
Section 8.01.020	Short Title
Section 8.01.030	Purpose
Section 8.01.040	Definitions
Section 8.01.050	Administration: General Powers and Authority
Section 8.01.060	Officer's Status, Arrests, and Citations
Section 8.01.070	Entry of Premises
Section 8.01.080	Administrative Policies
Section 8.01.090	Authority to Carry Firearms
Section 8.01.100	Authority to Use Tranquilizer Gun
Section 8.01.110	Impoundment
Section 8.01.120	Period of Impoundment & Notice Periods of Impoundment
Section 8.01.130	Pre-seizure Hearing: Neglected or Abused Animals
Section 8.01.140	Post-Seizure Hearing: Neglected or Abused Animals
Section 8.01.150	Animals Not Redeemed
Section 8.01.160	Redemption of Impounded Animals
Section 8.01.170	Voluntary Surrender of Animals
Section 8.01.180	Adoption or Destruction Authority
Section 8.01.190	Adoption of Animals
Section 8.01.200	Records of Impounded or Voluntarily Surrendered Animals
Section 8.01.210	Deposit Fees
Section 8.01.220	Fees for Services
Section 8.01.230	Vaccination Required
Section 8.01.240	Licensing of Dogs Required
Section 8.01.250	Exemptions to Dog License Requirements
Section 8.01.260	Licensing Term
Section 8.01.270	Late Penalties
Section 8.01.280	License Application
Section 8.01.290	Issuance of Tags and License Certificate
Section 8.01.300	Lost Tags
Section 8.01.310	Transfer of License
Section 8.01.320	Maintaining Records of Dog Licenses
Section 8.01.330	Display of License Tag Required
Section 8.01.340	Display of License
Section 8.01.350	Removal of License Tag
Section 8.01.360	Unlawful Use of Rabies or License Tag
Section 8.01.370	Kennel License Required
Section 8.01.380	Kennel License Term

Section 8.01.390	Applications for and Processing of Kennel Licenses
Section 8.01.400	Issuance or Denial of a Kennel License
Section 8.01.410	Kennel License Renewal
Section 8.01.420	Kennel Standards
Section 8.01.430	Revocation of Kennel License
Section 8.01.440	Resisting an Animal Control Officer
Section 8.01.450	Unlawful Removal of Animals
Section 8.01.460	Animals Prohibited from Food Establishments
Section 8.01.470	Animals Running at Large Prohibited
Section 8.01.480	Female Dog in Heat: Running at Large/Accessibility Prohibited
Section 8.01.490	Dogs Running at Large on Farm Prohibited
Section 8.01.500	Dogs Pursuing Livestock, Protected Animals or Game Animals
Section 8.01.510	Livestock Containment
Section 8.01.520	Nuisances by Animals
Section 8.01.530	Animal Cruelty
Section 8.01.540	Failure to Provide Care or Sheltering of Animals
Section 8.01.550	Vicious or Dangerous Animal
Section 8.01.560	Authority to Declare Animals Vicious or Dangerous
Section 8.01.570	Potentially Dangerous or Vicious Dog
Section 8.01.580	Wild, Exotic, or Non-Domestic Animals
Section 8.01.590	Control of Stallions
Section 8.01.600	Animal Abandonment Prohibited
Section 8.01.610	Leaving Animals in Vehicle
Section 8.01.620	Dead Animals and Fowl
Section 8.01.630	Authority to Capture or Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals
Section 8.01.640	Holding of Animals
Section 8.01.650	Isolation of Rabid Animals or Clinically Suspected Rabid Animals
Section 8.01.660	Isolation (Quarantine) of Biting Animals
Section 8.01.670	Isolation (Quarantine) of Bitten Animals
Section 8.01.680	Appeals
Section 8.01.690	Absence of Liability
Section 8.01.700	Penalties for Violations of Provisions of this Chapter

Section 8.01.010 Geographical Area Covered

The provisions of this Chapter shall be effective in the unincorporated areas of Nevada County.

Section 8.01.020 Title

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

Section 8.01.030 Purpose

This Chapter 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.

Section 8.01.040 Definitions

For the purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms as used in this Chapter 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 twenty (20) or more dogs during the preceding twelve (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.

K. CAT means any member of the domestic feline species (*Felis Catus*). An adult cat is any cat older than four (4) months of age.

L. COMMUNITY ANIMAL RESCUE PARTNER means an animal rescue organization that has been certified by the Sheriff’s Office 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 8.01.530 of 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 confined or cultivated by humans for domestic or commercial purposes.

Q. ESTRAY means any domestic animal that wanders or roams 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 feet (4') 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 (2) 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 the County of Nevada 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, harbinger, 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 Chapter. 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 Chapter.

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 Cal. Health & 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 the County of Nevada.

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 thirty-six (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 thirty-six (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 Cal. Fish and Game Code § 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.

Section 8.01.050 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 Chapter and State laws pertaining to the care, treatment, impounding and destruction of animals.
- (2) To exercise all enforcement powers granted by Cal. Food and Agric. Code §.
- (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 Chapter.

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

- (1) To enforce the provisions of the ordinance codified in this Chapter 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 Chapter.

Pursuant to Cal. Penal Code § 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 §§ 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 Cal. Penal Code § 832. For the purposes of this subdivision, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns, handguns, rifles, and shotguns.

Section 8.01.060 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 or Federal law.

Section 8.01.070 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.

Section 8.01.080 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.

Section 8.01.090 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 Cal. Penal Code § 830.9.

Section 8.01.100 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.

Section 8.01.110 Impoundment

Any Animal Control Officer or peace officer may impound any animal for violations of this Chapter, or when deemed necessary to preserve public health and safety or to

prevent needless suffering of animals.

Section 8.01.120 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 (1) weekday evening until at least 7:00 p.m., or one (1) 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 (3) 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.

Section 8.01.130 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.

Section 8.01.140 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.

Section 8.01.150 Animals Not Redeemed

Any impounded animal, except any bovine animal that is not redeemed within the applicable holding period as specified in 8.01.120 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.

Section 8.01.160 Redemption of Impounded Animals

The owner/custodian of any impounded animal may redeem such animal by paying all applicable fees or deposits pursuant to 8.01.210 and 8.01.220, 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.

Section 8.01.170 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 (1st) day and shall be available for owner/custodian redemption or adoption on the second (2nd) day. After the fourth (4th) 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 8.01.170 (A) 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.

Section 8.01.180 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.

Section 8.01.190 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.

Section 8.01.200 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.

Section 8.01.210 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.

Section 8.01.220 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.

Section 8.01.230 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.

Section 8.01.240 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 8.01.230 of 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 ten (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.

Section 8.01.250 Exemptions to Dog License Requirements

The requirements of 8.01.240 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.

Section 8.01.260 Licensing Term

The Board of Supervisors shall, by Resolution, designate the licensing authority and set the licensing term for dog licenses.

Section 8.01.270 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.

Section 8.01.280 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.

Section 8.01.290 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.

Section 8.01.300 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.

Section 8.01.310 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.

Section 8.01.320 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.

Section 8.01.330 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.

Section 8.01.340 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.

Section 8.01.350 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.

Section 8.01.360 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.

Section 8.01.370 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.

Section 8.01.380 Kennel License Term

The kennel licensing term shall be for one (1) year, commencing July 1st and ending June 30th of the following year.

Section 8.01.390 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.

Section 8.01.400 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.

Section 8.01.410 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 (1) inspection is required in a single renewal process.

Section 8.01.420 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 and Federal 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.

Section 8.01.430 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.

Section 8.01.440 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.

Section 8.01.450 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.

Section 8.01.460 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.

Section 8.01.470 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.

Section 8.01.480 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.

Section 8.01.490 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.

Section 8.01.500 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 and may result in penalties set for misdemeanors.

Section 8.01.510 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 sixteen and one-half feet (16.5’) 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.

Section 8.01.520 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.

Section 8.01.530 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.

Section 8.01.540 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.

Section 8.01.550 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.

Section 8.01.560 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.

Section 8.01.570 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. 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 ten (10") inches by ten (10") inches 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 (6') feet 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 thirty-six (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 thirty-six (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.

Section 8.01.580 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 Use Permit 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 their 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 they 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.

Section 8.01.590 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.

Section 8.01.600 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.

Section 8.01.610 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.

Section 8.01.620 Dead Animals and Fowl

It shall be unlawful for any person owning or having under their 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.

Section 8.01.630 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.

Section 8.01.640 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.

Section 8.01.650 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.

Section 8.01.660 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.

Section 8.01.670 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 their 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 their 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 their designee, for a thirty-day (30) period following revaccination.

Section 8.01.680 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.

Section 8.01.690 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.

Section 8.01.700 Penalties for Violations of Provisions

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 § 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 § 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 § 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.

TITLE 9: AIRPORT
CHAPTER 1: NEVADA COUNTY AIRPORT RULES AND REGULATIONS

Sections:

Section 9.01.010	Definitions
Section 9.01.020	Operation of Aircraft
Section 9.01.030	Use of Airport
Section 9.01.040	Insurance
Section 9.01.050	Fire Safety Regulations
Section 9.01.060	General Rules & Regulations

Section 9.01.010 Definitions

- A. AIRPORT - Shall mean airport and all airport property owned, operated, or controlled by the County of Nevada. It shall include all improvements, facilities, adjacent properties used to store, maintain, service or supply materials necessary for the servicing or maintenance of aircraft and appurtenances.
- B. AIRPORT COMMISSION – Five (5) members appointed by the Board of Supervisors.
- C. AIRPORT MANAGER - Shall mean the person assigned by the County Executive Officer to this position.
- D. BOARD - Shall mean the Board of Supervisors of the County of Nevada, State of California.
- E. COUNTY- Shall mean the County of Nevada, State of California.
- F. F.A.A. - Shall mean the Federal Aviation Agency of the United States of America, as defined in the Federal Aviation Act of 1958, or any subsequent and successor body to that agency created for the control and operation of aviation and its related functions.
- G. FIRE DEPARTMENT - Shall mean the fire department within whose jurisdiction the airport lies.
- H. MAINTAIN AIRCRAFT - Shall mean any form of service, maintenance, or repair of aircraft.
- I. OPERATE AIRCRAFT - Shall mean the self-propelled, pushed, or towed movement of aircraft on the ground, or the movement of aircraft in flight.
- J. OWNER - Shall mean the registered and/or legal owner of an aircraft according

to the files and records of the F.A.A.

- K. PERSON - Shall mean individuals, corporate entities, and public agencies.
- L. RULES & REGULATIONS - Shall mean the provisions contained herein and adopted by the Board pertaining to the use of the airport.
- M. AIRPORT OPERATIONS AREA (AOA) - is the portion of an airport designed and used for landing, take-off, or taxiing of aircraft. Taxiing aircraft are those moving under their own power between parking areas and runways. This is done on the ramps, taxiplanes, and taxiways.

Section 9.01.020 Operation of Aircraft

- A. COMPLIANCE WITH RULES AND REGULATIONS. No person shall operate or maintain any aircraft at any airport except in strict conformity with all ordinances, rules, and regulations of the County of Nevada and the regulations of the F.A.A. All aircraft shall be operated in accordance with air traffic patterns established by the County of Nevada and the F.A.A. All operators of aircraft are responsible for complete knowledge of all laws, rules and regulations relating to the operation of aircraft. Unusual performance tests of aircraft may be conducted only upon prior permission of the Airport Manager and only upon such conditions as the Airport Manager shall impose.
- B. LANDING AND TAKE-OFF. All aircraft shall land and take off only on designated runways unless specifically authorized by the Airport Manager to use other areas of the airport. No person shall land on or take off from the airport unless the aircraft is equipped with properly functioning brakes or other positive means to assure adequate ground control. The Airport Manager may suspend all operations during period of emergency.
- C. ENGINE STARTING AND RUN-UPS. No aircraft engine shall be started or run- up in any hangar or positioned in such manner as to constitute a danger to persons or property. All engine run-ups and tests shall be performed only in areas and at such times as shall be designated by the Airport Manager. No engine affixed to an aircraft shall be started or operated unless a competent aircraft operator is in the aircraft attending to the controls and the parking brakes are set or the wheels properly blocked to prevent movement.
- D. TAXIING OF AIRCRAFT. Aircraft shall always be taxied at a slow and reasonable speed, in a safe manner and under control of a competent aircraft operator.
- E. LOADING OF AIRCRAFT. No passenger or freight shall be loaded or unloaded from any aircraft unless and until all engines on the aircraft have come to a complete stop.

F. **DAMAGE TO AIRPORT.** All damage to the airport or airport property shall be promptly reported to the Airport Manager. (Ord. 635. (06/05/1973); Ord. 2526. (06/13/2023))

Section 9.01.030 Use of Airport

A. **BUSINESS ACTIVITIES.** No person shall use the airport in any manner whatsoever for any commercial, profit, gainful, or revenue producing purpose, including, without limitation, flight instruction or mechanical work, without written approval of the Airport Manager. No person shall distribute, post, or display any commercial or non- commercial signs, circulars, handbills or advertisements on the airport without the consent of the Airport Manager. No person shall solicit funds for any purpose without the permission of the Airport Manager.

B. **PARKING OF AIRCRAFT.** No person shall park any aircraft in any area not designated for such purpose without prior consent of the Airport Manager. Parked aircraft shall have parking brakes set or wheels properly blocked to prevent movement and shall be firmly secured to the ground by ropes or other appropriate means when left unattended. No aircraft shall be taxied under its own power into or out of any hangar. Aircraft shall be halted, and all engines stopped before entering any hangar or building.

C. **CHARGES FOR PARKING AIRCRAFT.** The fee schedule for reserved and transient aircraft parking spaces in tie-down areas shall be implemented and updated by Resolution of the Board of Supervisors.

D. **DAMAGED AIRCRAFT.** Witnesses to and participants in any accident or damage to aircraft occurring at the airport shall promptly make a full report of such damage or accident to the nearest F.A.A. Safety Officer and to the Airport Manager. Aircraft operators, owners, or their agents shall be responsible for, and shall cooperate and assist in the prompt removal of damaged aircraft, parts, property or debris resulting from any accident; provided, however, that the Airport Manager or Officials of the F.A.A. may prohibit the movement or removal of any damaged aircraft or property.

E. **DAMAGE TO PROPERTY.** No person shall destroy or damage any building, structure, facility, sign, marker, or other property on the airport, unless authorized by the Airport Manager.

F. **LANDING AIRCRAFT FEES.** The schedule of charges for landing of private and commercial aircraft shall be implemented and updated by resolution of the Board of Supervisors.

H. **AIRPORT OPERATIONS AREA (AOA).** All persons be subject to all applicable federal, state, local laws, regulations, and policies when in the AOA. Vehicles must yield to all aircraft, pedestrians, and emergency vehicles. The vehicle speed limit shall be fifteen (15) mph.

I. DROPPING OF FOREIGN OBJECTS. No foreign objects (powder, liquid, solid or otherwise) may be dropped on the airport or airport property without permission of the Airport Manager.

J. FIREARMS. No person shall hunt, conduct target practice, or discharge firearms on the airport.

K. AVIATION FUEL. The County of Nevada shall be the sole distributor of aviation fuel at the airport or shall provide by contract for the manner of distribution of such product.

L. MODEL AIRPLANES AND DRONES. Model airplanes or drones shall not be operated from any location where they could fly over, or land on, the airport or airport property except when authorized by the Airport Manager for special events.

M. LEASE OF AIRPORT PROPERTY. Pursuant to Cal. Gov't Code §25536, and notwithstanding any other provision set forth in the County Codes relating to the lease of County property, the Board of Supervisors may, by four-fifth's vote, enter into leases, concessions, or managerial contracts involving leasing or subleasing of all or any part of County-owned, leased or managed property devoted to or held for use as an airport without complying with the formal bidding or alternative procedures set forth in Cal. Gov't Code

§§ 25520 – 25539.10. Lease rates for County owned hangars shall be as negotiated by the Airport Manager and as approved by the Board of Supervisors.

Any person desiring to use any space including tie-down spaces shall be required to obtain a Reserved Space Permit and agree to abide by its terms. In addition, all parties desiring to place a hangar on County property shall be required to obtain an Encroachment Permit and agree to abide by its terms. All parties desiring “through the fence” access to the Airport shall obtain an Encroachment Permit.

Reserved Space Permits and Encroachment Permits may be changed by the County, from time to time, and all current occupants may be required to execute current agreements in order to remain on the premises or continue getting access to the premises. Failure to execute a new agreement on request of the Airport Manager shall be grounds for termination of the right to occupy a space at the Airport.

Section 9.01.040 Insurance

A. INSURANCE REQUIRED. No person shall base or maintain an aircraft at the airport unless such person shall file with the Airport Manager, and keep in current effect, a certificate of property damage and general liability insurance executed by a company authorized to carry on insurance business in this State, insuring coverage in the minimum amounts as noted in permit or lease agreement.

Section 9.01.050 Fire Safety Regulations

- A. No person shall operate any electric or gas welding or cutting equipment anywhere on the Airport without prior written approval of the Airport Manager.
- B. No person shall store or stock material or equipment so as to constitute a fire hazard.
- C. No person shall store or place any flammable liquids, solids, gasses, signal flares or similar hazardous materials within any hangar or building except in areas or rooms specifically approved by the Airport Manager. Such storage shall be contained within approved containers bearing the label of the Underwriters Laboratories, Inc. and shall not exceed a five (5) gallon maximum container in size.
- D. All tenants of buildings shall provide approved metal containers equipped with sealing covers for the storage of oily wastes, rags, and similar combustible materials.
- E. All tenants of buildings shall maintain the floors of hangars, hangar ramps and adjacent areas free and clear of oil, grease, and other flammable materials.
- F. No person shall use flammable substances for cleaning floors of hangars or other buildings.
- G. Cleaning of aircraft engines or other parts using solvents shall be limited in scope and only nonflammable or high flashpoint (100 degrees F. or greater) solvents shall be used. Drip and collecting pans shall be used during any cleaning process.
- H. Painting and doping of aircraft shall be conducted only in authorized areas under permit issued by the Airport Manager.
- I. Every person who becomes aware of any fire or smoldering combustion of any unwarranted or insidious nature, which is not confined within equipment designated for fire or which is a hazard to the premises shall report said fire or smoldering combustion without delay to the local fire department and the Airport Manager.
- J. Portable fire extinguishers shall be provided as required and approved by the Airport Manager and shall not be moved for any reason other than to fight a fire or to be recharged.
- K. Access to all fire extinguishing equipment shall always be kept free and unobstructed. Portable fire extinguishers shall be inspected periodically by the Airport Manager and recertified annually by the tenant, owner, or responsible party.
- L. For aircraft fueling regulations, the National Fire Protection Association Standard 407 is adopted herein by reference. All persons using or occupying the airport

shall be required to have full knowledge of the terms and conditions of NFPA Standard 407.

Section 9.01.060 General Rules & Regulations

B. All persons using the airport shall be subject to, and governed by, these rules and regulations, all County ordinances, State and Federal laws and F.A.A. rules and regulations.

C. Any person using or entering the airport for any purpose shall be responsible for full and complete knowledge of, and compliance with the rules and regulations.

D. The Airport Manager shall interpret the rules and regulations. Requests for review of any interpretation shall be made in writing to the Airport Manager.

E. Any person finding lost articles on the airport shall immediately deposit them at the Airport's Administration office.

All lessees and persons using the airport shall be responsible for the cleanliness of their respective area and for the removal of all trash and debris. (Ord. 635. (06/05/1973)); Ord. 2526. (06/13/2023))

CHAPTER 2: REGULATING TAXIWAY ENCROACHMENTS AT NEVADA COUNTY AIRPORT

Sections:

Section 9.02.010	Definitions
Section 9.02.020	Work Requiring Permit
Section 9.02.030	Application
Section 9.02.040	Bond or Cash Deposit Required
Section 9.02.050	Issuance of Written Permits
Section 9.02.060	Refusal to Issue Permit
Section 9.02.070	Fees
Section 9.02.080	Permits Nontransferable
Section 9.02.090	Display of Permit
Section 9.02.100	Standards on Supervision and Inspection
Section 9.02.110	Revisions
Section 9.02.120	Term of Permit; Completion of Work
Section 9.02.130	Notice of Completion
Section 9.02.140	Revocation of Permit
Section 9.02.150	Traffic Safety
Section 9.02.160	Storage of Material
Section 9.02.170	Dust and Debris
Section 9.02.180	Protection of Adjoining Property
Section 9.02.190	Preservation of Monuments
Section 9.02.200	Restoring Taxiway
Section 9.02.210	Care of Drainage
Section 9.02.220	Clean Up
Section 9.02.230	Relocation of Facilities
Section 9.02.240	Disclaimer of Liability
Section 9.02.250	Violations/Infractions

Section 9.02.010 Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- A. **APPLICANT:** Any person making written application to the Nevada County Public Works Department for an encroachment permit hereunder is an applicant.
- B. **BOARD:** The Board of Supervisors of the County of Nevada.
- C. **DEPARTMENT:** Nevada County Public Works Department and the authorized

representatives of Public Works.

D. TAXIWAY: The term “TAXIWAY” includes all or any part of the property at the Nevada County Airport, owned by the County, and the space over it and the ground under it, whether or not such entire area is actually used for taxiway purposes.

E. ENCROACHMENT: The term “ENCROACHMENT” includes any tower, pole, poleline, pipe, pipeline, private taxiway, fence, portable hangar, sign, building, tree, embankment, excavation or any structure or object of any kind or character not particularly mentioned in this Section which is placed in, under or over any portion of a taxiway, taxilane, ramp or tie-down, or which may cause water to back onto any portion of the taxiway, taxilane, ramp or tie-down or which may obstruct the maintenance of or travel on the taxiway, taxilane, ramp or tie-down.

The term “ENCROACHMENT” shall also include the development of any private facility, taxiway, taxilane, road-way or other means of access to the airport from any off-site access point other than a public road (“through-the-fence” access).

F. EXCAVATION: Removal of material and any opening in the surface except an opening into a lawful structure below the surface, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the taxiway.

G. PERMITTEE: Means any person, firm, company, corporation, association, public agency or organization that proposes to do work or encroach on or access a right-of-way as defined in this Section and has been issued a permit for encroachment by the Department of Public Works. All obligations, responsibilities, and other requirements of the permittee as described in this Section shall be binding on subsequent owners of the encroachment.

H. PORTABLE HANGAR: Means any structure used to provide shelter for an aircraft which is portable in nature and is licensed by the State of California, Department of Motor Vehicles, to be moved over public roadways

I. TIE-DOWN AREA: Means any area used or designated for future use as an area to “tie down” aircraft.

Section 9.02.020 Work Requiring Permit

No person, firm, company, corporation, association, public agency nor organization shall do or cause to be done any of the following without first obtaining a permit therefor, and complying with all conditions there-of, and all provisions of this ordinance:

A. Fill or excavate on Nevada County Airport property.

- B. Install, construct, cut into, improve, or remove any sidewalks, driveways, curbs, gutters, walls, culverts, taxiway or taxilane approaches, or road surfacing, or install, repair or remove any approaches, or road surfaces, or install, repair or remove any facilities or substructures in, on, over, or under any taxiway or taxilane, or erect or remove any structure or portable hangar.
- C. Access the airport property from an off-site location other than a public road (“through-the-fence”).
- D. Place, change, or renew an encroachment.

Section 9.02.030 Application

Applications for permits for performance of any of the acts stated in 9.02.020 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 the following in detail where applicable:

- A. Name and residence or business address and phone number of the applicant.
- B. Name and residence or business address and phone number of person to be hired by applicant to do any proposed work. If this information is not known at time of application, the permittee shall provide said information for the Department prior to start of work by the person hired to do the work.
- C. Location, dimensions, purpose, extent and nature of the proposed encroachment and business operation, if any.
- D. Such other information as may be needed by the Department such as engineering calculations, structural sections, profiles, manufacturer’s specifications, etc.
- E. The permittee shall keep adequately informed of all state and federal laws and local ordinances and regulations which affect the permit.
- F. The applicant shall enclose with, attach or add to the application for a permit, a map, plat, sketch, diagram, or similar exhibit, when required by the Department, of a size and in the quantity that it may prescribe, on which shall be plainly shown all information necessary to locate, delineate, illustrate, or identify the proposed use or encroachment and the right and necessity of the applicant to cause an encroachment. If necessary, changes, corrections, and notes will be made on the map, plat, sketch, diagram, or similar exhibit and these items will become an integral part of the permit.
- G. The applicant shall also provide copies of all permits, licenses and insurance policies which are required to operate any proposed off-site business enterprise.
- H. The applicant shall be required to sign an indemnification agreement agreeing

to protect and indemnify the County and all of its officers, agents and employees against any claims or liability proximately caused by any work, encroachment, use, access or violation of any law, ordinance, regulation or order issued by any agency having authority and jurisdiction over airport operations.

Section 9.02.040 Bond or Cash Deposit 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 amount as the Department deems sufficient to reimburse the County for costs of restoring the taxiway to its former condition. This Section shall apply where the encroachment will consist of construction work affecting airport property.

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 taxiway 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 all work authorized in the permit and fulfillment of all conditions of the permit, the Board of Supervisors will release the bond or cash deposit on the expiration of ninety (90) days.

The Director of the Department may waive the provisions of this Section relating to cash deposit or surety 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 County property.

In the event any applicant shall refuse to pay 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.

Section 9.02.050 Issuance of Written Permits

The written permits required by this Section may be issued by the Department for any lawful use, subject to conditions set forth in this Section and required by law. In cases where the encroachment permit is for a continuing use such as “through-the-fence” access, the Department may impose conditions on the encroachment which it deems to be reasonably necessary at the time of issuance of the permit and may, from time to time, amend said permit and the conditions thereon. The permit shall be a revocable license and shall not be construed as the grant of an interest in real property.

Section 9.02.060 Refusal to Issue Permit

The Department may refuse to issue a permit to any applicant who is in default of any terms or conditions of any prior permit issued by the Department. The Department may also refuse to issue a permit if the work or the use would be harmful or detrimental to airport property, airpark business operations or public safety. Any person who contests the decision of the Department may appeal such decision in writing to the Director of the Department within ten (10) days after said refusal, asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering such appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered.

Section 9.02.070 Fees

The schedule of fees will be those recommended by the Department and established and adopted by the Board from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the Department for payment to the Treasurer of the

County cash or check in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with schedules established and adopted by the Board.

In addition to any fees required for a permit application as set forth in 9.01.030 (C) above, where the encroachment is for access to Airport property “through-the-fence” the fees set forth in this Code for aircraft parking shall apply to each and every aircraft parked off-site and accessing the airpark pursuant to the encroachment. Fees shall apply to any business operation conducted off-site and accessing the airport pursuant to the encroachment permit.

Section 9.02.080 Permits Nontransferable

Encroachment permits issued pursuant to this Chapter are nontransferable.

Section 9.02.090 Display of Permit

A permit issued for continuing use or maintenance of an encroachment may be kept at the place of business of the permittee or otherwise safeguarded during the term of validity but shall be made available to an authorized representative of the Department or law enforcement officer within a reasonable time after demand.

Section 9.02.100 Standards on Supervision and Inspection

All encroachment work done under a permit issued under this Chapter shall conform to specifications established by the Department, or in the absence of established specifications, to recognized standards of construction and approved practices in connection with such work. All encroachment repair work shall be done subject to final approval of the Department.

Unless otherwise noted on the permit, all encroachment work performed on the taxiway shall conform to the construction specifications contained in the current edition of the Standard Specifications of the State of California, issued by the Department of Transportation, as may be amended by special provisions adopted by the Department. All work done on portable hangars shall conform to the current edition of the Uniform Building Code as adopted by the County of Nevada.

No person shall prevent or obstruct any officer or employee of the Department from making any inspection pursuant to this Chapter nor in taking any sample or making any test.

No portable hangar shall be constructed without having a current valid building permit issued by the Nevada County Building Department.

Section 9.02.110 Revisions

No changes shall be made in the location, dimensions, 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 pursuant to a written request submitted to the Department by the permittee. (Such revision becomes effective forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee or upon personal service of such revision on the permittee.)

The Department may revise any permit only upon the following conditions:

- A. Such revision is necessary for the public welfare or safety.
- B. Such revision is necessary for the permittee to reasonably accomplish its intended goal and does not pose a threat to the financial viability of airport operations or to public safety.
- C. Such proposed revision becomes effective forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee unless permittee requests a hearing on the proposed revision in writing. Any applicant who contests the revision in the permit proposed by the Department may appeal said revision in writing to the

Director of the Department within ten (10) days after said notice of revision, asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered.

Section 9.02.120 Term of Permit; Completion of Work

Where the encroachment permit is for construction or a temporary use, the permittee shall complete the work or 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 work or use is due to lack of diligence by the permittee, it may cancel the permit and restore the taxiway or tie-down area to its former condition. In the event the permittee wishes to appeal the cancellation of the permit, permittee may submit such appeal in writing to the Director of the Department within ten (10) days after notice of such cancellation asking for a hearing before the Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered. The permittee shall reimburse the County for all expenses incurred by the

Department in restoring the airport property, plus twenty-five per-cent (25%) as administrative costs. Where the encroachment permit is for “through-the-fence” access, the permit shall be a revocable license which shall remain in effect until revoked as set forth in this Chapter.

Section 9.02.130 Notice of Completion

Upon completion of any work or 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.

Section 9.02.140 Revocation of Permit

The Department may revoke any construction or temporary use encroachment permit by notifying the permittee in writing. Said notification may be personally delivered or deposited in the United States Mail addressed to the permittee at the address shown on the application form. Effective immediately upon personal delivery or forty-eight (48) hours after deposit in the mail, the permit is void and no work may be performed under the permit unless it is reinstated by the Department. In the event the permittee contests the revocation, permittee may appeal such decision in writing to the Director of the Department within ten (10) days after said revocation asking for a hearing before the

Director. The hearing shall be held not less than fifteen (15) days after receipt of the request by the Director. Any decision of the Director considering said appeal may be further appealed to the Board of Supervisors in writing within thirty (30) days after it is rendered. The Department may revoke an encroachment permit for “through-the-fence” access upon thirty (30) days’ notice to the permittee. In the event permittee contests the revocation, permittee may appeal as set forth above.

Section 9.02.150 Traffic Safety

The permittee shall take appropriate measures to assure that during the performance of any work normal airport activities are maintained so as to minimize inconvenience to the general public using said airport. The Department may permit the closing of appropriate parts of the airport for specific periods of time if it is necessary and the Department may require the permittee to give notification to both the County and the Airport Manager of work being performed and areas that may require closing to do the job. (Ord. 1640. (05/08/1990); Ord. 2526. (06/13/2023))

Section 9.02.160 Storage of Material

No material shall be stored within any taxiway. Excess earth materials from operations shall be removed from the taxiway.

Section 9.02.170 Dust and Debris

Each permittee shall conduct and carry out work permitted hereunder in such manner as to avoid unnecessary inconvenience and annoyance to the public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the work, noise, dust, and unsightly debris.

Section 9.02.180 Protection of Adjoining Property

The permittee shall always and at permittee’s own expense preserve and protect from injury any adjoining property by providing proper foundations, shoring, and taking other measures suitable for the purpose. The permittee must obtain permission from the owner of private property to enter upon or do work on such property. The permittee shall be responsible for all damage to any roads or other public or private property, real and personal, resulting from the performance of permittee’s work.

Section 9.02.190 Preservation of Monuments

Any monument set for the purpose of locating or preserving the lines of the taxiway or taxilane, or a precise survey reference point, or a permanent survey benchmark within the County shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Department to do so. Before monuments, reference points and benchmarks are disturbed or removed, they shall be tied out by a licensed surveyor or Registered Civil Engineer or under the directions of same. After completion of the work, the monuments, reference points and benchmarks shall be accurately reset at the expense of permittee.

Section 9.02.200 Restoring Taxiway

Any permit issued under the provisions of this Chapter shall provide that the permittee shall pay the entire expense of replacing any taxiway, taxilane, ramp, tie-down or airport property in as good condition as before, and may provide such other conditions as to location and the manner in which the work is to be done as the Department finds necessary for the protection of the taxiway, tie-down or airport property.

Section 9.02.210 Care of Drainage

If the work, use, or encroachment authorized in a permit interferes with the established drainage, the permittee shall provide for proper drainage as approved by the Department.

Section 9.02.220 Clean Up

As the work progresses, all taxiways, tie-downs or airport property shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department. From time to time, as may be ordered by the Department and, in any event, immediately after completion of the work, the permittee shall, at permittee's own expense, clean up and remove all refuse and unused materials of any kind resulting from such work, and upon failure to do so within forty-eight (48) hours after having been notified to do so by the Department, the work may be done by the Department and the cost thereof charged to the permittee. Said notice shall be effective upon personal delivery, or forty-eight (48) hours after deposit in the U.S. Mail of a certified letter addressed to the permittee.

Section 9.02.230 Relocation of Facilities

Any permit issued under the provisions of this Ordinance shall contain a provision that in the event of the future improvement of the taxiway, necessitating the relocation or removal of such encroachment, the permittee will relocate or remove same at permittee's own expense. In said event, the Department shall serve on the permittee its written demand specifying the place or location or that the encroachment must be removed from the taxiway and specifying a reasonable time within which the work of relocation or removal must be commenced. Permittee shall commence such relocation or removal within the time specified in said demand and thereafter diligently prosecute the same to completion. Permittee shall have all appeal rights set forth in section 9.02.140 above.

Section 9.02.240 Disclaimer of Liability

This Ordinance 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 such liability or responsibility by reason of the inspections authorized hereunder, or the issuance of any permit hereunder.

Section 9.02.250 Violations/Infractions

A. Violation of the provisions of this Chapter shall be an infraction and upon conviction thereof there shall be a mandatory fine imposed, as per Cal. Gov't Code §25132, 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).

B. The Director of the Department shall be designated as the Nevada County Airport Encroachment Officer and shall be responsible for the enforcement of this Chapter. The Airport Encroachment Enforcement Officer may deputize one or more employees of the Department to carry out the duties of the Enforcement Officer. These duties include:

1. Issuing a citation to any person, firm, company, corporation, association, or public agency which does any of the acts specified in 9.02.020 above without the authority

of a permit authorizing the act.

2. Issuing a citation to any person, firm, company, corporation, association, or public agency who exceeds the terms of their permit by changing the location, dimensions and character of the act or acts authorized in their permit. (Ord. 1640. (05/08/1990); Ord. 2526. (06/13/2023))

CHAPTER 3: NEVADA COUNTY AIRPORT COMMISSION

Sections:

Section 9.03.010 Airport Commission - Composition, Appointment of Members and Quorum

Section 9.03.020 Airport Commission - Powers and Duties

Section 9.03.010 Airport Commission - Composition, Appointment of Members and Quorum

The Airport Commission shall consist of five (5) members. Each member of the Board of Supervisors is entitled to appoint one Commissioner, from among residents of the County at-large, and the Commissioner will serve at the pleasure of the Supervisor.

Three (3) members shall constitute a quorum for the transaction of business.

Section 9.03.020 Airport Commission - Powers and Duties

The Commission shall have the following powers and duties:

1. To assist and advise the Airport Manager and the Board of Supervisors on the planning, maintenance, development and operation of the airports and airport facilities which are, or will be, owned, controlled or leased by the County.
2. To study and to make recommendations on the subject of developing the airports and airport facilities at the Nevada County Airport.
3. To formulate and to recommend to the Airport Manager and the Board of Supervisors the general policies relating to the purposes of the Airport Commission.
4. To work with the Airport Manager in the preparation of a preliminary and final budget to submit to the Board annually, providing for the costs of maintenance, operation and improvement for the ensuing fiscal year.
5. To assist the Airport Manager in the study and to make recommendations on the subject of funds available to the County for the development of the airports and airport facilities from Federal, State and other sources.
6. The Airport Commission shall have such other functions, powers, and duties as the Board of Supervisors shall designate by resolution.

TITLE 10: PUBLIC LANDS, WATERWAYS, AND WATERCRAFT
CHAPTER 1: IN GENERAL

Sections:

Section 10.01.010	Applicability of Chapter
Section 10.01.020	Definitions
Section 10.01.030	Littering Beaches or Waterways
Section 10.01.040	Shooting Across Waterways; Hunting of Waterfowl
Section 10.01.050	Prohibited Areas for Swimming
Section 10.01.060	Method of Establishing Boat Launching Areas, Swimming Areas, Areas Where Boats Prohibited, and other Designations
Section 10.01.070	Penalty for Violations

Section 10.01.010 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.

Section 10.01.020 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 (NOAA).

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

Section 10.01.030 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.

Section 10.01.040 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.

Section 10.01.050 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.

Section 10.01.060 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.

Section 10.01.070 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).

CHAPTER 2: WATERCRAFT REGULATIONS

Sections:

Section 10.02.010 Operator and Owner's Responsibility

Section 10.02.020 Supervised Boat Racing

Section 10.02.030 Supervised Water Shows

Section 10.02.010 Operator and Owner's Responsibility

It shall be unlawful for any person required to have a vessel operator card as per Cal. Harb. & Nav. Code §§ 678 – 678.15, to operate a boat or vessel.

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.

Section 10.02.020 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.

Section 10.02.030 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.

CHAPTER 3: SMALL LAKE REGULATIONS

Sections:

Section 10.03.010	Small Lake Fishing Special Use Areas
Section 10.03.020	Speed - Maximum Speed of Ten (10) Miles Per Hour

Section 10.03.010 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.

Section 10.03.020 Speed - Maximum Speed of Ten (10) Miles Per Hour

The following lakes shall be restricted to a maximum speed of ten (10) 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.

CHAPTER 4: ROLLINS RESERVOIR

Sections:

Section 10.04.010	Boating Regulations - Rollins Reservoir
Section 10.04.020	Maximum Speeds
Section 10.04.030	Speed Zones
Section 10.04.040	Area Restrictions
Section 10.04.050	Chartlet
Section 10.04.060	Exceptions
Section 10.04.070	Implementation
Section 10.04.080	Non-Marked Areas
Section 10.04.090	Amendments
Section 10.04.100	Aquaplaning and Water-Skiing Restriction
Section 10.04.110	Greenhorn Creek Inlet - Day Use Only

Section 10.04.010 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.

Section 10.04.020 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.

Section 10.04.030 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.

Section 10.04.040 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.

Section 10.04.050 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.

Section 10.04.060 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.

Section 10.04.070 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.

Section 10.04.080 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.

Section 10.04.090 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 in 10.04.050 and 10.04.070 within this Section.

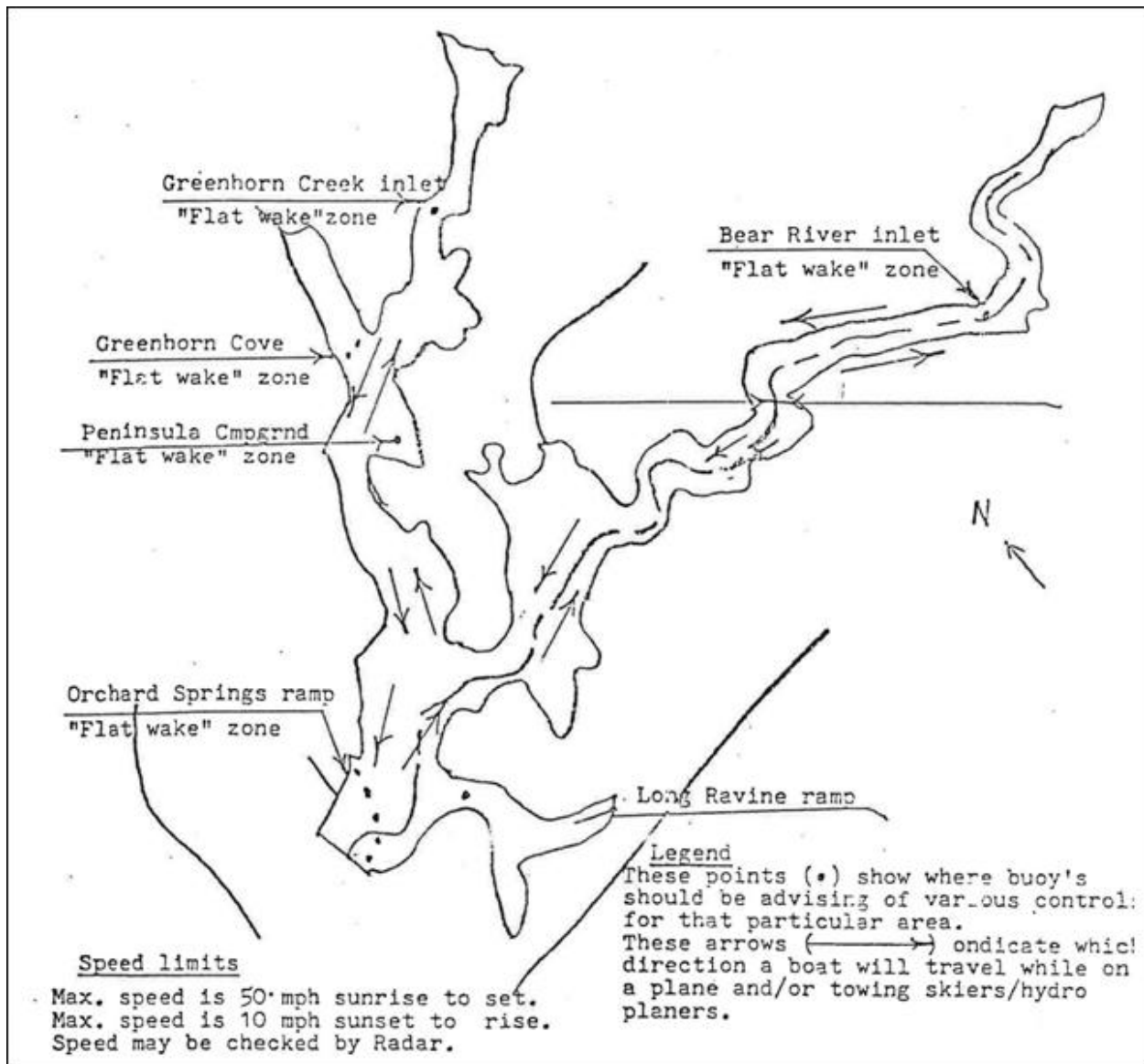
Section 10.04.100 Aquaplaning and Water-Skiing Restriction

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.

Section 10.04.110 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



CHAPTER 5: LAKE WILDWOOD

Sections:

Section 10.05.010	Boating Regulations - Lake Wildwood
Section 10.05.020	Maximum Speeds
Section 10.05.030	Speed Zones
Section 10.05.040	Area Restrictions
Section 10.05.050	Chartlet
Section 10.05.060	Exceptions
Section 10.05.070	Implementation
Section 10.05.080	Non-Marked Areas
Section 10.05.090	Amendments
Section 10.05.100	Aquaplaning and Water-Skiing Restriction
Section 10.05.110	Dam Spillway Restriction

Section 10.05.010 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.

Section 10.05.020 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 or their designee, 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.

Section 10.05.030 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 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.

Section 10.05.040 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.

Section 10.05.050 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.

Section 10.05.060 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.

Section 10.05.070 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.

Section 10.05.080 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.

Section 10.05.090 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 10.05.050 and 10.05.070 this Section.

Section 10.05.100 Aquaplaning and Water-Skiing Restriction

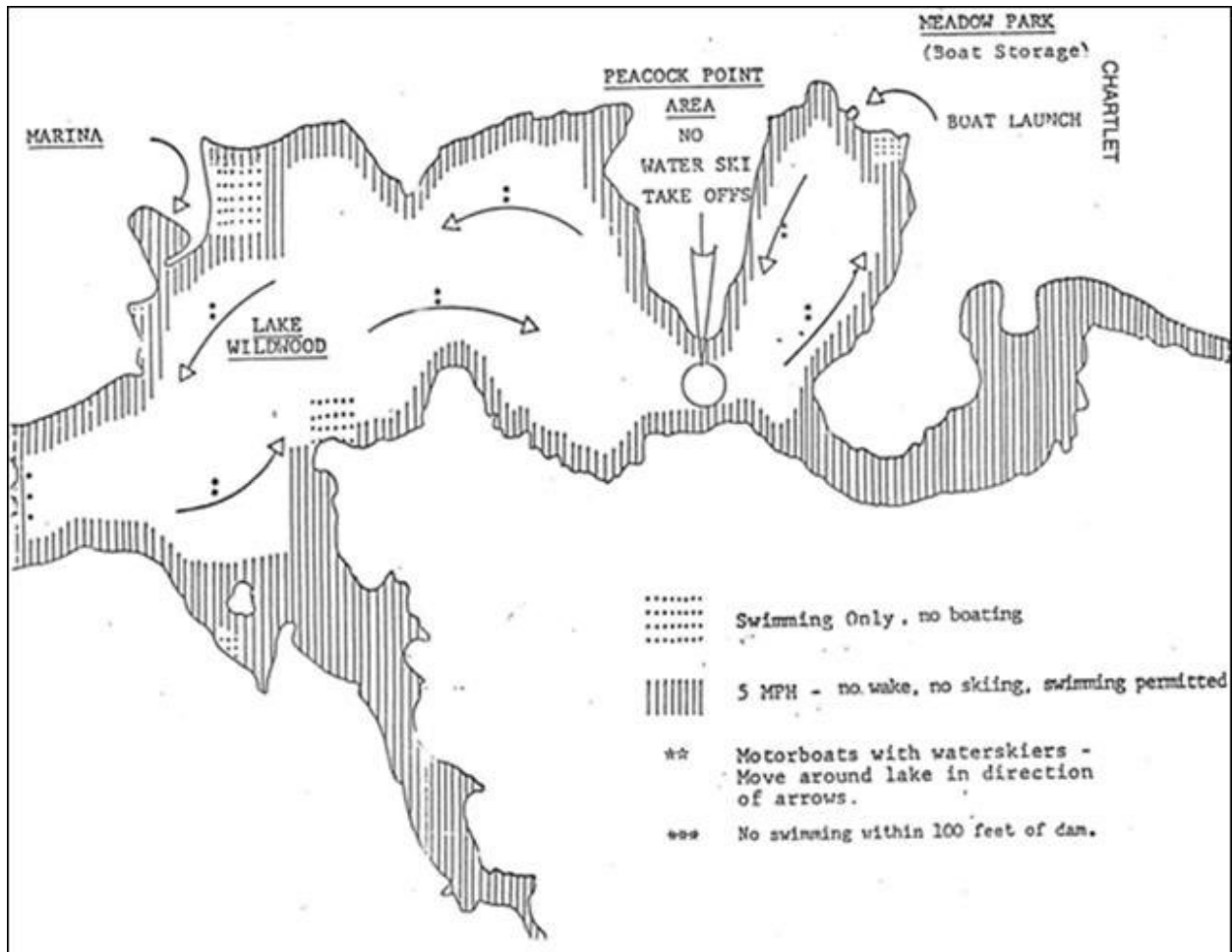
The operation of any boat or watercraft while aquaplaning, including while towing water skiers, shall be in a counter-clockwise direction around the lake as shown on the Chartlet.

Section 10.05.110 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



CHAPTER 6: ENGLEBRIGHT LAKE

Sections:

Section 10.06.010	Boating Regulations – Englebright Lake
Section 10.06.020	Vessel Operation Permit
Section 10.06.030	Maximum Speeds
Section 10.06.040	Water Skiing Restrictions
Section 10.06.050	Chartlet
Section 10.06.060	Exceptions
Section 10.06.070	Implementation
Section 10.06.080	Non-Marked Areas
Section 10.06.090	Amendments
Section 10.06.100	Aquaplaning and Water-Skiing Restriction
Section 10.06.110	Dam and Spillway Restrictions
Section 10.06.120	Speed Zones

Section 10.06.010 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.

Section 10.06.020 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 Manager 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 ten (10) feet or a length of thirty (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.

Section 10.06.030 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.

Section 10.06.040 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.

Section 10.06.050 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.

Section 10.06.060 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.

Section 10.06.070 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.

Section 10.06.080 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.

Section 10.06.090 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 10.06.00 and 10.06.070 within this Section.

Section 10.06.100 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.

Section 10.06.110 Dam and Spillway Restrictions

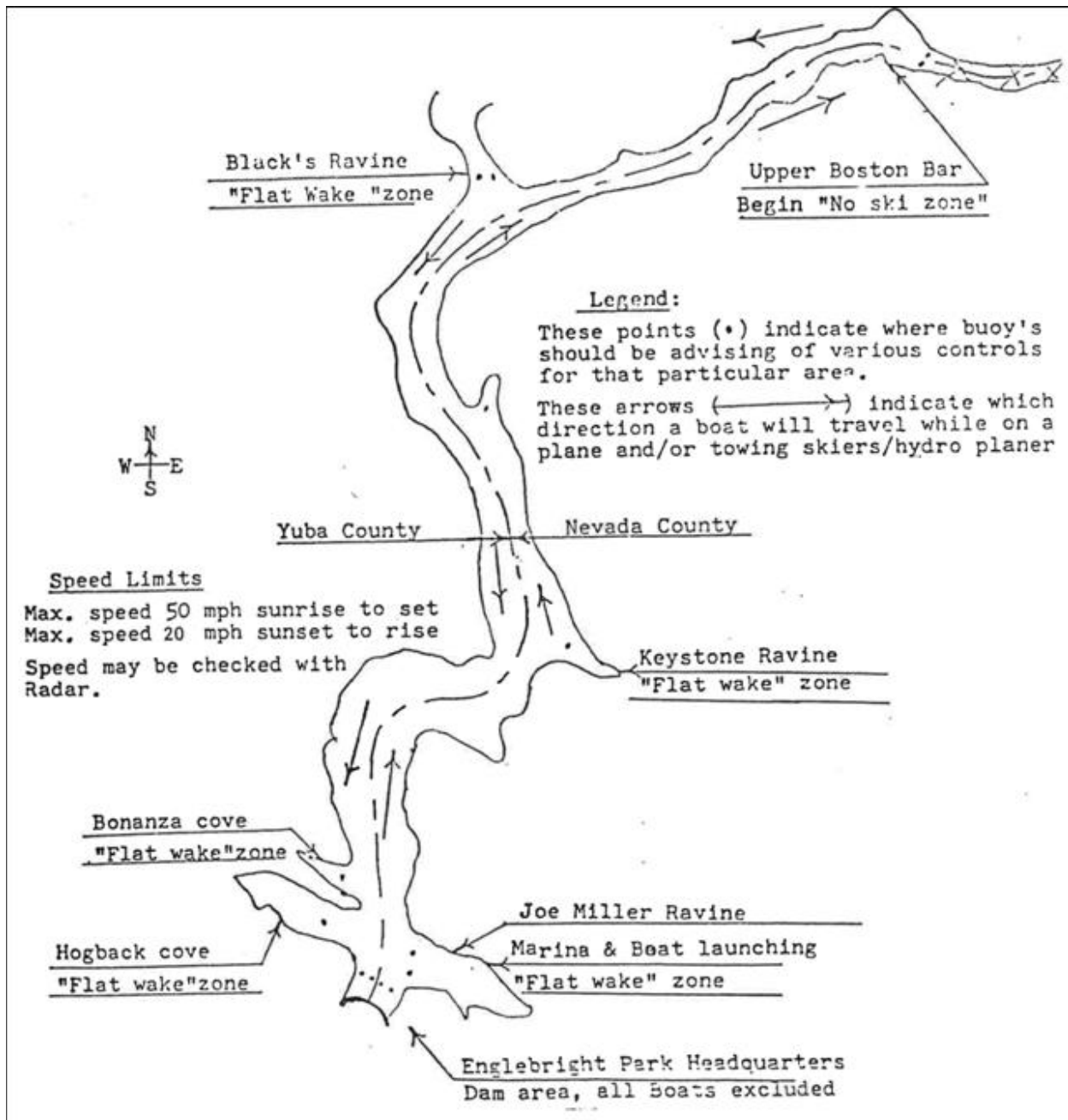
All boats and watercraft are prohibited within the area enclosed by the buoy line in the vicinity of the dam and spillway. It shall be unlawful for any person to swim within 100 feet of, or stand, walk or sit on the spillway of Englebright Dam.

Section 10.06.120 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

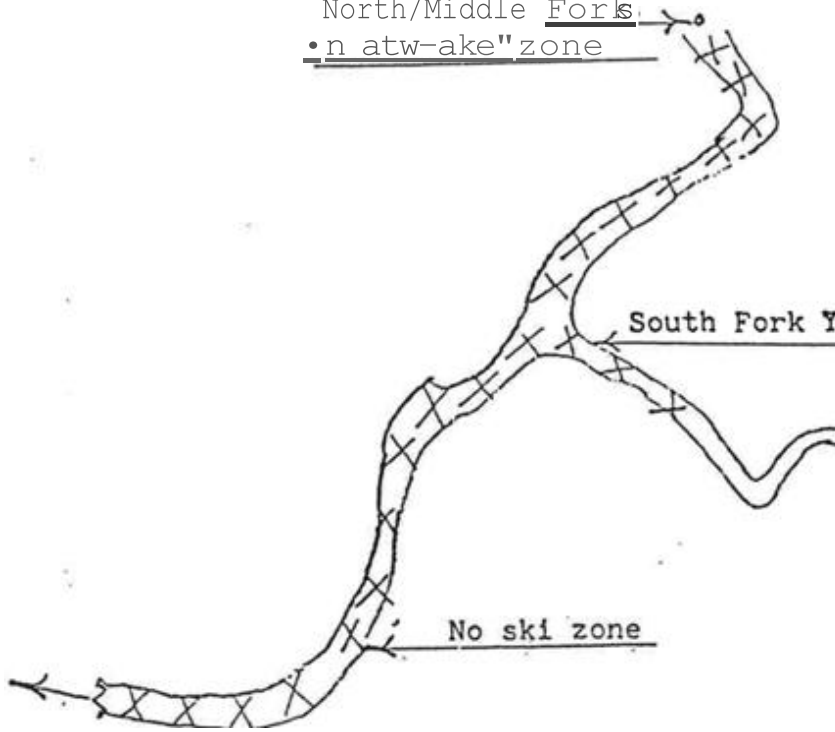


North/Middle Forks
•n atw-ake"zone

N
W ↑ E
S

South Fork Yuba River

No ski zone



CHAPTER 7: DONNER LAKE

Sections:

Section 10.07.010	Boating Regulations - Donner Lake
Section 10.07.020	Maximum Speeds
Section 10.07.030	Speed Zones
Section 10.07.040	Chartlet
Section 10.07.050	Exceptions
Section 10.07.060	Implementation
Section 10.07.070	Non-Marked Areas
Section 10.07.080	Amendments
Section 10.07.090	Aquaplaning and Water-Skiing Restriction

Section 10.07.010 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.

Section 10.07.020 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.

Section 10.07.030 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.

Section 10.07.040 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.

Section 10.07.050 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.

Section 10.07.060 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.

Section 10.07.070 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. .

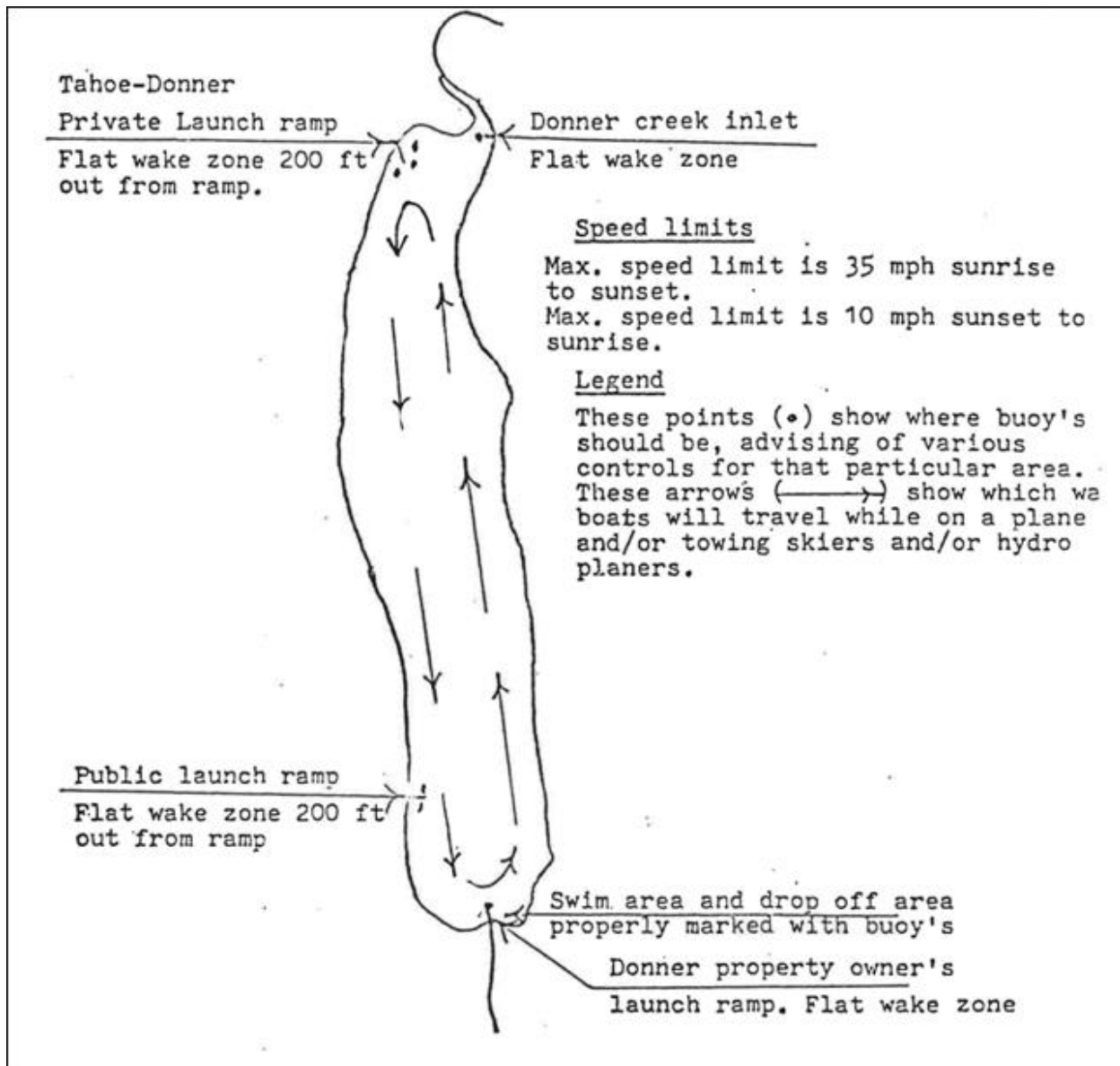
Section 10.07.080 Amendments

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 10.07.040 and 10.07.060 within this Section.

Section 10.07.090 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



CHAPTER 8: LAKE OF THE PINES

Sections:

Section 10.08.010	Boating Regulations - Lake of the Pines
Section 10.08.020	Maximum Speeds
Section 10.08.030	Speed Zones
Section 10.08.040	Area Restrictions
Section 10.08.050	Chartlet
Section 10.08.060	Exceptions
Section 10.08.070	Implementation
Section 10.08.080	Regulation of Lake
Section 10.08.090	Amendments
Section 10.08.100	Aquaplaning and Water-Skiing Restriction

Section 10.08.010 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.

Section 10.08.020 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.

Section 10.08.030 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 five (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 ten (10) feet of any buoy.

Section 10.08.040 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.

Section 10.08.050 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.

Section 10.08.060 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.

Section 10.08.070 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.

Section 10.08.080 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.

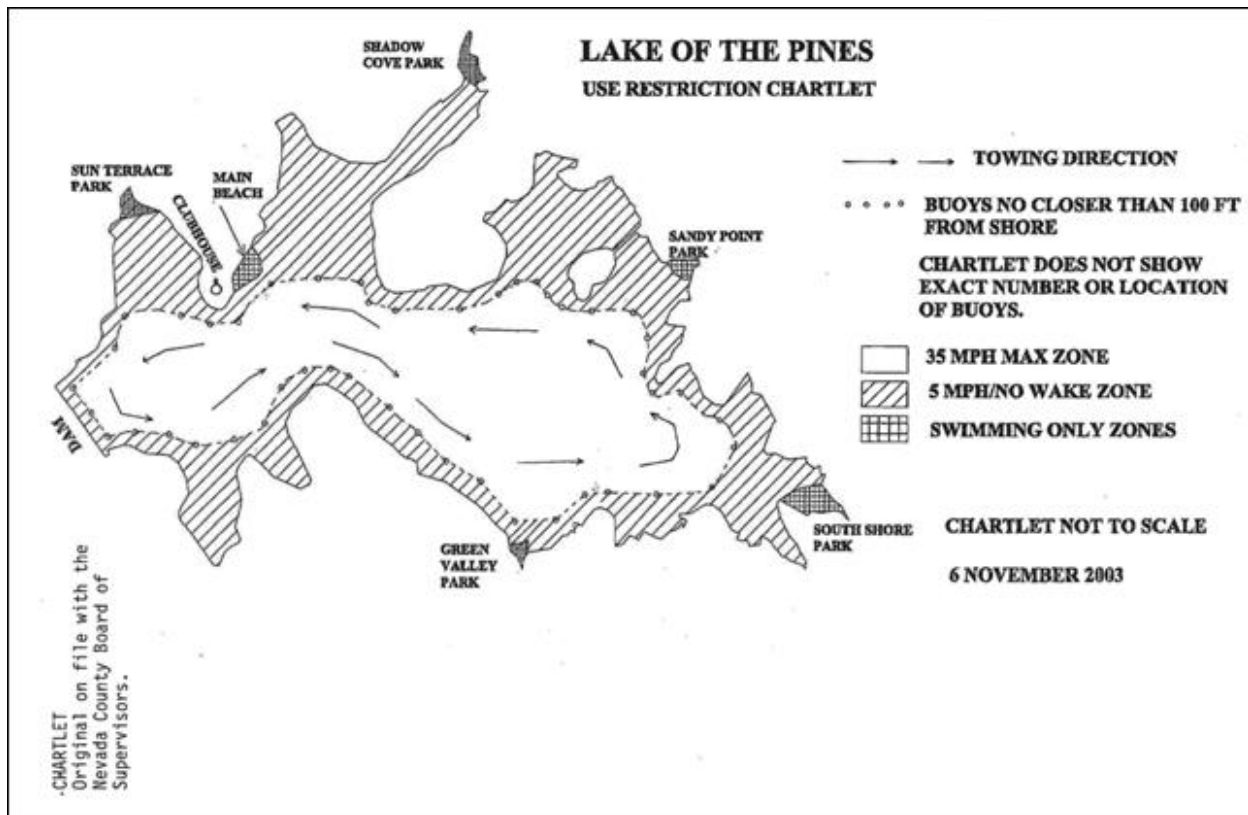
Section 10.08.090 Amendments

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 10.08.050 and 10.08.070 within this Section.

Section 10.08.100 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



CHAPTER 9: BOCA RESERVOIR

Sections:

Section 10.09.010	Boating Regulations - Boca Reservoir.
Section 10.09.020	Maximum Speeds
Section 10.09.030	Speed Zones
Section 10.09.040	Chartlet
Section 10.09.050	Exceptions
Section 10.09.060	Implementation
Section 10.09.070	Non-Marked Areas
Section 10.09.080	Amendments
Section 10.09.090	Aquaplaning and Water-Skiing Restriction

Section 10.09.010 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.

Section 10.09.020 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.

Section 10.09.030 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); Ord. 2530. (10/24/2023))

Section 10.09.040 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.

Section 10.09.050 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.

Section 10.09.060 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.

Section 10.09.070 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.

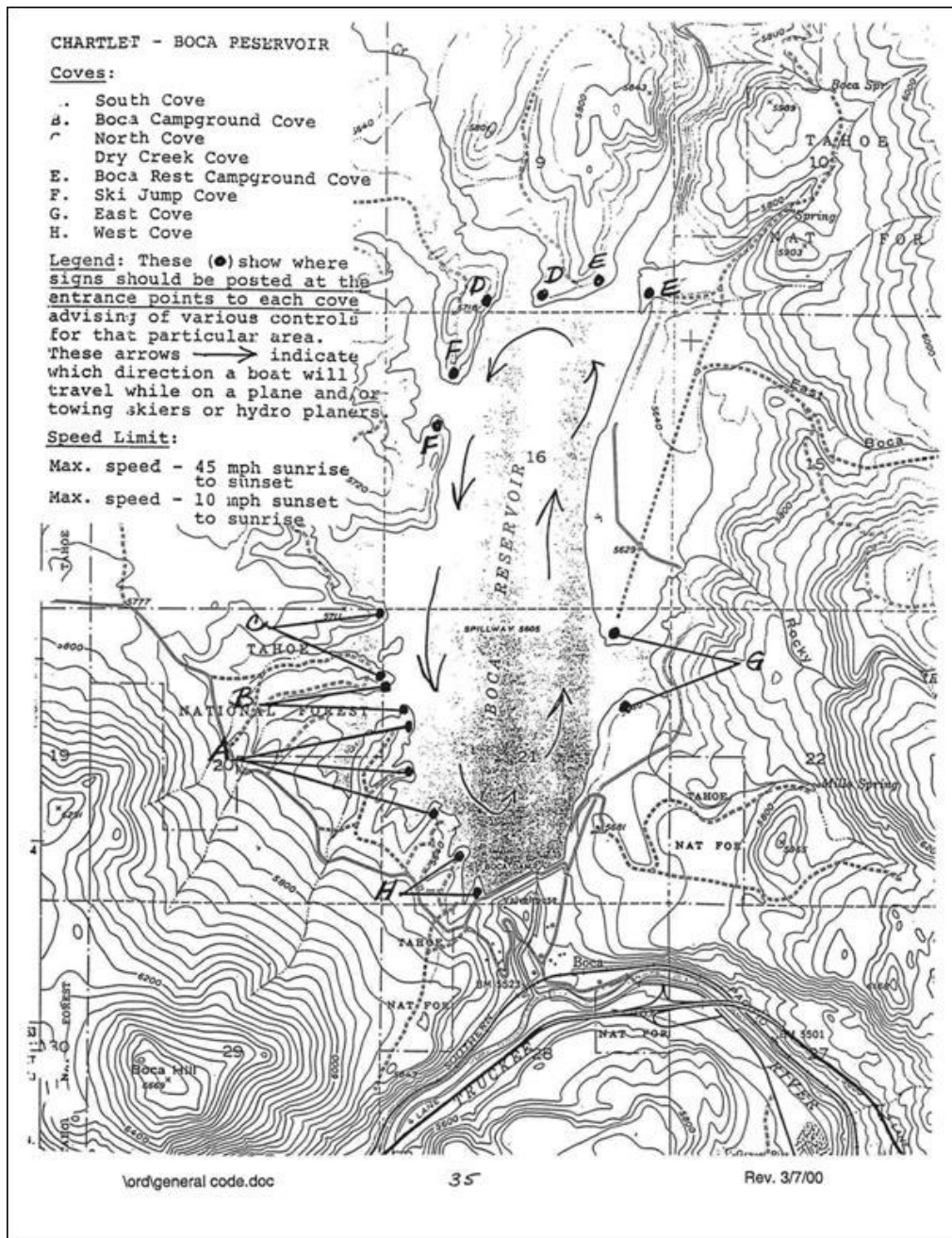
Section 10.09.080 Amendments

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 in 10.09.040 and 10.09.060 within this Section.

Section 10.09.090 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.

Boca Reservoir Use Restriction Chartlet



CHAPTER 10: SCOTTS FLAT LAKE

Sections:

Section 10.10.010	Boating Regulations – Scotts Flat Lake
Section 10.10.020	Maximum Speeds
Section 10.10.030	Speed Zones
Section 10.10.040	Aquaplaning and Water-Skiing Restriction
Section 10.10.050	Chartlet
Section 10.10.060	Exceptions
Section 10.10.070	Implementation
Section 10.10.080	Non-Marked Areas
Section 10.10.090	Amendments
Section 10.10.100	Personal Watercraft Prohibited
Section 10.10.110	Overnight Camping Prohibitions

Section 10.10.010 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.

Section 10.10.020 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.

Section 10.10.030 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.

Section 10.10.040 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.

Section 10.10.050 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.

Section 10.10.060 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.

Section 10.10.070 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.

Section 10.10.080 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.

Section 10.10.090 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 in 10.10.050 and 10.10.070 within this Section.

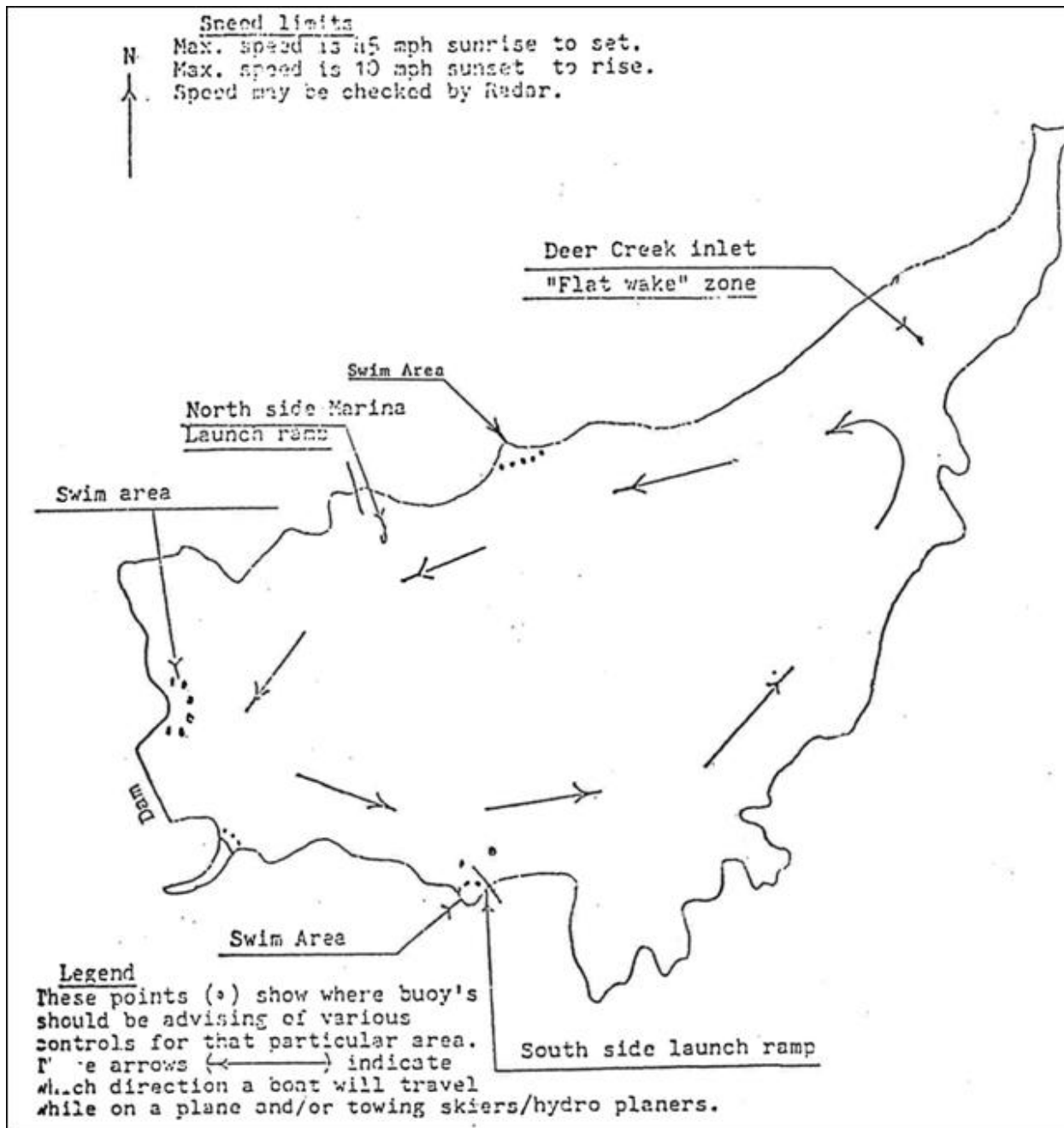
Section 10.10.100 Personal Watercraft Prohibited

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 thirteen (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.

Section 10.10.110 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



CHAPTER 11: SPAULDING LAKE

Sections:

Section 10.11.010	Boating Regulations – Spaulding Lake
Section 10.11.020	Maximum Speeds
Section 10.11.030	Speed Zone
Section 10.11.040	Aquaplaning and Water-Skiing Restriction
Section 10.11.050	Chartlet
Section 10.11.060	Exceptions
Section 10.11.070	Implementation
Section 10.11.080	Non-Marked Areas
Section 10.11.090	Amendments

Section 10.11.010 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.

Section 10.11.020 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.

Section 10.11.030 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.

Section 10.11.040 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.

Section 10.11.050 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.

Section 10.11.060 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.

Section 10.11.070 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.

Section 10.11.080 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.

Section 10.11.090 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 in 10.11.050 and 10.11.070 within this Section.

Spaulding Lake Use Restriction Chartlet

Spaulding Lake

Speed limits

Max. speed 35 mph sunrise to sunset
Max. speed 10 mph sunset to sunrise

Speed may be checked by radar

Legend

These points () show where buoy's should be , advising of various controls for that particular area.

These arrows () show which way boats will travel while on plane and or towing skiers or hydro planers.

Power house inlet
All boats "keep out"



Boat launch ramp
Flat wake zone 200 ft out.

CHAPTER 12: COMBIE LAKE

Sections:

Section 10.12.010	Boating Regulations – Combie Lake
Section 10.12.020	Maximum Speeds
Section 10.12.030	Speed Zones
Section 10.12.040	Aquaplaning and Water-Skiing Restriction
Section 10.12.050	Chartlet
Section 10.12.060	Exceptions
Section 10.12.070	Implementation
Section 10.12.080	Non-Marked Areas
Section 10.12.090	Amendments

Section 10.12.010 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.

Section 10.12.020 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.

Section 10.12.030 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.

Section 10.12.040 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.

Section 10.12.050 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.

Section 10.12.060 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.

Section 10.12.070 Implementation

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

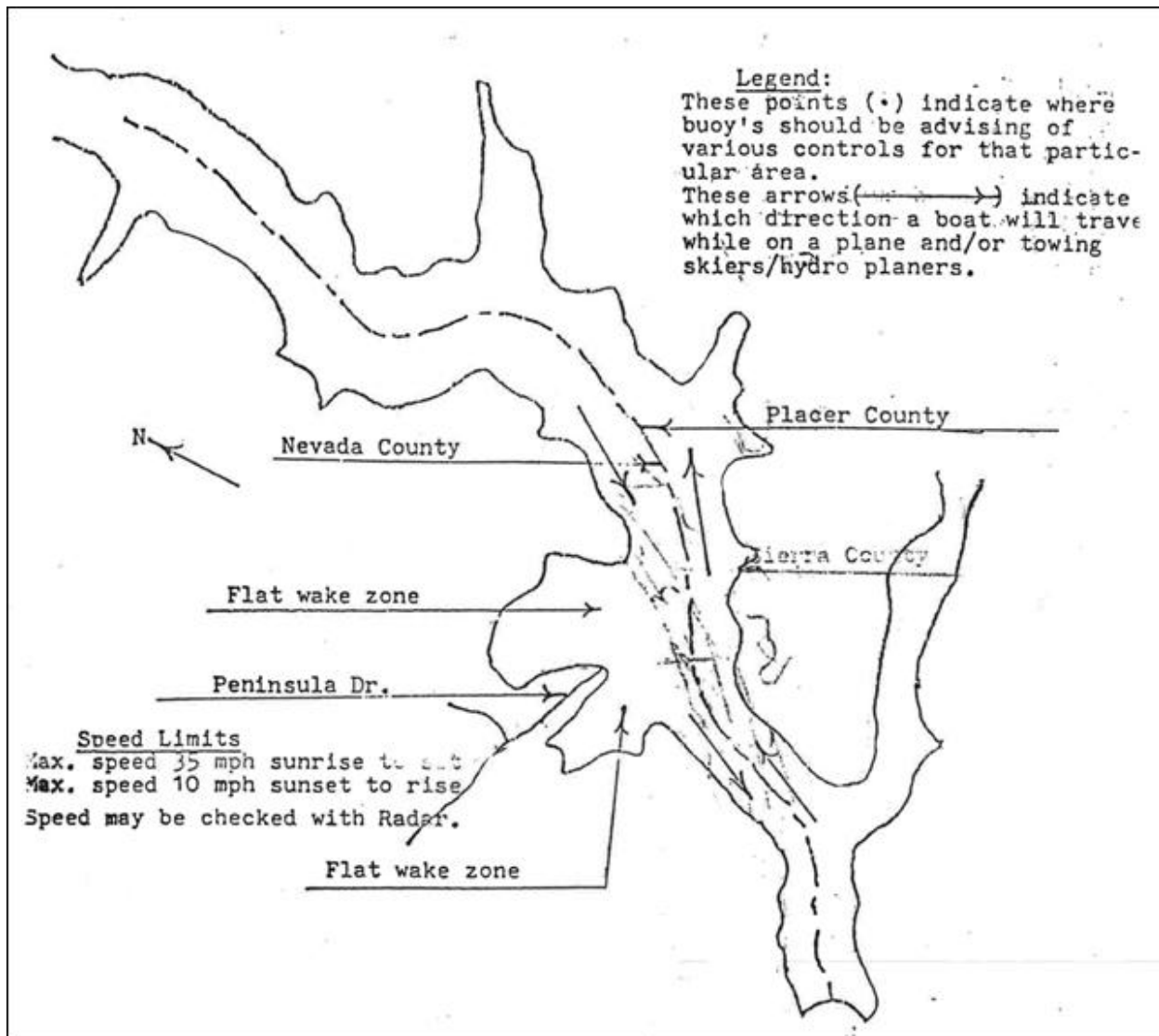
Section 10.12.080 Non-Marked Areas

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

Section 10.12.090 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 in 10.12.050 and 10.12.070 within this Section.

Combie Lake Use Restriction Chartlet



CHAPTER 13: JACKSON MEADOWS RESERVOIR

Sections:

Section 10.13.010	Boating Regulations – Jackson Meadows Reservoir
Section 10.13.020	Maximum Speeds
Section 10.13.030	Speed Zones
Section 10.13.040	Aquaplaning and Water-Skiing Restriction
Section 10.13.050	Chartlet
Section 10.13.060	Exceptions
Section 10.13.070	Non-Marked Areas
Section 10.13.080	Amendments

Section 10.13.010 Boating Regulations – Jackson Meadows 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.

Section 10.13.020 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.

Section 10.13.030 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.

Section 10.13.040 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.

Section 10.13.050 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.

Section 10.13.060 Exceptions

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

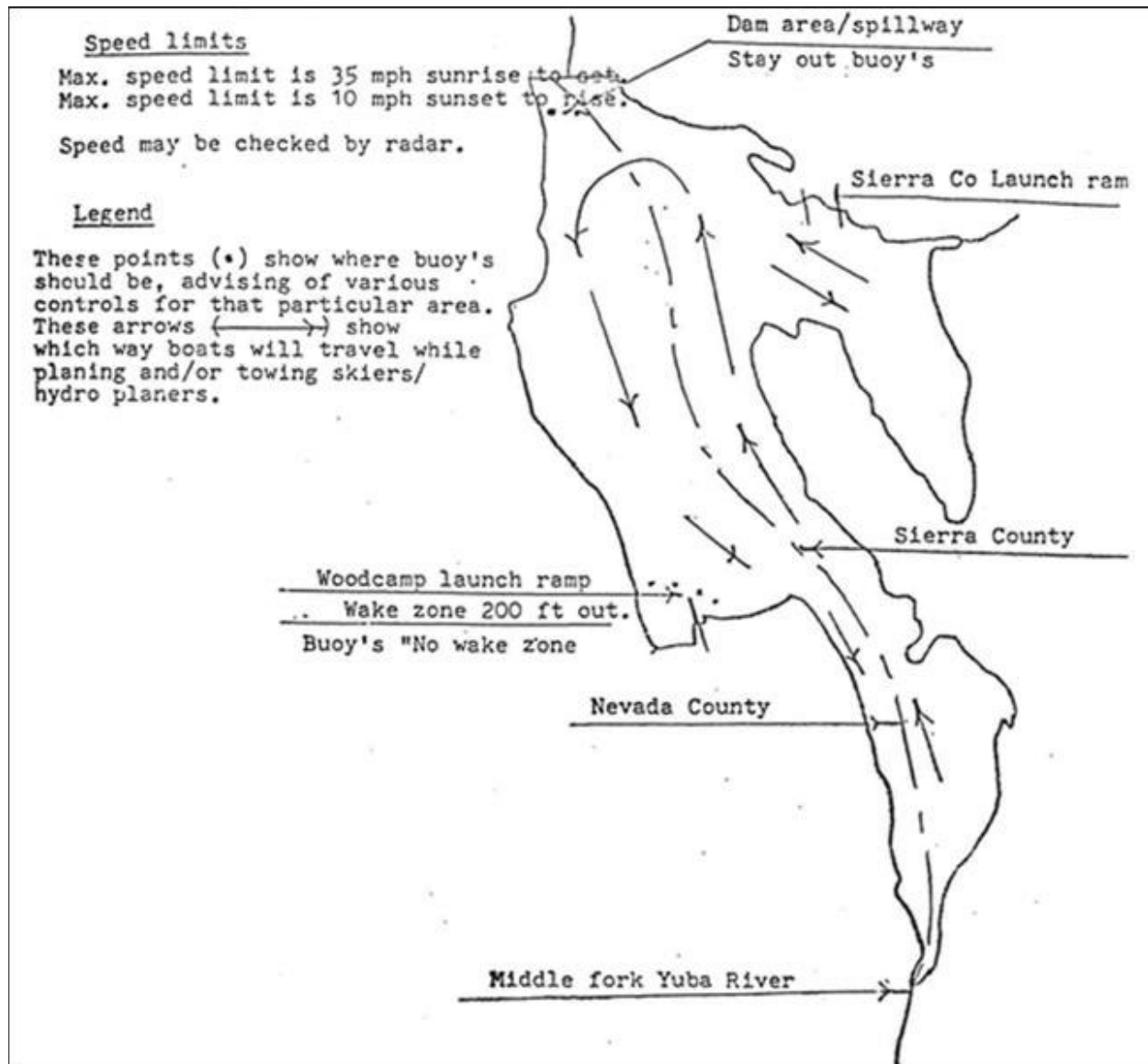
Section 10.13.070 Non-Marked Areas

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.

Section 10.13.080 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” contained in 10.13.050 within this Section.

Jackson Meadows Reservoir Use Restriction Chartlet



CHAPTER 14: AQUATIC INVASIVE SPECIES PREVENTION

Sections:

Section 10.14.010	Purpose
Section 10.14.020	Findings
Section 10.14.030	Definitions
Section 10.14.040	Prohibition
Section 10.14.050	Watercraft Inspections and Decontamination
Section 10.14.060	Fees
Section 10.14.070	Public Nuisance Declaration
Section 10.14.080	Violation of Section

Section 10.14.010 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.

Section 10.14.020 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

Section 10.14.030 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.

Section 10.14.040 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 10.14.050, 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 10.14.050 below.

Section 10.14.050 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 10.14.050(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 Chapter. All such Programs shall be outlined in writing and submitted for review by the County of Nevada Agricultural Commissioner or their designee.

Section 10.14.060 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.

Section 10.14.070 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.

Section 10.14.080 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).

CHAPTER 15: SKIER RESPONSIBILITY

Sections:

Section 10.15.010	Title
Section 10.15.020	Definitions
Section 10.15.030	Assumption of Risk
Section 10.15.040	Skier Duties - Misdemeanor
Section 10.15.050	Skier Duties - Infraction
Section 10.15.060	Skier Duties - General
Section 10.15.070	Notice of Skier Duties
Section 10.15.080	Skiers in Competition
Section 10.15.090	Penalties for Violation

Section 10.15.010 Title

This Chapter shall be known as the County of Nevada  Skier Responsibility Code.

Section 10.15.020 Definitions

The following words and phrases when used in this chapter shall be construed to have the following meanings:

- A. INHERENT RISKS OF SKIING is hereby defined to include, but not be limited to, those dangers or conditions which are an integral part of the sport of skiing, including, but not limited to, changing weather conditions, variations or steepness of terrain, snow or ice conditions, surface or subsurface conditions (whether man- modified or not) bare spots, creeks, gullies, forest growth or rocks, stumps, lift towers and other structures and their components, collision with other skiers and a skier's failure to ski within the skier's own ability.
- B. INJURY means any personal injury, death, or property damage or loss suffered by a skier, ski area operator, or ski area.
- C. SKIER is hereby defined to mean any person who is within the boundaries of a ski area for the purpose of engaging in the sport of skiing, including but not limited to snowboarding, alpine and Nordic skiing, or any person who is within the boundaries of the ski area for the purpose of observing any skiing activity.
- D. SKI AREA is hereby defined to mean any area designated and maintained by a ski area operator for the purpose of skiing or for the observance of any skiing activity.
- E. SKI AREA OPERATOR means any person, corporation or association, or their agent,

officer, employee or representative, who operates a ski area within the County of Nevada.

Section 10.15.030 Assumption of Risk

Any individual or group of individuals who engage in the sport of skiing of any type, including but not limited to Alpine and Nordic, or any similar activity within the boundaries of a ski area including entry for the purpose of observing any skiing or similar activity, shall assume and accept the inherent risks of such activities insofar as the risks are reasonably obvious, foreseeable or necessary to the activities. Skiers who ski in any area not designated for skiing within the ski area control boundary, or who ski outside of a posted area boundary, assume the risks thereof.

Section 10.15.040 Skier Duties - Misdemeanor

Skiers shall have the following duties, a violation of which shall constitute a misdemeanor:

- A. When involved in a skiing collision with other skiers which results in bodily injury to another person, a skier shall not depart from the scene of the accident without first leaving their name and address with the ski patrol in the ski area where such injury occurred.
- B. A skier shall not knowingly ski in an area or on a ski trail which is closed to the public and which has signs posted indicating such closures.

Section 10.15.050 Skier Duties - Infraction

Skiers shall have the following duties, a violation of which shall constitute an infraction:

- A. It shall be unlawful for any person to ski faster than is safe and it shall be the duty of all skiers to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects.
- B. Skiers must wear retention straps or other reliable devices to prevent runaway skis.
- C. Skiers shall not embark or disembark from a ski lift except at designated areas, or by the authority of the ski lift operator.
- D. It shall be unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to ski in a ski area.

Section 10.15.060 Skier Duties - General

Skiers shall have the following duties:

- A. Skiers shall familiarize themselves with the posted information supplied by the ski area operator on location and degree of difficulty of trails and slopes to the extent reasonably possible before skiing on any slope or trail.
- B. Skiers shall not cross the uphill track of any surface lift except at points clearly designated by the ski area operator.
- C. Skiers shall not overtake any other skier except in such a manner as to avoid contact with the overtaken skier and shall grant the right-of-way to the overtaken skier.
- D. Skiers shall yield to other skiers when entering a trail or starting downhill.
- E. Skiers shall not board rope tows, wire rope tows, J-bars, T-bars, ski lifts or other similar devices unless they have sufficient ability to use such devices, and skiers shall follow any written or verbal instructions that are given by the ski area operator or representative regarding the use of the devices delineated in this Section.
- F. A skier who is bodily injured, if reasonably possible, shall give notice of the injury to the ski area operator before leaving the area.
- G. A skier shall not stop skiing in such a manner as to obstruct a trail or be hidden from the view of the skiers uphill.

Section 10.15.070 Notice of Skier Duties

Ski area operators shall provide notice to skiers of their duties as delineated in this Chapter in a manner reasonably calculated to inform skiers of those duties.

Section 10.15.080 Skiers in Competition

The ski area operator shall, prior to the beginning of any skiing competition, including but not limited to, Nordic and Alpine, allow each competitor a reasonable visual inspection of the course or area within which the competition is to be held. No liability shall attach to the ski area operator for the injury or death of any competitor proximately caused by such competitor's engaging in a skiing competition.

Section 10.15.090 Penalties for Violation

The following penalties shall be imposed for violation of the Skier Responsibility Code:

- A. Any person convicted of a misdemeanor for violating the Skier Duties constituting a misdemeanor outlined above shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment.
- B. Any person convicted of an infraction for violating the provisions of Skier Duties

constituting an infraction outlined above shall be punished by a fine not exceeding \$100.00.

CHAPTER 16: SPECIAL AND OUTDOOR EVENTS

Sections:

Section 10.16.010	Definitions
Section 10.16.020	Permit Required; Prohibited Activities
Section 10.16.030	Exemptions
Section 10.16.040	Outdoor Events for Which No Permit is Required
Section 10.16.050	Application for Permit - Time Requirement
Section 10.16.060	Application for Permit - Content
Section 10.16.070	Regulations for Outdoor Events
Section 10.16.080	Processing Application; Bonds; Appeals
Section 10.16.090	Effective Date of Permit; Separate Permit Required for Each Day; Permit Non-Transferable
Section 10.16.100	Commencement of Event; Inspection Required; Re-inspection Fee
Section 10.16.110	Special Events Notification and requirements of the Office of Emergency Services
Section 10.16.120	Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events
Section 10.16.130	Penalties
Section 10.16.140	Appeal Process
Section 10.16.150	Other Requirements Not Waived

Section 10.16.010 Definitions

As used herein, the following definitions shall apply:

- A. “Camping” means erecting a tent or shelter or arranging bedding or both, for the purpose of, or in such a way as will permit overnight use.
- B. “Commercial Outdoor Event” means an Outdoor Event at which any fee or other

financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.

C. “Community Development Agency” or “CDA” means the Community Development Agency of the County of Nevada, California.

D. “County” means the County of Nevada, California.

E. “Emergency Services and Fire Safety Plan” means a plan submitted by the applicant setting forth its plans for providing emergency services and evacuation, including fire prevention and fire suppression on any property used for an Outdoor Event, and including emergency medical services to attendees, performers, exhibitors, or other persons at the Outdoor Event.

F. “Local Fire Official” shall mean the CALFIRE unit chief or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, engineers and trained, professional prevention staff as may be designated by them to enforce the provisions of this Chapter.

G. “Noise Mitigation Plan” means a plan submitted by the applicant setting forth its plans for addressing noise impacts on surrounding residences, campgrounds and businesses if the Outdoor Event includes amplified sound.

H. “Outdoor Event” means any outdoor gathering, including but not limited to festivals, concerts, carnivals, fairs, ceremonies, cultural celebrations, block parties, weddings or other outdoor event, activity or entertainment which is held at any place other than a permanent building which has been permitted, designed and constructed or customarily used for the purpose of housing such activities.

I. “Parking and Traffic Circulation Plan” means a plan submitted by the applicant setting forth its plans to address anticipated parking demands and traffic circulation and control, including provisions for emergency vehicle access before, during and after an Outdoor Event, for each day of the event.

J. “Property” means any parcel or group of contiguous parcels of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the California Government Code) which are held in whole or in part by the same owner or owners, as reflected on the latest equalized Assessor’s roll.

K. “Sheriff” means the Nevada County Sheriff or Undersheriff, or any Captain within the Nevada County Sheriff’s Office as may be designated by the Sheriff to review permit applications in accordance with this Chapter.

L. “Sponsors” and “Promoters” means all persons, business entities or organizations having a direct financial interest in the proceeds to be derived from the outdoor event, whether such proceeds arise from ticket sales, sales of food, goods or services, use or rental of the property or facility (or any portion thereof), sales of film, radio, television or sound recording rights, or otherwise. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.020 Permit Required; Prohibited Activities

A. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on Property with a gross area of more than five (5) acres with allowable zoning in the unincorporated area of the County of Nevada without first obtaining a permit to do so from the County.

B. It shall be unlawful for any person, business entity, or organization of any kind to advertise, maintain, operate, conduct, allow, or sell or furnish tickets or other types of authority for admission to, a Commercial Outdoor Event on a Property with a gross area of less than five (5) acres and/or zoned R1, R2 or R3 in the unincorporated area of the County of Nevada. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.030 Exemptions

A. No permit shall be required for any Commercial Outdoor Event if the event is held at a public or private facility which meets the following requirements:

1. The facility is permitted for large Commercial Outdoor Events in accordance with the Nevada County Code;
2. The facility is constructed for, and customarily and lawfully used for large Outdoor Events, including open air stadiums, ski resort areas, public parks, fair grounds, etc.; and,
3. The facility has permanently installed water, sanitation, access and parking facilities in accordance with County codes and which are adequate to accommodate the number of people in attendance.

B. No permit shall be required for any Outdoor Event sponsored, promoted and conducted by a tax exempt 501(c)(3) or 501(c)(4) organization or a state registered campaign committee, provided: (a) no financial consideration or other compensation is provided to the property owner for use of the property, (b) all proceeds from the event shall be for the sole benefit of the tax exempt organization or registered campaign committee, and (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with any Outdoor Event held at the event location or at any Outdoor Event sponsored, promoted or conducted by the organization or

committee.

C. No permit shall be required for a private “by-invitation-only” Outdoor Event such as a wedding, memorial service, family reunion, birthday party, or similar private event, if no fee or other financial consideration is charged to vendors, sponsors, promoters or attendees for participation in and/or admission to the gathering, use or rental of the property or facility (or any portion thereof), or the sale of food, goods or services sold to attendees at or in connection with the event.

D. No permit shall be required for agritourism activities defined Land Use definitions or winery related promotional events per the Nevada County Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.040 Outdoor Events for Which No Permit is Required

A. For any Outdoor Event which is not required to obtain a permit under this Chapter:

1. At least fifteen (15) days prior to the date of the Outdoor Event, the event sponsors and promoters, and/or the property owner are encouraged to provide the Community Development Agency, Sheriff and the local agency responsible for fire protection with the following information:
 - a. Written notice of the Outdoor Event, including the date or dates and hours during which the Outdoor Event is to be conducted, an estimate of the maximum number of people who will attend the event, and the name, age, telephone number and mailing address of the primary contact person(s) responsible for managing the event.
 - b. An Emergency Services and Fire Safety Plan for the Outdoor Event.
2. All Outdoor Events which are not required to obtain a permit, shall comply with the following health and safety requirements:
 - a. All hours and noise limitations as set forth in this code section governing Hours and Noise.
 - b. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.
 - c. No overnight Camping shall be allowed in residential areas.
 - d. Vehicles shall not be parked in any manner that would create a traffic hazard or impede the ingress or egress of emergency response vehicles, as determined by Community Development Agency, the Sheriff or the Local Fire Official. Vehicles may be parked on private property other than the event property with written permission from the property owner.

- e. Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one (1) portable toilet per fifty (50) persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for collection of waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent public or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.
- f. In addition to the above, the Outdoor Event host and property owner shall generally conduct the event in a manner that minimizes impacts on the surrounding neighborhood.
- g. Failure to comply with above requirements may result in enforcement action as provided in this Chapter, including summary closure of the event and penalties as provided in this Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.050 Application for Permit - Time Requirement

An application for a Commercial Outdoor Event permit shall be made in writing to the Community Development Agency and shall be accompanied by a non-refundable application fee in an amount approved by resolution of the Board of Supervisors. The application shall be signed by the owner of the property on which the Outdoor Event will occur and all Sponsors and Promoters of the Outdoor Event. The application shall be filed with the Community Development Agency at least sixty (60) days prior to the date upon which the proposed Outdoor Event is to commence. Incomplete applications and those submitted less than sixty (60) days prior to the date of the proposed Outdoor Event may, at the discretion of the Community Development Agency, be summarily denied. One application may be used to request up to eight (8) Outdoor Event permits per Property per calendar year. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.060 Application for Permit - Content

A. The application for a Commercial Outdoor Event shall include the following information:

1. Identification of Applicants and Owners. The name(s), age(s), residence(s) and mailing address(es), and twenty-four (24) hour telephone number of each person making the application and the owner(s) of any property on which the proposed

Outdoor Event (including vehicle parking) will be held. If the Outdoor Event is to be held for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and the name and address of the authorized responsible representatives of the organization.

2. Primary Contact Information. The name and cellular or other twenty-four (24) hour telephone number for the primary contact person(s) responsible for organizing the Outdoor Event and on-site management on the day(s) of the event.
3. Description of the Outdoor Event. A description of the proposed Outdoor Event, including any historical or promotional information, the date or dates of the event and the hours during which the applicant proposed to conduct the event.
4. Identification of the Premises. The exact location, legal description, and area of the premises on which the Outdoor Event and all related activities, including parking, will be held.
5. Prior Experience of Applicants. For each applicant, a brief explanation of their experience planning, managing and/or operating Outdoor Events, with particular emphasis on experience handling events which are of a similar size and nature as the proposed event for which a permit is requested. The Community Development Agency may require applicants to provide a list of references related to the applicant's prior experience with Outdoor Events.
6. Statement of Maximum Attendance. A statement regarding the maximum number of persons to be allowed in attendance at the Outdoor Event on each day. The Community Development Agency may use discretion in determining whether or not the proposed Outdoor Event is likely to attract more than the stated number of attendees and may modify permit conditions accordingly. The maximum number of people in attendance at the event shall not exceed the number approved under the permit.
7. Provisions for Public Health and Safety. An Emergency Services and Fire Safety Plan, a Noise Mitigation Plan, a Parking and Traffic Control Plan and detailed statements regarding the applicant's plans to supply emergency communications, policing and security protection, food and water, sanitation facilities, sound and lighting equipment, medical facilities and medical services, fire protection, vehicle parking, vehicle access and on-site traffic control, garbage, trash and litter cleanup, and proof that the applicant possesses or is able to obtain all licenses and permits required by the County or by state law for the Outdoor Event. Applicants may be required to hire, at the applicant's expense, security from a licensed, bonded security company and/or law enforcement, medical, fire or other emergency services personnel for the Outdoor Event. If alcohol will be served at the event, the applicant will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control prior to commencement of the Outdoor Event.

8. Contingency Plan. A detailed statement of the applicant's plans in the event that the number of persons in attendance exceeds the maximum attendance.
9. Event Site Plan. An event site plan or diagram showing:
 - a. The location of the property on which the proposed Outdoor Event and all related activities will be held.
 - b. The location of adjacent roads, lots, and residences, and the location and time that any roads are to be blocked or closed.
 - c. The parking and traffic flow and control plan, including all access ways to and from the property and all interior access ways on the property.
 - d. The location of all buildings and structures on the property or to be erected thereon, including but not limited to, all bandstands, stages, tents or other facilities for performers, and bleachers, tents, or seats for those attending.
 - e. The location, time and type of any entertainment, whether amplification will be used and the location and orientation of loudspeakers.
 - f. The location, style, wattage and orientation of all temporary lighting.
 - g. The location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.
10. Statement of Responsibility. A statement by the applicant and the property owner agreeing to comply with all federal, state and local laws and Outdoor Event permit conditions, and to assume financial responsibility for all fines, penalties or other monetary sanctions imposed for violations of this Chapter. If the Outdoor Event is to be held for, on the behalf of, or by an organization, the authorized responsible representatives of the organization shall also sign this statement.
11. Insurance. Prior to issuance of a permit for any Outdoor Event, but not less than twenty-one (21) days before the date of the event, the applicant shall provide: (a) a commercial liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00) and (b) an executed release and waiver of liability in favor of the County, in the forms and on terms acceptable to the County Risk Manager. The Risk Manager may impose additional insurance requirements depending on the size, nature and risk associated with the proposed Outdoor Event. The insurance shall name the County of Nevada, the Outdoor Event, the event sponsors and promoters, the property owners and their respective officers, agents and employees, as additionally insured parties to the event.
12. Consent to Enter. A consent for any peace officer, fire official, health officer, or other County official to enter the Outdoor Event area and the property on which the event

will be located at any time, in the course and scope of their duties.

13. **Additional Information.** Any additional information related to health and safety which the Community Development Agency determines is reasonably necessary to make a determination as to whether an Outdoor Event permit should be issued.
14. **Notice to Neighbors.** Within five (5) days after an application has been filed with the Community Development Agency, the applicant shall send or personally deliver written notices of the Outdoor Event to all property owners within five hundred (500') feet of the premises on which the event will be held. Notices shall include a brief description of the event, the dates, times, locations and types of activities that will take place during the event, and any additional information required by the Community Development Agency. The applicant shall prepare and submit with the application a copy of the written notice to be mailed to the neighbors, together with the list of properties, property owners and addresses to whom the notice will be sent. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.070 Regulations for Outdoor Events

All Commercial Outdoor Events for which a permit is required shall comply with the following minimum conditions:

- A. **Hours.** Outdoor Events shall not open prior to 9 a.m. and shall close by 10 p.m.; provided, however, that Outdoor Events in non-residential areas shall close by 11 p.m. on Fridays and Saturdays. Permitted hours of operation may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended hours will not adversely impact owners or users of, or allowed uses on, surrounding properties.
- B. **Toilet Facilities.** Adequate toilet facilities shall be provided. Adequate toilet facilities can include the use of portable toilets with portable hand washing stations. Based upon the number of attendees, the requirement is one (1) portable toilet per fifty (50) persons and shall include a portable hand washing station that is stocked with water, paper towels and hand soap. A waste receptacle shall be located near the hand washing station for waste paper towels. A minimum of one ADA compliant portable toilet is required if portable toilet facilities are used. Permanent public or common use toilets shall comply with the Federal ADA accessibility guidelines. Use of toilet facilities connected to the Nevada County Sanitation District system must be approved in writing in advance of any Outdoor Event.
- C. **Solid Waste Disposal.** The applicant and property owner shall provide for the collection of solid waste and litter. Separate containers shall be provided for the collection of recyclable materials. All solid waste, litter and recyclable materials shall be removed from the site within twenty-four (24) hours following the event. For multiple day events, the grounds shall be maintained during each day of the event with no on-site accumulations which would create a nuisance or pose a health hazard. All solid waste

must be deposited at the County transfer station by a County approved garbage hauler and all recyclable materials conveyed to an approved recycling center. Event-related litter, posters and other signage and debris shall be removed from surrounding lands and roads within twenty-four (24) hours following the event.

D. Compliance with County Building Codes. All structures, including tents and other temporary structures, and electrical work shall be permitted and installed in compliance with the County Building Code and shall comply with the setback requirements in the Nevada County Code.

E. Lighting. All temporary lighting shall be shielded, directed away from property lines and located as far away from adjacent properties as reasonably possible so as to minimize light and glare impacts to adjacent properties and the surrounding neighborhood.

F. Overnight Camping Facilities. No overnight camping or campfires are allowed in association with Outdoor Events.

G. Parking and Traffic Circulation. Outdoor Events shall comply with the approved Parking and Traffic Circulation Plan. Vehicles shall not be parked in any manner that would create a traffic hazard or interfere with the ingress or egress of emergency vehicles as determined by the Community Development Agency, Sheriff or the Local Fire Official.

H. Noise. Outdoor Events shall comply with the approved Noise Mitigation Plan. Noise levels generated by Outdoor Events shall not exceed the standards set forth in Table 12.04.070 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Zoning District for the premises on which the outdoor event will be held. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023)). [Table 12.04.070]

I. Days. Outdoor Events shall have a maximum length of two (2) days, or forty-eight (48) hours, per event. The maximum length of the event may be extended if the applicant demonstrates good cause for the extension and demonstrates that the extended days will not adversely impact owners or users of, or allowed uses on, surrounding properties.

J. Frequency. No more than three (3) outdoor events shall occur per month and shall not occur on more than three (3) consecutive weekends regardless of the month in which they occur. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.080 Processing Application; Bonds; Appeals

A. Upon receipt of a complete application and application fee, the Community Development Agency shall distribute copies of the application to all other affected public

agencies and County departments, together with a request for their input and comments. If administratively possible, all responses shall be due within eighteen (18) days from the date the application is deemed complete. Thereafter, the Community Development Agency shall promptly issue a permit for an Outdoor Event if the Community Development Agency determines, based the comments received and any other relevant evidence, that the Outdoor Event can be conducted in a manner which will not jeopardize the public's health, safety and welfare.

B. The Community Development Agency shall impose conditions on the issuance of any permit consistent with the requirements in of this code, together with any such conditions as the Community Development Agency or Sheriff determines are reasonably necessary to protect the public health, safety and welfare.

C. The Community Development Agency shall notify the applicant in writing of the issuance or denial of a permit. If the Community Development Agency denies an application for a permit, the written notification shall include the basis for the decision. Whenever administratively possible, the Community Development Agency shall make the notification no later than thirty (30) days after the date the application was determined to be complete. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.090 Effective Date of Permit; Separate Permit Required for Each Day; Permit Non-Transferable

A. An Outdoor Event permit shall be valid only for the date or dates stated on the permit. A permit licensing fee in accordance with the fee adopted by Resolution by the Board of Supervisors shall be due prior to issuance of the permit. The Community Development Agency may authorize a maximum of eight (8) separate Outdoor Events per property per twelve (12)-month period.

B. The Community Development Agency may renew an Outdoor Event permit for an event that is held on an annual basis without following the procedures of this Chapter if: (a) the permit holder, the location of the Outdoor Event and the owner of the property on which the Outdoor Event will be held remain the same; (b) the Outdoor Event will be substantially the same as it was in prior years; (c) there is no history of substantiated complaints and/or calls for law enforcement services in connection with the prior Outdoor Events or the location at which the Outdoor Event is being held; and (d) the permit holder provides a Primary Contact Person, Insurance Policy, Statement of Responsibility and Consent to Enter in accordance with Nevada County Ordinances governing Sales and Use Tax, in conjunction with a request to renew the permit. A request to renew an Outdoor Event permit shall be made in writing at least thirty (30) days prior to the event and shall be accompanied by a renewal permit fee in an amount approved by resolution of the Board of Supervisors.

C. No Outdoor Event permit shall be transferable to another person or entity, or

removable to another location, date or time. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.100 Commencement of Event; Inspection Required; Re-inspection Fee

Prior to commencement of the Outdoor Event, the applicant shall call the Community Development Agency and the Local Fire Official for an inspection of the event site to assure compliance with all permitting conditions. If the Community Development Agency, Sheriff, the Local Fire Official or other County official find that any conditions of the Outdoor Event permit or this Chapter have not been met, said official shall notify the applicant indicating the correction(s) to be made. If it is determined that additional inspections are required, the applicant shall pay a re-inspection fee in accordance with the County's adopted fee schedules for each such additional inspection. The Outdoor Event may not commence until the applicant has submitted all required documentation, complied with any pre-conditions and paid all sums as required by this Chapter. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.110 Special Events Medical Transportation Services

1. Application

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 thirty (30) days prior to the event and have Nevada County 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 Director. Public health and sanitation plans shall be submitted for approval to the Nevada County Public Health Director. 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 Director and guidelines for medical plans will be promulgated and approved by the County.

2. 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.

3. 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.

4. 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.

5. 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 Chapter.

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.

Section 10.16.120 Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events

A. The Community Development Agency shall have the right to modify or revoke any permit or permits for any of the following causes:

1. The applicant fails, neglects or refuses to fulfill any of the requirements and/or conditions imposed upon the granting of an Outdoor Event permit or as otherwise required by this Chapter.
2. The applicant permits the Outdoor Event to be conducted in a disorderly manner.
3. The Outdoor Event is being held for an unlawful purpose and/or the applicant violates or attempts to violate any Federal or State law or County code.
4. If the Community Development Agency, Sheriff and/or the Local Fire Official determine that due to the scope of the Outdoor Event and the number of safety personnel required to provide protection and traffic control, it is more likely than not that normal public safety protection elsewhere in the County or the local fire protection district cannot be provided continuously and safely for the duration of the Outdoor Event.
5. Upon request of the applicant, if the applicant demonstrates that the modification will not adversely impact owners or users of, or allowed uses on, surrounding properties, and either:
 - a. The applicant demonstrates good cause for the modification; and/or
 - b. The modification is necessary due to an unforeseen emergency or act of nature which is outside the applicant's control.

B. The Community Development Agency shall have the right to modify, deny or revoke any Outdoor Event permit if it appears, based on competent evidence, that the applicant has made a false, misleading or fraudulent statement of material fact in the permit application, or in any other document required pursuant to this Chapter. Prior to such denial or revocation, the Community Development Agency shall notify the applicant of the evidence and provide applicant with two (2) business days to rebut said evidence in writing.

C. A finding that an applicant has materially violated or defaulted in the performance of any of the provisions in this code, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future Outdoor Events by that applicant. The finding that a parcel or property has a history of materially violating, or defaulting in the performance of, such provisions, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits for future events at that location.

D. Written notice of a permit revocation or a change in permit conditions shall be personally delivered or sent by the Community Development Agency to the applicant and the property owner at their respective addresses given in the application. Such revocation shall become effective immediately after being ordered by the Community Development Agency.

E. The Community Development Agency or Sheriff may suspend operation and close any Outdoor Event prior to the expiration of an Outdoor Event permit when, a shutdown becomes necessary to prevent injury to person or persons and/or damage to property, or the continued operation of the Outdoor Event constitutes an immediate and serious threat to the health or safety of persons or property. For purposes of this section, “an immediate and serious threat to health or safety” includes, but is not limited to, the occurrence of a riot, major disorder or serious breach of the peace; the occurrence of a public disaster, calamity, fire or other emergency; excessive calls for service related to assaults, battery, disorderly conduct and the like; overcrowding or allowing significantly more attendees at the event than approved under the Outdoor Event permit; or other gross or willful violations of federal, state or local law which create an immediate and serious risk of damage, injury or death to event participants, surrounding properties, or emergency services personnel.

F. The Community Development Agency or Sheriff may immediately terminate, suspend and close any Outdoor Event which fails to obtain or maintain a valid permit in accordance with this Chapter, or which commences in violation of Section 10.16.10, above. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.130 Penalties

Violations of this Chapter shall be enforced in accordance with Enforcement and Penalty for Violations of: Zoning Regulations of the Nevada County Code. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.140 Appeal Process

An appeal of the determination of the Community Development Agency shall be conducted in accordance with Appeals of Zoning Regulations of the Nevada County Code. The appeal shall not be valid and shall not be processed unless accompanied by an appeal fee in an amount established by resolution of the Board of Supervisors, which may be amended from time to time. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

Section 10.16.150 Other Requirements Not Waived

Nothing in this Chapter shall be deemed to waive any other local, state or federal requirements which may apply to the Outdoor Event. (Ord. 2482. (10/13/2020); Ord. 2383. (08/26/2014); Ord. 2526. (06/14/2023))

TITLE 11: MISDEMEANORS, PRISON LABOR & WORK FURLOUGH
CHAPTER 1: MISDEMEANORS

Sections:

Section 11.01.010	Business Premises - Preventing Persons from Entering
Section 11.01.020	Curfew - Established
Section 11.01.030	Curfew - Responsibility of Parents or Guardian
Section 11.01.040	Curfew - Permitting Minors to Remain on Premises After Curfew
Section 11.01.050	Curfew - Penalty for Violation of Two Preceding Sections
Section 11.01.060	Curfew - Arrest and Disposition of Violators
Section 11.01.070	Drunkenness
Section 11.01.080	Employment - Hindering by Means of Processions.
Section 11.01.090	Employment - Hindering by Picketing, etc.
Section 11.01.100	Employment - Hindering by Means of Opprobrious Remarks
Section 11.01.110	Loitering, Obstructing Sidewalks, Highways.
Section 11.01.120	Remarks Tending to Create Breach of Peace
Section 11.01.130	Smoking in Open Areas
Section 11.01.140	Standards of Beach and Swimming Apparel in Public Place
Section 11.01.150	Standards of Beach and Swimming Apparel in Public Places - Penalty for Violation
Section 11.01.160	Prohibition of Fireworks
Section 11.01.170	Violation
Section 11.01.180	Establishing Identification Requirements During Criminal Investigation
Section 11.01.190	In Prohibition of Urinating or Defecating in Public
Section 11.01.200	Discharging a Firearm
Section 11.01.210	Prohibition on Use of Steel Jaw Leghold Traps
Section 11.01.230	School Truancy Prohibited
Section 11.01.240	Penalty for Violation

Section 11.01.010 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.

Section 11.01.020 Curfew - Established

Every person under the age of eighteen (18) 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 their parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one (21) years of age, is guilty of a misdemeanor.

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

Section 11.01.030 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 (18) 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.

Section 11.01.040 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 (18) 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.

Section 11.01.050 Curfew - Penalty for Violation

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

Section 11.01.060 Curfew - Arrest and Disposition of Violators

Any person under age eighteen (18) violating Section 11.01.202, 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.

Section 11.01.070 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 twelve (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 twelve-month (12) 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.

Section 11.01.080 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 (2) 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.

Section 11.01.090 Employment - Hindering by Picketing.

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.

Section 11.01.100 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.

Section 11.01.110 Loitering, Obstructing Sidewalks, Highways, etc.

A. PROHIBITIONS ON PRIVATE PROPERTY

1. 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 fourteen (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 thirty (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 Cal. Penal Code § 365 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 11.01.110 A.1, 11.01.110 A.3 or 11.01.110 B regarding trespass on private or public property shall be an infraction. The first and second violation of 11.01.110 A.2 shall be an infraction punishable pursuant to Cal. Gov't Code § 25132. However, after two (2) convictions of 11.01.110 A.2, further violation of that Section shall be a misdemeanor.

Section 11.01.120 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.

Section 11.01.130 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 (3) 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.

Section 11.01.140 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 ten (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.

Section 11.01.141 Standards of Beach and Swimming Apparel in Public Places – Penalty for Violation

Any violation of 11.01.140 of this code shall constitute a misdemeanor and shall be punishable by imprisonment in County jail for a maximum of 90 days, by a fine of \$250 or both such fine and imprisonment.

Section 11.01.150 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.

Section 11.01.160 Violation

Every person, firm or corporation who violates the provisions of 11.01.150 or 11.01.1.23 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.

Section 11.01.170 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 twenty-five dollars (\$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.

Section 11.01.180 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 fifty (50') feet of any public or private roadway, or upon or within fifty (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 twenty-five dollars (\$25.00) nor more than \$100.00 upon a first conviction, by a mandatory fine of not less than fifty dollars (\$50.00) nor more than \$200.00 upon a second conviction within twelve (12) 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 (1) year.

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

Section 11.01.190 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 five (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 (2) or more hours without at least a two (2) 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 (2) hours without an equal break absent of the noise or related sound for at least two (2) 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); Ord. 2526. (06/13/2023); Ord. 2530. (10/24/2023))

Section 11.01.200 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))

Section 11.01.210 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.
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 six (6) and seventeen (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 twenty-five dollars (\$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 fifty dollars (\$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 seventy-five dollars (\$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.

Section 11.01.220 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.

TITLE 12: ZONING REGULATIONS

CHAPTER 1: GENERAL PROVISIONS

Section:

Section 12.01.010 Authority and Purpose

Section 12.01.020 Applicability

Section 12.01.030 Zoning District Maps

Section 12.01.040 Rules of Interpretation

Section 12.01.050 Conflicting Provisions

Section 12.01.010 Authority and Purpose

This Chapter shall be known as the “Nevada County Zoning Ordinance.” This ordinance is adopted pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with Title 7 of the Planning and Zoning Law of the California Government Code for the purpose of promoting the health, safety and general welfare.

The zoning ordinance is adopted in order to achieve the following objectives:

A. To serve as the primary tool to implement and ensure consistency with the goals, objectives, and policies of the Nevada County General Plan based upon the following central themes:

1. Fostering a rural quality of life.
2. Sustaining a quality environment.
3. Development of a strong diversified, sustainable local economy.
4. Planned land use patterns to determine the level of public services appropriate to the character, economy, and environment of each region.

B. To provide for the development of Nevada County as a balanced community with adequate amounts of land zoned in each district to achieve a balance among housing, employment, retail and commercial services, recreation, and public facilities.

C. To provide for adequate mechanisms and standards to regulate the surface and subsurface uses of land, structures to meet the needs of residents, commerce, industry, agriculture, forestry, and other purposes in appropriate places.

D. To provide for land use regulations that are clear, concise, enforceable, and effectively implement Nevada County General Plan provisions in a reasonable and balanced fashion.

E. To provide for conservation of natural amenities, such as open space, wetlands, native vegetation, and wildlife.

Section 12.01.020 Applicability

A. General Application. The Nevada County Zoning Ordinance applies to all land uses and development within the unincorporated areas of the County of Nevada. Ordinance

provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.

It is unlawful for any person or public agency to establish, construct, reconstruct, alter, replace, or allow any use of land or structure, unless:

The use is allowed by Chapters governing Zoning Districts within the zoning district and any combining districts that apply to the subject site, consistent with the standards of the Nevada County Zoning Ordinance and

1. The use of land or structure satisfies all applicable requirements of this ordinance, including but not limited to, minimum parcel size, density, intensity of use, and all development standards, and any Development or Use Permit or other approval required by Chapters governing Zoning Districts is first obtained as provided by and Enforcement, and any applicable conditions of approval are first satisfied; or
2. The use or structure is determined to be legal and nonconforming, and any changes in such use or structure are consistent with Section governing Legal Nonconforming Uses and Structures.

B. Other Easements, Covenants, or Agreements. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this Chapter imposes a greater restriction upon the use of structures or premises or upon height of structures or requires larger space than is imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Chapter shall govern.

C. Inapplicable Uses. The provisions of this Chapter shall have no application to pipelines, regulators, meters and appurtenances, insofar as the State of California or the Public Utilities Commission has preempted the field or passed specific laws or binding regulations concerning the County, excluding structures, directly or indirectly for service to the public or any portion thereof by persons, firms or corporations.

In addition, specified uses as found in "Permit Exceptions" in this Code, are exempt from the provisions of this ordinance. Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a structure for which a building permit has heretofore been issued and upon which actual construction has begun.

Any structure, use, variance, plan, Use Permit, building permit, etc., granted under provisions of Ordinance Nos. 196. (09/10/1954), 207. (12/15/1955), 500. (11/10/1970), or 2529. (09/12/23) and amendments thereto, shall be valid in accordance with the provisions and conditions under which it was originally approved.

D. References to Other Sections and Chapters. All references to other Sections and/or Chapters are to those Sections and Chapters contained in this Chapter, unless otherwise

specified.

E. **Requests for Reasonable Accommodations.** To provide a process for making reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for persons with disabilities, applicants can file a request for reasonable accommodation to the Planning Department, subject to approval by the Planning Director, who shall apply the following decision-making criteria:

1. The request for reasonable accommodation will be used by an individual with a disability, as that term is defined under the California Fair Employment and Housing Act, and the federal Fair Housing Amendments Act of 1988 (collectively “Acts”).
2. The requested accommodation is necessary to make housing available to an individual with a qualifying disability under the Acts.
3. The requested accommodation would not impose an undue financial or administrative burden on the County.
4. The requested accommodation would not require a fundamental alteration in the nature of the County’s land-use and zoning program.

F. **Spheres of Influence.** All development within a City/Town Sphere of Influence may be required to show adequate provision of public services consistent with the adopted Sphere of Influence Plan, and conformance with compatible City/Town zoning designations prior to approval and/or annexation.

Section 12.01.030 Zoning District Maps

A. **Adoption.** Each zoning district map of the County is adopted as part of this Chapter. All regulations governing the uses of land and structures, site development standards, and other provisions as set forth in this Chapter, are applicable to the districts shown on each of the zoning district maps of the County.

B. **Deemed Part of Chapter.** Each zoning district map showing the classification and boundaries of districts, after its final adoption in the manner required by law, shall be and become part of this Chapter and said map and all notations, references and other information shown thereon shall thereafter be as much a part of this Chapter as if all the matters and information set forth by said map were fully provided herein.

C. **Boundary Establishment.** The boundaries of the districts mentioned are those shown on any zoning district map adopted by this Chapter. The regulations of this Chapter governing the uses of land and structures, site development standards, and other provisions as set forth in this Chapter, are to be established and declared to be in effect on all land included within the boundaries of each district shown on each zoning district map.

D. **Boundary Establishment by Description.** Where zoning district maps are established and it is deemed impractical to re-publish the entire map, amendments (changing property from one zone to another) can be accomplished by the adoption of an amending ordinance which describes and illustrates the area to be rezoned. The Planning Department shall cause such amendments to be reflected on the zoning district maps, by the amending ordinance number, within thirty (30) days of the adoption of the ordinance.

E. **Map Maintenance.** The official zoning district maps shall be maintained by and kept on file in the Planning Department.

Section 12.01.040 Rules of Interpretation

The Planning Director has the responsibility and authority for interpreting the requirements of this Chapter.

A. **Definitions.** Words, phrases and terms shall have the meaning ascribed to them for purposes of this Chapter. Words, phrases and terms defined in individual Sections shall have the meaning ascribed to them for purposes of those Chapters. All other words shall be as defined in the latest edition of Webster's New International Dictionary of the English Language.

B. **Language.** When not inconsistent with the context, words in the singular include the plural, words in the plural include the singular. When used in this Chapter, the word "shall" is mandatory, and the words "should" or "may" are permissive or discretionary.

Whenever a number of days is specified in this Chapter, or in any permit, condition of approval or notice issued as provided in this Chapter, such number of days shall be construed as calendar days, except that such time limits shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

When interpreting and applying the regulations of this Chapter, any such interpretations shall not supersede the provisions of the code and shall be limited to clarifying and supplementing the code. All such interpretations shall be considered to be the minimum requirement, unless stated otherwise.

C. **Zoning District Boundary.** Where uncertainty exists as to the boundaries of any district shown on the Zoning districts maps, the following rules shall apply:

1. Where a boundary is shown as approximately following a parcel line, the parcel line shall be deemed to be the boundary.
2. Where a boundary is not shown to include an adjacent street, alley, or railroad, the boundary shall be deemed to extend to the centerline of the right-of-way. Where a

public street, alley, or railroad is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned area.

3. Where a boundary is shown as approximately following a physical feature such as a stream, drainage channel, topographic contour line, or power line, the boundary location shall be determined by the Planning Director, based upon the character of the particular feature used as a boundary.
4. Where a boundary crosses a parcel rather than following a property line, so that a single parcel is covered by two (2) zoning districts, the maximum number of parcels allowed shall equal the sum of the potential number of parcels for each district, rounded down to a whole number. For example, a forty-three (43) acre parcel is divided between “AG-10” (31 acres) and “AG-30” (12 acres). The potential number of parcels for each district is three and one-tenth (3.1) parcels for the “AG-10” area and four (4) parcels for the “AG-30” area. The sum of the potential number of parcels rounded down to a whole number is three (3) parcels.
5. Where the Planning Director determines through review of the public record of the Board of Supervisors hearing and action on a rezoning that a zoning boundary or other information on a zoning district map has been drafted in error, the Director shall have the authority to correct the error to make the map consistent with the action of the Board.
6. In all other cases where any uncertainty exists, the Planning Commission shall make recommendations on the location of boundaries to the Board of Supervisors.

D. **Zoning District Land Use Interpretation.** If a proposed use of land is not listed in Zoning Districts, the Planning Director may determine the use to be allowable if the Director finds the use will:

1. Be consistent with the goals, objectives, and policies of the Nevada County General Plan; and
2. Meet the purpose and intent of the zoning district that is applied to the site; and
3. Share characteristics common with those listed in the district and not be of greater intensity or density, generate greater impact on public facilities and services, or generate more environmental impact than the uses listed in the district; and
4. Be treated in the same manner as the listed use including determining where it is allowed, what permits are required, and what standards affect its establishment.

Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Planning Department and will be incorporated into the ordinance when amendments to the ordinance are next considered.

The Planning Director may forward questions concerning equivalent uses directly to the Planning Commission for determination at a public hearing.

E. **Appeal.** Any determination or interpretation by the Planning Director may

be appealed to the Board of Supervisors consistent with provisions of this Chapter.

Section 12.01.050 Conflicting Provisions

If conflicts occur between different requirements of this Chapter, including but not limited to conflicts between text and tabular provisions, or between provisions of this Chapter and requirements imposed by other provisions of the Nevada County Codes or other laws, rules, and regulations, the more stringent development requirement or greater restriction on the use of land or structures shall apply.

CHAPTER 2: ZONING DISTRICTS

Sections:

Section 12.02.010	Establishment of Zoning Districts
Section 12.02.020	Residential Districts
Section 12.02.021	Single-Family
Section 12.02.022	Multi-Family
Section 12.02.030	Rural Districts
Section 12.02.040	Commercial Districts
Section 12.02.050	Industrial Districts
Section 12.02.060	Special Purpose Districts
Section 12.02.070	Combining Districts
Section 12.02.071	Airport Influence Combining District (AI)
Section 12.02.072	Historic Preservation Combining District (HP)
Section 12.02.073	Mineral Extraction Combining District (ME)
Section 12.02.074	Mobile home Parks Combining District (MH)
Section 12.02.075	Planned Development Combining District (PD)
Section 12.02.076	Potential Snow Avalanche Area Combining District (PSAA)
Section 12.02.077	Scenic Corridor Combining District (SC)
Section 12.02.078	Site Performance Combining District (SP)
Section 12.02.079	Subdivision Limitation Combining District (X)
Section 12.02.710	Rural Center Combining District (RC)
Section 12.02.711	Regional Housing Need Combining District (RH)
Section 12.02.712	Continuing Care Retirement Community Combining District (CCRC)

Section 12.02.010 Establishment of Zoning Districts

A. Zoning Districts. In order to classify, restrict and regulate the uses of land and structures and to regulate and restrict the height and bulk of structures and to regulate the area of yards, courts and other open spaces about structures, the unincorporated limits of the County of Nevada are hereby divided into districts. The following lists all base and combining districts, grouped by land use category. Each district's name and zoning district map symbol are included:

Symbol	Base Districts	Section
Residential Districts		
RA	Residential Agricultural	Zoning 12.02.020

R1	Single-Family	Zoning 12.02.020
R2	Medium Density	Zoning 12.02.020
R3	High Density	Zoning 12.02.020
Rural Districts		
AG	General Agricultural	Zoning 12.02.030
AE	Exclusive Agricultural	Zoning 12.02.030
FR	Forest	Zoning 12.02.030
TPZ	Timberland Preserve	Zoning 12.02.030
Commercial Districts		
C1	Neighborhood	Zoning 12.02.040
C2	Community	Zoning 12.02.040
C3	Service	Zoning 12.02.040
CH	Highway	Zoning 12.02.040
OP	Office Professional	Zoning 12.02.040
Industrial Districts		
M1	Light Industrial	Zoning 12.02.050
M2	Heavy Industrial	Zoning 12.02.050
BP	Business Park	Zoning 12.02.050
Special Purpose Districts		
IDR	Interim Development Reserve	Zoning 12.02.060
OS	Open Space	Zoning 12.02.060
PD	Planned Development	Zoning 12.02.060
P	Public	Zoning 12.02.060
REC	Recreation	Zoning 12.02.060
Combining Districts		
AI	Airport Influence	Zoning 12.02.071
HP	Historic Preservation	Zoning 12.02.072
ME	Mineral Extraction	Zoning 12.02.073
MH	Mobilehome Park	Zoning 12.02.074
PD	Planned Development	Zoning 12.02.075
PSAA	Potential Snow Avalanche Area	Zoning 12.02.076
SC	Scenic Corridor	Zoning 12.02.077
SP	Site Performance	Zoning 12.02.078
X	Subdivision Limitation	Zoning 12.02.079

B. District Provisions. All base districts are grouped by like category, including residential, rural, commercial, industrial, and special purpose, and are presented in tabular format. The individual base district Allowable Use Tables provide allowable uses and permit requirements for all base districts. The individual base districts grouped by category provide for the following:

1. Allowed land uses listed by general type of use.
2. Permit requirements for each land use, requiring either zoning compliance review, Development Permit, or Use Permit, as provided for in Administration and Enforcement.
3. Specific land use standards for selected uses as provided for in Specific Land Use Standards.
4. Site development standards as provided for in Site Development Standards.

Combining districts may combine with a base district and provide specialized requirements depending upon the combining district's intent. All proposed land uses must be consistent with the purpose and comply with all provisions and standards of both the base and combining districts.

Numerical symbols may combine with a base district to show the minimum parcel size (e.g. RA-1.5), the maximum density (e.g. AG-6 upa or units per acre), or the number of dwelling units allowed (e.g. R2-36 du or dwelling units).

C. Permit Requirements. The Allowable Uses and Permit Requirements Tables provide direction on the type of review and/or permit required, as follows:

1. Zoning Compliance (shown in the Tables as A): Uses associated with zoning compliance are those determined to be most clearly consistent with the purpose of the applicable district. They provide for the most basic review process and normally involve no or minimal development. Examples include farming, single-family dwellings, and accessory uses. Zoning Compliance Section provides more detailed procedures and standards.
2. Development Permits (shown in the Tables as DP): Uses associated with a Development Permit are those that are generally consistent with the purposes of the zoning district but require careful review to ensure compliance with site development standards. An Administrative Development Permit is needed for smaller projects and a Zoning Administrator Development Permit is needed for larger projects. Zoning Administrator Development Permits require a public hearing. Development Permits section provides more detailed procedures and standards.
3. Use Permit (shown in the Tables as UP): Uses associated with a Use Permit are those that may be compatible in a particular zoning district depending on the specific use, its design, and the characteristics of the proposed site and surrounding area. Such uses may raise important policy issues or create land use conflicts if not carefully designed and located. Use permits for smaller projects require a public hearing before the

Zoning Administrator. Use permits for larger projects require a public hearing before the Planning Commission. Use Permits section provides more detailed procedures and standards.

The Tables also make reference to Not Permitted (NP) uses (not allowed within the zoning district), Mixed Uses (M) (allowed as part of a mixed use project), Not Applicable (NA) uses (do not apply to a specific zoning district), and uses that Vary in applicability (Varies) (refer to Zoning Regulations Section for allowable uses and permit requirements).

D. Permit Exemptions. The land use permit requirements of this Chapter may not apply to the following:

1. Ordinary repairs and maintenance, if the work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement, or expansion of the structure.
2. Activities of the Federal Government on leased or Federally-owned land, when used exclusively for a governmental purpose, unless otherwise designated by the Federal Government.
3. Activities of the County of Nevada or any District that the Board of Supervisors governs.
4. Activities of the State of California or an agency of the State acting in its sovereign capacity on leased or State-owned land when used exclusively for a governmental purpose, unless otherwise designated by the State.
5. Certain school, water, wastewater, and electrical power facilities of local agencies as provided by Cal. Gov't Code §§ 53091 – 53097.5.

While such requirements do not apply to the County of Nevada activities, the County shall strive to comply with such requirements to the maximum extent possible. The County shall also encourage other governmental agencies as listed above to comply with such requirements to the maximum extent possible. Even if such agencies are otherwise excluded from compliance, they should still consider the regulations and standards in the implementation of their project.

E. Temporary Uses. Temporary use requirements are in the Specific Land Use.

F. Other Permits. An allowed land use that has obtained a required land use permit may still be required to obtain other permits before the use is constructed or otherwise established and put into operation. Nothing in this Section shall eliminate the need to obtain subdivision approval or any building, grading, or other permit as may be required by other County Departments or Federal or State agencies.

The individual base district tables grouped by category provide a summary of allowable uses and permit requirements for all base districts, as well as specific land use standards for selected uses as provided for in Specific Land Use Standards and site development standards as provided for in Site Development Standards. Following the provisions for base districts are provisions for combining districts. (Ord. 2229. (01/09/2007); Ord. 2206. (05/23/2006); Ord. No. 2146. (05/27/2004); Ord. 2127. (09/25/2003); Ord. 2123. (07/31/2003); Ord. 2090. (07/09/2002); Ord. 2037. (10/03/2000); Ord. 2533. (12/05/2023))

Section 12.02.020 Residential Districts

A. Purpose of Section

1. To reserve neighborhood areas for residential living with a broad range of dwelling unit densities and types. Development within any district shall ensure consistency with General Plan densities and policies.
2. To provide lands to accommodate an adequate supply of housing to meet the diverse needs of the residents.
3. To protect residential neighborhoods from incompatible land uses and excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences; retain the scale and character of existing residential neighborhoods.
4. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in housing.

Section 12.02.021 Single-Family

A. Purpose of Single-Family.

1. RA (Residential Agricultural). The RA District establishes provisions for low density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to one and one-half (1.5) acre minimum parcel size, or three (3) acre minimum parcel size where neither a public water nor public sewer system is available. Within the Residential and Estate General Plan designations, the single-family dwelling is of primary importance and agricultural uses are secondary. Within Rural General Plan designations, agricultural operations and natural resource related uses and residential uses are of equal importance.
2. R1 (Single-Family). The R1 District implements the General Plan's Urban Single-Family designation. It is intended to provide for single-family dwellings, duplexes, duets, four-plexes, as well as other dwelling unit types, at densities of up to four

(4) dwelling units per acre.

Table 12.02.210.B Single-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 12.05.050

UP Use Permit required per Section 12.05.060

NP Not Permitted

NA Not Applicable

Varies Refer to listed Title 12 Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	RA	R1	Zoning Sections
Residential Uses			
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	
Daycare Home, small family (6 or fewer children)	A	A	12.030.09
Daycare Home, large family (7 to 14 children)	A	A	12.030.09
Daycare Center (more than 14 children)	UP	UP	
Dwelling, Single-Family ⁽²⁾	A	A	
Dwellings, Multiple-Family	UP	UP	12.03.170
Dwelling, Accessory and/or Junior Accessory Unit	A	A	12.03.191
Dwellings, Second Units consistent with allowed density	DP	DP	12.03.192
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	12.03.100
Dwellings, Duplexes, Duets and Four-plexes ⁽¹⁾⁽²⁾	A	A	
Dwellings, Transitional and Supportive	A	A	12.03.200
Mobilehome Parks (must include MH District)	UP	UP	12.02.074
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Residential Guest Quarters	A	A	12.03.180

Temporary Model Homes	A	A	12.03.120
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	12.03.150
Commercial Uses			
Bed & Breakfast Inns	UP	UP	12.3.5
Commercial Uses (cont'd)			
ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	RA	R1	Zoning Sections
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	12.03.070
Home Businesses	A	A	12.03.110
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	12.02.071
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	12.03.300

Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	NP	12.03.030
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	12.03.030
Animal keeping and raising	Varies	Varies	12.03.040
Certified Farmers' Markets	DP	NP	12.03.030
Crop and tree farming	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	12.03.220 .D.2
Mining, subsurface	UP	UP	12.03.210
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	12.03.220
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	12.03.240
Wildlife Rehabilitation Facilities	DP	NP	12.03.260
Woodyard	UP	NP	
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	12.03.080
Churches	UP	UP	12.03.070
Communication Towers	UP	NP	12.03.080
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	12.03.140
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	12.04.080

Footnote:

(1) Duplexes, duets, and four-plexes may be allowed in Community Regions, or on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau, consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

(2) A proposed housing development containing no more than two residential units within a single-family residential zone consistent with Cal. Gov't Code § 65852.21 shall be considered ministerially on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. (Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

Table 12.02.210.C - Single-Family Districts Site Development Standards

Key to Site Development Standards:

ROW Right-of-way, Ultimate (see definition in this Chapter)

C/L Centerline

ZONING CHAPTER SECTION Refer to Listed Zoning Chapter Section for site development standards

SITE DEVELOPMENT STANDARDS	RA	R1	Zoning Sections
Setback Standards (5)			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	12.04.140
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	12.04.140
Exterior yard (ROW at least 50' in width)	15' from ROW	10' from ROW	12.04.140
Exterior yard (ROW less than 50' in width)	40' from ROW C/L	35' from ROW C/L	12.04.140
Interior yard (Parcel at least 3 acres)	30'	30'	12.04.140
Interior yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
Rear yard (Parcel at least 3 acres)	30'	30'	12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)			
Building Height Limit	35' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	1240.150
Maximum Impervious Surface (2) (6)	30%	40%	12.04.190
On-Site Parking (Dwelling, Single-Family)	2 spaces per unit	2 spaces per unit	12.04.180

Signs	Sign Standards see Section 4.2.12.K		12.04.210
Maximum Density (dwelling units per acre)	Equivalent to min. parcel size	4	12.04.030
Minimum Road Frontage (3) (4)	120'	60'	
Minimum Parcel Size:			
Parcel w/public water & sewer (3)	(3)	10,000 s.f.	12.04.030
Parcel w/public water or sewer (3)	(3)	1.5 acres	12.04.130
Parcel w/private water & sewer (3)	(3)	3 acres	1240.130

Footnotes:

(1) Setbacks may be reduced on parcels less than three (3) acres subject to Section governing Exceptions to Building Setbacks.

(2) Check General Plan Policy 1.23 for more restrictive standards.

(3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030 clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section governing Clustering.)

(4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.

(5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks' 12.04.140)

(6) Maximum impervious surfacing may be increased to sixty (60%) percent for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.

* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2447. (03/13/2018); Ord. 2441. (Adopted 09/12/17, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013; Ord. 2339. (07/12/2011); Ord. 2529. (09/12/2023);

Ord. 2533. (12/05/2023))

Section 12.02.022 Multi-Family

A. Purpose of Multi-Family.

1. R2 (Medium Density). The R2 District implements the General Plan's Urban Medium Density Designation and provides for moderate density multiple-family housing, as well as other dwelling unit types. Densities of up to eight (8) dwelling units per acre within incorporated area's spheres of influence, and six (6) dwelling units per acre elsewhere are permitted. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

2. R3 (High Density). The R3 District implements the General Plan's Urban High Density Designation and provides for high density multiple-family housing, as well as other dwelling unit types. Densities of up to twenty (20) dwelling units per acre within incorporated area's spheres of influence and fifteen (15) units per acre elsewhere are permitted unless otherwise designated on the official zoning map.

This District is designed to facilitate development in urbanized areas. Coupled with planned development combining district regulations, it can be utilized to take advantage of the condominium development technique to provide and preserve open space.

To promote the construction of affordable housing, the County will strongly encourage development of single-family and multi-family residential projects at the maximum practical densities provided by the district, subject to limitations which may be imposed by environmental and public service constraints, as well as County development standards. This District is appropriate for the development of affordable housing through clustering of residences or other design techniques.

Table 12.02.022.B

Multi-Family Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:

A	Allowed subject to zoning compliance and building permit issuance
DP	Development Permit required per Section 12.05.050
UP	Use Permit required per Section 12.05.060
NP	Not Permitted
NA	Not Applicable

Varies Refer to listed Zoning Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	R2	R3	Zoning Section

			s
Residential Uses			
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	
Daycare Home, small family (6 or fewer children)	A	A	12.03.090
Daycare Home, large family (7 to 14 children)	A	A	12.03.099
Daycare Center (more than 14 children)	UP	UP	
Dwelling, Single-Family	A	NP	
Dwellings, Multiple-Family	DP	DP	12.03.1170
Dwelling, Accessory and/or Junior Accessory Unit	A	A	12.30.190.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	12.30.190.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	12.30.200
Emergency shelter housing for 6 or fewer people	A	A	
Residential Uses (cont'd)			
Emergency shelter housing for more than 6 people	UP	UP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	
Mobilehome Parks (must include MH District)	UP	UP	12.20.074
Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	12.03.160; 12.03.200
Temporary Model Homes	A	A	12.03.1

			20
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	12.03.150
ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	R2	R3	Zoning Sections
Commercial Uses			
Bed & Breakfast Inns	UP	UP	12.03.050
Community meeting and social event facilities	UP	UP	12.03.070
Home Businesses	A	A	12.03.110
Hospitals and convalescent homes	UP	UP	
Medical clinics and medical support services, non-profit	UP	UP	
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	12.03.300
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Animal keeping and raising	Varies	Varies	12.03.040
Certified Farmers' Markets	NP	NP	12.03.030
Field Retail Stand and Farm Stands	NP	NP	12.03.030
Crop and tree farming	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	12.03.220..D.2
Mining, subsurface	UP	UP	12.03.210
Mining, surface vent and escape shafts for subsurface mining	UP	UP	12.03.220
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	12.03080
Churches	UP	UP	12.03.070
Emergency services (including fire and ambulance stations)	UP	UP	

Public utility uses and structures	Varies	Varies	12.03.140
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	12.04.080

* * * *

Footnote:

(1) Not permitted, unless it can be proven that single-family development will otherwise produce and guarantee low and moderate income housing.

(Ord. 2467. (05/14/2019); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

Table 12.02.220.C
Multi-Family Districts Site Development Standards

Key to Site Development Standards:

ROW Right-of-way, Ultimate (see definition in this Chapter)

C/L Centerline

12 SECTION Refer to listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	R2	R3	Zoning Section
Setback Standards (5)			
Front yard (ROW at least 50' in width)	20' from ROW	20' from ROW	12.04.140
Front yard (ROW less than 50' in width)	45' from ROW C/L	45' from ROW C/L	12.04.140
Exterior yard (ROW at least 50' in width)	10' from ROW	10' from ROW	12.04.140
Exterior yard (ROW less than 50' in width)	35' from ROW C/L	35' from ROW C/L	12.04.140
Interior yard (Parcel at least 3 acres)	30'	30'	12.04.140
Interior yard (Parcel less than 3	30'	30'	12.04.140

acres) (1)			4
Rear yard (Parcel at least 3 acres)	30'	30'	12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'	30'	12.04.140
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)			
Building Height Limit	35' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D	Table 4.2.6.D	12.04.150
Maximum Impervious Surface (2) (6)	50%	60%	12.04.190
On-Site Parking	See Table 4.2.9.F.12.b		12.04.180
Signs	Sign Standards see Section 4.2.12.K		12.04.210
Maximum Density (dwelling units per acre)	6/8(8)	15 / 20 (7)	12.04.030
Minimum Road Frontage (3) (4)	60'	60'	
Minimum Parcel Size:			
Parcel w/ public water & sewer (3)	10,000 s.f.	10,000 s.f.	12.04.030. E.4.c
Parcel w/ public water or sewer (3)	1.5 acres	1.5 acres	12.04.030. E.4.c
Parcel w/ private water & sewer (3)	3 acres	3 acres	12.04.030. E.4.c

Footnotes:

(1) Setbacks may be reduced on parcels less than three (3) acres subject to Section Building Setbacks Codes.

(2) Check General Plan Policy 1.23 for more restrictive standards.

(3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Clustering)

(4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel. (5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building

Setback.)

(6) Maximum impervious surfacing may be increased to sixty (60%) percent for support uses requiring a use permit. In such instances, retention/ detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.

(7) Twenty dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, fifteen (15) dwelling units per acre.

(8) Eight dwelling units per acre for areas within incorporated area Sphere of Influence. Elsewhere, six (6) dwelling units per acre.

* Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2441. (Adopt. (09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013); Ord. 2339. (07/12/2011); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

Section 12.02.030 Rural Districts

A. Purpose of Section.

1. Preserve the existing open, pastoral character of rural areas, allowing for the development of compatible uses within a rural setting, including lower-density residential uses, agricultural operations and support uses, natural resource production and management, and low-intensity recreation.
2. Ensure the long-term quality of natural resource values while at the same time ensuring the sustainability of agricultural and logging activities.

B. Purposes of Individual Districts.

1. AG (General Agricultural). The AG District provides areas for farming, ranching, agricultural support facilities and services, low intensity uses, and open space. It is consistent with all agricultural-oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses are secondary.
2. AE (Agricultural Exclusive). The AE District provides for the preservation and protection of important agricultural lands that are being used for commercial agricultural production. It is consistent with all agricultural- oriented General Plan land use designations, as well as those designations that allow for more intensive uses. Agricultural uses are of primary importance and all other uses determined to be incompatible with agriculture shall not be permitted.
3. FR (Forest). The FR District provides areas for the protection, production and management of timber, timber support uses, including but not limited to equipment storage and temporary offices low intensity recreational uses, and open space.
4. TPZ (Timberland Production Zone). The TPZ District provides for prudent and responsible forest resource management and the continued use of timberlands for the production of timber products and compatible uses. It is established in conformance with the Forest Taxation Reform Act of 1976 and all requirements and restrictions therein shall apply. It is intended to be a district where the land is devoted

to the growing and harvesting of timber and for such compatible uses that do not significantly detract from the use of the land for the growing and harvesting of timber.

Land use under this District will be restricted for a perpetual minimum of ten (10) years to growing and harvesting timber and supporting and compatible uses. Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber only.

C. TPZ Standards.

1. General Provisions.

For the purposes of this Section, a TPZ District shall mean an area of land zoned TPZ or proposed to be so zoned, composed of a parcel or contiguous parcels, at least forty (40) acres in aggregate area, with no individual parcel less than 10 acres in size.

- a. Property to be zoned TPZ under Cal. Gov't Code § 51112 (Lists "A" and "B") shall not be subject to the requirements of subsections D.1, D.2, D.3 and D.4. of this Section except where provided in the Forest Taxation Reform Act.
- b. Within ten (10) days of final action to include a parcel within, or delete from, TPZ, the Clerk of the Board of Supervisors shall cause to be recorded an instrument which will serve as constructive notice to prospective buyers of such zoning action.
- c. The owner shall continuously comply with all standards included herein in order to continue to be eligible for the TPZ zoning.

2. Requirements for Inclusion into TPZ District and Site Development Standards.

- a. A single petition for rezoning and a Joint Timber Management plan may be submitted for any number of contiguous parcels, but the requirements of this Section must be satisfied as to each parcel to be included in the petition.
- b. Each petition shall be accompanied by payment of the processing fee as established by resolution of the Board of Supervisors. A single fee may be collected for each petition regardless of the number of parcels included in the petition.
- c. Submit a map showing the legal description and Assessor's Parcel

Number (APN) or numbers of the property proposed to be included in the district; and

- d. Submit a plan for timber management prepared, or approved as to content, for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time as determined by the preparer of the plan, including the following:
 - 1) Possess a timber inventory on the parcel prepared by a licensed forester; and
 - 2) Conduct regular commercial harvesting operations; and
 - 3) Provide legal and physical access to the property so commercial operations can be carried out; and
 - 4) Disease or insect control has been conducted regularly on the parcel; and
 - 5) Thinning, slash disposal, pruning or other appropriate silviculture work will be conducted regularly on the parcel; and
 - 6) A fire protection system has been developed or there is a functioning fire protection plan; and
 - 7) Erosion control will be conducted on all disturbed soils including, but not limited to, roads, skid trails and landing areas; and
 - 8) Lands to be zoned TPZ, pursuant to Cal. Gov't Code § 51113, shall also meet the following requirements:
 - a. The parcel or parcels shall currently meet the timber stocking standards as set forth in Cal. Pub. Res. Code § 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel or parcels is located, or the owner must sign an agreement with the Board of Supervisors whereby they agree to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently included in the TPZ District, and the landowner fails to meet such stocking standards and forest practice rules within this time period, the said Board of Supervisors has grounds for rezoning of the parcel pursuant to the provisions of Cal. Gov't Code § 51121; and

b. The parcel shall meet at least a Site IV or higher quality class.

3. Minimum Parcel Size Standards. Lands other than Christmas tree farms to be zoned TPZ pursuant to Cal. Gov't Code § 51113 shall meet the following minimum parcel size standards:

- a. The parcel or parcels included in the petition for TPZ zoning must, together with any adjacent property already zoned TPZ, meet the requirements to form a TPZ District; or
- b. The parcel or parcels each contain at least ten (10) acres and the owners have provided satisfactory evidence that they are unable to include sufficient contiguous property to form a TPZ District, either because the owners of contiguous property do not wish to join in TPZ zoning, are not eligible for inclusion, or cannot be reached.

4. Christmas Tree Farms. Parcels being considered for timber preserve zoning as Christmas tree plantations shall meet all of the qualifications of this Section except the minimum acreage requirements set out in subsections 1.a and 3.b above. Such parcels shall also meet the following requirements:

- a. Each parcel shall contain a minimum of three (3) acres.
- b. At the time of consideration for inclusion in the TPZ, a minimum of 4,000 trees shall have been planted on the parcel, of which 1,000 or more were planted at least three (3) years prior to the date of consideration;
- c. The timber management plan shall provide for:
 - 1) Minimum stocking and restocking of at least 1,200 trees per acre of plantable land on a rotating basis;
 - 2) Planting of at least ninety (90%) percent of the land on the parcel which in the opinion of the professional forester is suitable for Christmas tree growing within a reasonable period of time from the date of inclusion in TPZ;
 - 3) Annual commercial harvesting beginning not later than ten (10) Christmas harvest seasons after the date of inclusion in the TPZ;
 - 4) Minimum Parcel Sizes for Subsequent Divisions of Property Zoned Timberland Preserve.

- d. Parcels zoned as timberland preserve under this Section may not be divided into new parcels containing less than 160 acres unless the original owner prepares a joint timber management plan which meets the standards of subsection C-2 of this Section prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the County Recorder as a deed restriction on all newly created parcels. Such deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than ten (10) years from the date the division is approved by the Board of Supervisors. Such division shall be approved only by a four-fifths (4/5ths) vote of the full Board of Supervisors, and only after recording the deed restrictions.
- e. In no case shall the Board of Supervisors approve a division of land zoned TPZ that creates a parcel or parcels which individually contain less than forty (40) acres.

5. Rezoning from TPZ to Other Zone(s).

- a. Rezoning from a TPZ to a different classification may be initiated by the County Board of Supervisors after a public hearing or may be requested by the property owner at least ninety (90) days prior to the anniversary date of the initial zoning to TPZ. Applications by property owners shall be filed consistent with provisions governing Applications for Amendment to the County of Nevada General Plan or Zoning Ordinance.

Noticing and hearings shall be pursuant to this Code. Upon completion of public hearings before the Planning Commission and Board of Supervisors, and within 120 days from the filing of the notice to rezone, the Board of Supervisors, by majority vote, may remove the parcel from the TPZ and specify the new zoning classification for the parcel. The new zone approved shall become effective ten (10) years after the date of approval by the Board of Supervisors and shall be so noted on the zoning district map.

- b. An immediate rezoning from TPZ to a new zone, on all or part of a parcel, may be requested by a landowner. Such application shall be filed in the same manner as subsection a. above. A public hearing before the Board of Supervisors shall be scheduled with notice being given to all owners of lands situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
 - 1) The Board must make written findings by a four-fifths (4/5ths) vote that:
 - a) The immediate rezoning is in the public interest; and
 - b) The rezoning would not have a substantial and unmitigated adverse

- effect upon timber-growing use of adjacent lands within one (1) mile of the exterior boundaries of the land to be rezoned; and
- c) The soils, slopes and watershed conditions would be suitable for the uses proposed if the conversion were approved; and
 - d) There is no nearby land suitable for an alternative use not allowed within the TPZ District; and
 - e) The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber growing use to which the land may be put.
- 2) The Board of Supervisors may tentatively approve the immediate rezoning after notice and hearing and upon a four-fifths (4/5ths) vote of the full body as provided in 1. above, and shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearings and any other information required by the Board of Forestry.

Upon notification by the Board of Forestry that it has given final approval to the conversion, the Board of Supervisors shall remove the parcel from the timberland preserve zone and shall specify a new zone for such parcel.

- 3) A tax recoupment fee in accordance with Cal. Gov't Code § 51142 shall be imposed on the owner of any land qualifying for immediate rezoning.

Table 12.02.030

Rural Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:

A	Allowed subject to zoning compliance and building permit issuance
DP	Development Permit required per Section 12.05.050
UP	Use Permit required per Section 12.05.060

NP Not Permitted
NA Not Applicable

Varies Refer to listed Zoning Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	AG	AE	FR	TPZ	Zoning Sections
Residential Uses					
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	A	A	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP	UP	NP	
Daycare Home, small family (6 or fewer children)	A	A	A	A	
Daycare Home, large family (7 to 14 children)	A	A	A	A	12.03.090
Daycare Center (more than 14 children)	UP	NP	UP	NP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	A	A	
ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)					
Dwelling, Accessory and/or Junior Accessory Unit	A	A	A	A	12.03.191
Dwellings, Second Units consistent with allowed density	DP	DP	DP	DP	12.03.192
Dwellings, Multiple-Family	UP	UP	UP	UP	12.03.170
Dwelling Groups, consistent with allowed density	UP	UP	UP	UP	
Dwellings, Transitional and Supportive Housing	A	A	A	A	12.03.200
Employee Housing	A	A	A	A	12.03.100
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	12.02.074

Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	A	A	A	
Residential Guest Quarters	A	A	A	A	12.03.180
Temporary Model Homes	A	NP	NP	NP	12.03.120
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	12.03.150
Commercial Uses					
Bed & Breakfast Inns	UP	UP	UP	UP	12.03.050
Cemetery	UP	NP	UP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	12.03.070
Home Businesses	A	A	A	NP	12.03.110
Medical Clinics and medical support services, non-profit	UP	NP	UP	NP	
Nursery, Retail Plant	UP	UP	NP	NP	
Veterinary Hospitals and Clinics	UP	UP	UP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	

Commercial Cannabis Cultivation	Varies			NP	12.03.300
Industrial Uses					
None Listed					

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	AG	AE	FR	TPZ	Zoning Sections
Agricultural, Resource, and Open Space Uses					
Accessory structures incidental to an allowable use.	A	A	A	A	
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services	UP	UP	NP	NP	
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	A	A	A	12.03030
Agritourism Activities, Field Retail Stand and Farm Stand	A	A	A	NP	12.03.030
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				12.03.4-
Certified Farmers' Markets	DP	DP	DP	NP	12.03.030
Crop and Tree Farming	A	A	A	A	12.03.030
Development & processing natural resources (lumber mills)	UP	UP	UP	UP	
Kennels, commercial	UP	UP	UP	NP	
Mining, Mineral Exploration	Varies				12.03.22.D.2
Mining, Subsurface	UP	UP	UP	UP	12.03.210
ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	AG	AE	FR	TPZ	Zoning Sections
Mining, Surface access to subsurface mining.	UP	UP	UP	UP	12.03.220
Mining, Surface (must include ME District). In TPZ district,	Varies				12.03.22

boulder collection only allowed subject to use permit and reclamation plan.					0
Power plants, private, including biomass fuel production	UP	NP	UP	NP	
Stables, commercial	UP	UP	UP	UP	
Wineries	A	A	A	NP	12.03.240
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	12.03.260
Woodyard	UP	UP	UP	UP	
Institutional and Public Uses					
Antennae, minor and certain non-commercial	A	A	A	A	12.03.080
Airports	UP	NP	UP	NP	
Churches	UP	NP	UP	NP	12.03.070
Communication Towers	UP	UP	UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	UP	UP	UP	
Public Utility Uses and Structures	Varies				12.03.140
Schools	UP	NP	UP	NP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	
Recreational Uses					
Camp, Low Intensity	UP	UP	UP	UP	12.03.060

Campgrounds, Low Intensity	UP	UP	UP	UP	12.03.060
Parks and Playgrounds	UP	UP	UP	UP	
Ski Tow Facilities	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	A	A	A	A	12.04.080

(Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

Table 12.02.030.E

Rural Districts Site Development Standards Key to Site Development Standards:

ROW Right-of-way, Ultimate (see definition in Section 12.06.010)

C/L Centerline

ZONING SECTION Refer to listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	AG	AE	F R	TPZ	L-II Sections:
Setback Standards (5)					
Front yard (ROW at least 50' in width)	20' from ROW		100' ROW		12.04.140.E
Front yard (ROW less than 50' in width)	45' from ROW C/L		100' ROW		12.04.140.E
Exterior yard (ROW at least 50' in width)	15' from ROW		100' ROW		12.04.140
Exterior yard (ROW less than 50' in width)	40' from ROW C/L		100' ROW		12.04.140
Interior yard (Parcel at least 3 acres)	30'		100'		12.04.140
Interior yard (Parcel less than 3 acres) (1)	30'		100'		12.04.140
Rear yard (Parcel at least 3 acres)	30'		100'		12.04.140
Rear yard (Parcel less than 3 acres) (1)	30'		100'		12.04.140

Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)			
Building Height Limit	45' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 12.04.150.D		12.04.150
Maximum Impervious Surface (2) (6)	10%	5%	12.04.190
On-Site	Table 12.04.180.F.12.b		12.04.180
Signs	Sign Standards see Section 12.04.210.K		12.04.210
Maximum Density (dwelling units per acre)	Equivalent to the minimum parcel size		12.04.030.E.4.c
Minimum Road Frontage (3) (4)	200'	300'	
Minimum Parcel Size (3)	(3)	12.02.030.C	12.04.030.E.4.c

Footnotes:

- (1) Setbacks may be reduced on parcels less than three (3) acres subject to Section Building Setbacks, 12.04.140.
 - (2) Check General Plan Policy 1.23 for more restrictive standards.
 - (3) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section governing Clustering, 12.04.050)
 - (4) For subdivisions, flagpole parcels shall have a minimum frontage width of fifty (50') feet. The "flag" portion of the parcel shall meet the minimum road frontage standards of a conventional parcel.
 - (5) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section governing Building Setbacks, 12.04.140)
 - (6) Consistent with the General Plan Policy 1.24, maximum impervious surface may be increased to sixty (60%) percent for support uses requiring a use permit, except that in within the FR and TPZ Districts, the maximum surfacing for support uses may be increased to twenty (20%) percent for parcels five (5) acres or less in size without a Use Permit. In such instances, retention/detention facilities shall be incorporated into the design of those projects that could result in flood damage to downstream uses.
- * Subdivision development feature: for any subdivision where agricultural water is already provided to the parcel, an agricultural water easement shall be required for all parcels created by the subdivision.

(Ord. 2447. (03/13/2018); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2339. (07/12/2011); Ord. 2253. (10/23/2007); Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.02.040 Commercial Districts

A. Purpose of Section.

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses that meet the needs of community, and provide employment opportunities, consistent with General Plan policy,

2. To provide adequate space to meet the needs of commercial development, promote high standards of site planning and design, and ensure compatibility with surrounding land uses,
3. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in commercial land uses.

B. Purposes of Individual Districts.

1. C1 (Neighborhood Commercial). The C1 District is intended to provide for the retail and service needs of nearby neighborhoods, and to provide limited mixed-use employment opportunities. Development is intended to be grouped as a clustered and contiguous center to preclude strip development.
2. C2 (Community Commercial). The C2 District is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas.
3. C3 (Service Commercial). The C3 District provides for specialized intensive repair and related service uses, which may have extensive storage needs and require convenient, controlled access to arterial or major collector roads to serve large geographic area. Such uses include the repair and service of equipment, materials, and products, and are often considered inappropriate in primary retail areas due to size or operating characteristics.
4. CH (Highway Commercial). The CH District provides commercial locations for highway-related and tourist services along state highways. Development within this District should be grouped as a contiguous center to preclude strip development, with convenient, controlled access to Interstate, freeway, or primary arterial routes. Such facilities should be designed and located to provide a broad range of services to the traveler and not to impede traffic.
5. OP (Office & Professional). The OP District provides areas for the development of professional and administrative offices and related uses and structures that complement other commercial centers and are considered compatible with adjacent residential and related land uses.

C. Standards. Within the C1, C2 and C3 Districts the following limitations shall be applicable to light industrial uses:

Light industrial uses that do not exceed thirty-three and one-third (33.3%) percent of the total gross floor area on a single commercial site. Only light industrial uses which generate impacts similar to, or less than, those of listed allowable uses within the district, shall be permitted, and no such use may be established until the primary commercial use has been established on the site. For the purpose of this Section, light industrial use shall include research and development, light assembly and production processes that do not generate dust, fumes, odors, or other emissions detectable from outside the building. Light industrial activities shall be conducted completely within an enclosed building and shall not include warehousing that is not related to a primary commercial use on the site. The following site-specific impact analyses shall be included with the submittal of the Use Permit application:

1. An analysis of land use impacts associated with the proposed light industrial use.
2. An analysis of site-specific air quality impacts associated with the project's stationary source emissions. The impact analysis shall define any chemicals and materials used in the manufacturing process and how emissions will be contained or mitigated.
3. An analysis of traffic impacts associated with the proposed light industrial use. The project shall demonstrate how traffic circulation would not conflict with that of existing or future retail commercial uses on the site.
4. An analysis of parking lot impacts, demonstrating that industrial use parking needs will not conflict with, nor consume area needed for, that of existing or future retail commercial uses on the site.
5. A list of chemicals to be used for manufacturing/industrial processes, and identification of potential impacts associated with the use of the chemicals. All industrial uses shall comply with the Nevada County Codes governing Land Use and Development for the handling and storage of hazardous materials. A copy of the list of chemicals and/or hazardous materials to be used or stored on site shall be provided to the Fire Agency with jurisdiction for the subject property.

6. An analysis of exterior noise levels associated with the project operations. No industrial use shall generate noise levels that are detectable outside the building that exceed the noise standards for the Commercial designation, as established by Nevada County General Plan.
7. An analysis of existing and potential public services for the proposed light industrial use.

In addition to the findings required by the conditional use permit, if approved, shall include the following findings:

- a. That the proposed use will not generate impacts greater than or different from, the listed allowable uses in the subject district; and
- b. That the proposed use will not affect the viability of the site to be developed for its primary commercial use.

Table 12.02.040.D

Commercial Districts Allowable Uses and Permit Requirements Key to Land Use Permit Requirements:

A	Allowed subject to zoning compliance and building permit issuance
DP	Development Permit required per Section 12.05.050
UP	Use Permit required per Section 12.05.060
NP	Not Permitted
NA	Not Applicable
Varies	Refer to listed Zoning Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	C1	C2	C3	CH	OP	Zoning Sections
Residential Uses						
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	

Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	
Community meeting facilities	UP	UP	UP	NP	UP	12.03.070
Daycare Center (more than 14 children)	DP	DP	NP	NP	NP	
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non- residential use, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere. Integral shall mean that all uses are designed and located so as to be visually and functionally related. ⁽²⁾	UP	UP	UP	UP	UP	
Dwelling, Single Room Occupancy (SRO)	UP	UP	NP	NP	NP	12.03.171
Home Businesses, limited	Varies	NA	NA	NA	Varies	12.03.110
Emergency Shelter Housing	A	A	A	A	A	
Dwellings, Transitional/Supportive Housing ⁽¹⁾	UP	A	A	UP	UP	12.03.200

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	C1	C2	C3	CH	OP	Zoning Sections
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	A	A	A	A	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	A	12.03.150
Commercial Uses						
Auditoriums	NP	UP	UP	NP	NP	
Auto and truck rental and leasing	NP	UP	DP	UP	NP	
Auto repair within an enclosed structure	UP	DP	DP	DP	NP	
Auto, truck, boat, motorcycle sales, including outdoor sales	NP	DP	DP	NP	NP	
Bars	UP	UP	NP	UP	NP	
Building Supply sales and storage	NP	DP	DP	NP	NP	
Car wash, automatic or self service	UP	DP	DP	DP	NP	
Cemetery	UP	DP	NP	NP	UP	
Commercial activities that normally require extensive storage areas including but not limited to, lumberyards, contractors' equipment yards, vehicle storage yards, and sales and storage of fuel.	NP	NP	UP	NP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	UP	12.03.070
Equipment rental and leasing	NP	UP	DP	NP	NP	

Fitness centers	UP	DP	DP	NP	UP	
Flea markets, permanent	UP	UP	UP	UP	NP	12.03.230
Funeral home, mortuary	UP	DP	DP	NP	UP	
Hospitals and Convalescent Homes	NP	UP	NP	NP	UP	
Hotel, motels	UP	DP	DP	DP	UP	
Kennels, commercial	NP	UP	UP	NP	NP	
Medical support services (i.e. ambulance services, laboratories)	DP	DP	NP	DP	DP	
Movie theaters	UP	DP	DP	NP	NP	
Commercial Uses (cont'd)						
Movie theaters, drive-in	NP	NP	NP	UP	NP	
Museum	NP	DP	NP	DP	UP	

Nursery, retail plant	DP	DP	DP	NP	NP	
Offices and services, including, but not limited to, financial institutions, insurance, and real estate office, business services such as duplicating, mailing, blueprinting, photocopying, and stenographic services, janitorial services, employment agencies	DP	DP	DP	NP	DP	
Parking facilities not attached to a specific use.	Varies	UP	UP	Varies	Varies	12.02.070
Personal mini-storage buildings for storage of household or personal goods (does not include the conduct of business from a storage building).	UP	UP	UP	NP	NP	
Personal services including, but not limited to, barber and beauty shops, laundromats, dry cleaners, photography studios, locksmiths, repair of consumer products, and taxidermies.	DP	DP	DP	DP	NP	
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	UP	DP	DP	DP	NP	
Restaurants, fast food	UP	DP	NP	DP	NP	
Restaurants, not including fast food	DP	DP	NP	DP	NP	
Retail sales conducted indoors.	DP	DP	DP	DP	NP	
Retail sales including outdoor sales or storage.	UP	DP	DP	DP	NP	
Service stations	DP	DP	DP	DP	NP	
Shooting ranges, indoor	NP	UP	UP	NP	NP	
Temporary Commercial Uses	A	A	A	A	NP	12.03.230
Veterinary hospitals and clinics	UP	UP	UP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	

ALLOWABLE LAND USES (See Section 12.01.040 for Similar Uses)	C1	C2	C3	CH	OP	Zoning Sections
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	12.03.300
Industrial Uses						
Auto painting and bodywork within an enclosed structure.	NP	UP	UP	NP	NP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	A	A	
Recycling collection facilities	DP	DP	DP	DP	NP	
Limited light industrial uses	UP	UP	UP	NP	NP	
Agricultural, Resource, and Open Space Uses						
Field Retail Stand	NP	NP	NP	NP	NP	12.03.030
Farm Stand	DP	DP	DP	DP	DP	12.03.030

Certified Farmers' Market	DP	DP	DP	DP	DP	12.03.030
Crop and Tree Farming	A	A	A	A	A	12.03.030
Mining, Mineral Exploration	Varies	Varies	Varies	Varies	Varies	12.03.220. D.2
Mining, Subsurface	UP	UP	UP	UP	UP	12.03.210
Mining, Surface vent and escape shafts (subsurface mining)	UP	UP	UP	UP	UP	12.03.220
Pre-Grading not associated with a specific development project	DP	DP	DP	NP	NP	12.03.280
Institutional and Public Uses						
Antennae, minor and certain non-commercial	A	A	A	A	A	12.03.080
Churches	UP	UP	UP	NP	UP	12.03.070
Communication Towers	UP	UP	UP	UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	DP	DP	DP	UP	

Public Utility Uses and Structures	Varies	Varies	Varies	Varies	Varies	12.03.140
Schools and Schools, trade	UP	UP	UP	NP	UP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	DP	DP	DP	DP	DP	12.04.080

Footnote:

(1) Subject to Cal. Gov't Code §§ 65582, 65583 and 65589.5, as may be amended.

(2) Multi-Family Residential Uses shall be deemed an allowable use if the housing development project complies with the standards defined in Cal. Gov't Code §65852.24 - 65863.13 (the California Middle Class Housing Act of 2022). (Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

* * * *

Table 12.02.040.E

Commercial Districts Site Development Standards Key to Site Development Standards:

ROW Right-of-way, Ultimate (see Definitions in Zoning)

C/L Centerline

ZONING SECTION Refer to listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	C1	C2	C3	CH	OP	Zoning Sections
Setback Standards (1) (3)						
Front yard (ROW at least 50' in width) (4)	10' from ROW (with mean average 20')					12.04.140.E
Front yard (ROW less than 50' in width) (4)	35' from ROW C/L (with mean average 45')					12.04.140.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')					12.04.140
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')					12.04.140
Interior yard	0'					12.04.140
Rear yard	0' (Through Parcels: Rear = Front setback)					12.04.140
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)						
Building Height Limit	C2 & CH Districts = 45'					12.04.130

Building Height Limit	C1, C3, & OP Districts = 45' or 3 stories, whichever is less		12.04.130
Fencing & Hedges	Table 4.2.6.D		12.04.130
Maximum Impervious Surface	85%	60%	12.04.130
On-Site Parking	Table 12.04.180.F.12.b		12.04.130
Signs	Sign Standards see Section 12.04.210.K		12.04.130
Minimum Road Frontage (2)	150'	70'	
Minimum Parcel Size (2)	15,000 s.f.	7,000 s.f.	12.04.030.E.4.C

Footnotes:

(1) Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 12.04.140G.

(2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.04.050)

(3) For arterial and collector roads, the front yard and exterior side yard setbacks shall be ten (10') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of twenty (20') feet. (See Section 12.04.140.F.)

(4) Significant landscaping shall be incorporated into this setback.

(Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017)); Ord. 2427. (01/24/2017); Ord. 2366. (08/13/2013); Ord. 2339. (07/12/2011); Ord. 2253. (10/23/2007); Ord. 2090. (07/09/2002); Ord. 2037. (10/03/2000); Ord. 2533. (12/05/2023))

Section 12.02.050 Industrial Districts

A. Purpose of Section.

1. To provide appropriate industrial areas for the production, repairing, distribution, and warehousing of goods and equipment, research and development, and supporting commercial businesses and services, that meet

the needs of community and provide employment opportunities, consistent with General Plan policy,

2. To provide adequate space to meet the needs of industrial development, promote high standards of site planning and design, and ensure compatibility with surrounding land uses,
3. To ensure adequate levels of public facilities and services, minimize traffic congestion, and facilitate the provision of public improvements commensurate with anticipated increases in industrial land uses.

B. Purposes of Individual Districts.

1. BP (Business Park). The BP District provides areas for a variety of related uses, including manufacturing, distribution, processing, service, and research and development uses normally associated with light industries. The intent of this District is to encourage innovative and creative design in the provision of a variety of employment-oriented uses.

Development should be characterized by spacious and extensively landscaped settings that are attractive and environmentally sensitive. All uses shall be contained within a planned setting reflecting a “campus” character providing a high level of on-site amenities.

2. M1 (Light Industrial). The M1 District provides areas for the production, repairing, distribution, and warehousing of goods and equipment, along with supporting businesses and services. Uses should provide for buffering from adjacent land uses to minimize incompatibility and should have convenient, controlled access to arterial or major collector roads without passing through residential areas.
3. M2 (Heavy Industrial). The purpose of the M2 District is similar to that of the M1 District, except that allowed uses are potentially more intensive and may generate greater impacts on adjacent land uses, public facilities and services, and the environment.

C. BP Base District Standards.

1. Prior to any site development located outside of an adopted Area Plan, the Planning Commission shall approve a Comprehensive Master Plan for the entire site. See Comprehensive Master Plans and Specific Plans.
2. Accessory Uses. Limited uses that are customarily incidental and directly

related to the primary light industrial use may be permitted as part of a mixed use project. Such uses may provide supporting business and service activities for the primary light industrial use and accessory uses for on-site employees. Such uses may be permitted at the same time as or following the establishment of the primary light industrial use, but not before such establishment. It is not the intent of this District to accommodate single-use development which can be located in other districts.

3. Interim Uses. Prior to submittal of a Comprehensive Master Plan, interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, may be allowed, subject to the permitting requirements of tables below. An interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit authorizing the interim use shall establish time limits for the interim use.
4. Minor Improvements. Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 12.02.050.D. Minor improvements shall be limited to remodels that do not result in a more intense land use, and building additions that do not exceed ten (10%) percent of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

Table 12.02.050.D
Industrial Districts Allowable Uses and Permit Requirements Key to Land Use
Permit Requirements

A	Allowed subject to zoning compliance and building permit issuance
DP	Development Permit required per Section 12.05.050
UP	Use Permit required per Section 12.05.060
NP	Not Permitted
NA	Not Applicable
Varies	Refer to listed Zoning Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	BP	M1	M2	Zoning Sections
Residential Uses				

Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non-residential use, not to exceed 6 units per acre in Community Regions and 4 units per acre elsewhere. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	UP	UP	UP	
Dwellings, Multi-Family ¹	UP	NP	NP	12.03.170
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	12.03.150
Commercial Uses				
Accessory uses for employees, including fitness centers, and restaurants, when in combination with support uses does not exceed 10% of the gross floor area of the structures on site.	UP	DP	DP	
Auto repair within an enclosed structure.	NP	DP	DP	
Auto painting and body work within an enclosed structure.	NP	DP	DP	
Commercial activities that normally require extensive storage areas including, but not limited to, contractors equipment yard, vehicle storage yard, sales and storage of fuel, building/farm supply, equipment rental, kennels.	NP	DP	DP	
Daycare Facilities as an accessory, employee use when in combination with accessory uses, does not exceed 10% of the gross floor area of the business park.	UP	NP	NP	
Fitness Centers.	UP	UP	UP	
Flea Market, permanent.	NP	UP	UP	
Lumberyards.	NP	DP	DP	
ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	BP	M1	M2	Zoning Sections
Parks if developed as employee accessory uses.	UP	UP	UP	
Parking facilities not attached to a specific use.	UP	UP	UP	
Personal mini storage buildings.	UP	UP	UP	
Shooting ranges, indoor.	NP	UP	UP	
Support uses for the primary light industrial use, including offices, services and retail sales associated with the marketing of products produced on-site, when in combination with accessory uses does not exceed area of the structures on site.	DP	DP	DP	
Temporary Commercial Uses.	A	A	A	12.03.230
Medical Marijuana Dispensary.	NP	NP	NP	

Commercial Cannabis Cultivation	NP	NP	NP	12.03.300

ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	BP	M1	M2	Zoning Sections
Commercial Uses (cont'd)				
Adult Businesses, Existing Structure.	NP	A	NP	12.03.290; 06.08.030
Adult Businesses, New Construction.	NP	DP	NP	12.03.290; 06.08.290
Industrial Uses				
Light industrial including research and development, the manufacturing, production, repairing, distribution, fabrication, processing, wholesaling, and warehousing of a wide variety of goods.	DP	DP	DP	
Any other intensive industrial use not allowed in the BP or M1 Districts.	NP	NP	UP	
Auto painting and body work.	NP	DP	DP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	
Hazardous waste management facilities for waste produced off-site.	NP	UP	UP	
Parking facilities not attached to a specific use.	Varies	NA	NA	12.02.070
Power plants, private, including biomass fuel production.	NP	UP	UP	
Ready mix, asphalt, or concrete plants.	NP	UP	UP	
Recycling centers.	NP	UP	DP	
Recycling collection facilities.	DP	DP	DP	
Research and development activities.	DP	DP	DP	
Salvage enterprises; auto, trucks, and equipment dismantling yards.	NP	NP	UP	
Storage of explosives.	NP	UP	UP	
Storage and distribution of bulk petroleum products.	NP	UP	UP	
Agricultural, Resource, and Open Space Uses				
Field Retail Stand	NP	NP	NP	12.03.030
Farm Stand	DP	DP	DP	12.03.030
Certified Farmers' Market	DP	DP	DP	12.03.030
Crop and Tree Farming	A	A	A	12.03.03

				0
Pre-Grading not associated with a specific development project	NP	DP	DP	12.03.28 0
Institutional and Public Uses				
Schools. Communication Towers	UP UP	NP UP	NP UP	12.03.08 0

Footnote:

(1) Multi-Family Residential shall be deemed an allowable use if the housing development project complies with the standards defined in Cal. Gov't Code §§ 65852.24 – 65863.13 (the California Middle Class Housing Act of 2022).

..*(Ord. 2467. (05/14/19); Ord. 2533. (12/05/2023))

Table 12.02.050.E

Industrial Districts Site Development Standards Key to Site Development Standards

ROW Right-of-way, Ultimate (see Definition in this Chapter)

C/L Centerline

ZONING SECTION Refer to Listed Zoning (Title 12) for site development standards

SITE DEVELOPMENT STANDARDS	BP	M1	M2	Zoning Sections
Setback Standards (1)				
Front yard (ROW at least 50' in width) (3)	10' from ROW (with mean average 20')			12.04.14 0.E
Front yard (ROW less than 50' in width) (3)	35' from ROW C/L (with mean average 45')			12.04.14 0.E
Exterior yard (ROW at least 50' in width)	10' from ROW (with mean average 20')			12.04.14 0
Exterior yard (ROW less than 50' in width)	35' from ROW C/L (with mean average 45')			12.04.14 0
Interior yard	30'	0'		12.04.14 0
Rear yard	30'	0' (Through parcels: Rear = Front setback)		12.04.14 0

SITE DEVELOPMENT STANDARDS	BP	M1	M2	Zoning Sections
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)				
Building Height Limit	45'			12.04.13

			0
Fencing & Hedges	Table 12.04.150.D		12.04.150
Maximum Impervious Surface	60%	85%	12.04.190
On-Site Parking	Table 12.04.180.F.12.b		12.04.180
Signs	Sign Standards see Section 12.04.210.K		12.04.210
Minimum Road Frontage (2)	150'		
Minimum Parcel Size (2)	1.5 acres	15,000 s.f.	12.04.220.E.4.C

Footnotes:

(1) Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 4.2.5.G.

(2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.4.050.)

(3) Significant landscaping shall be incorporated into this setback.

..*.*

(Ord. 2427. (01/24/2017); Ord. 2408. (01/26/2016); Ord. 2533. (12/05/2023))

Section 12.02.060 Special Purpose Districts

A. Purpose of Section. The purpose of this Section is to provide for a variety of zoning districts that further the intent of the General Plan and implement specific Plan land use map designations.

B. Purposes of Individual Districts.

1. IDR (Interim Development Reserve). The IDR District is intended to be used as an interim zoning district to reflect and reserve the development potential of property designated as Planned Development and Special Development Area in the General Plan. It functions as a temporary holding zone and reserves the development potential of the property until a Zoning Map and a Comprehensive Master Plan and/or Specific Plan for the property has been

adopted consistent with Nevada County General Plan., and the property is rezoned to permanent specific zoning districts consistent with the above Plan(s). The District shall be combined with one or more zoning districts that shall include acreages consistent with the General Plan land use maps.

2. OS (Open Space). The OS District provides for areas of open space protected from development. This includes, but is not limited to, areas dedicated to recreation, resource and habitat preservation, and protection of environmental resources. Such areas may be in public ownership or private ownership where such areas are permanently devoted to open space through clustering or other open space requirements. This District shall allow only very low-intensity land uses that ensure consistency with the purpose of the District.
3. PD (Planned Development Base District). The PD Base District implements General Plan Policy to provide for development where mixed uses are desirable. This District provides for the comprehensive planning of a site in advance of any development, taking into consideration clustering of intensive land uses and maximizing conservation of open space in a manner sensitive to site capabilities and constraints. The intent of this District is to encourage innovative and creative design in the provision of a variety of mixed uses. This District is consistent with all General Plan designations provided the proposed land uses are consistent with those designations within which the project is located.
4. P (Public). The P District provides for areas occupied by Federal, State and local government agencies, or by a private entity under contract, agreement or franchise with a governmental agency if the use is a service or function normally provided by the agency entering into a contract or agreement or issuing a franchise.
5. REC (Recreation). The REC District provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the planning agency. See Comprehensive Master Plans and Specific Plans. All projects shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.

C. Planned Development Base District Standards. The PD District can be used to implement only one Plan designation or multiple designations as part of a mixed-use development. Planned developments provide for a mix of building types and land uses. They

should be comprehensively planned and under unified control. Planned developments often provide common areas and other amenities not found in standard types of development. Planned developments shall ensure that uses relate well to each other, both internally and to neighboring uses. The Board of Supervisors shall approve a Comprehensive Master Plan for the entire site at the time of the zoning amendment and prior to any site development. See Comprehensive Master Plans, Zoning Maps and Specific Plans.

1. Allowed Uses. Allowed uses include any use or combination of uses that are arranged and designed in such a manner as to result in a development that is internally compatible, compatible with surrounding uses, and consistent with the General Plan. Where this District implements the Planned Development or Special Development Area General Plan designations, or two (2) or more General Plan designations for a parcel or group of contiguous parcels, the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan. However, the area of a use (other than open space) may vary from that otherwise allowed by the Plan to accommodate site-specific conditions identified in the adopted Comprehensive Master Plan, provided the cumulative change does not exceed 5% of the total parcel(s) acreage. In no instance may the residential density allowed by the Plan be exceeded.
2. Site Development Standards. Except as noted below, all development standards applied to a project shall meet or exceed the standards contained in the base district that would typically be applicable to the use, as well as all standards as found in this Chapter.

However, when the Comprehensive Master Plan provides for not less than a 100-foot non-disturbance buffer around the entire edge of the parcel (excluding site access), standards less than provided for in this Chapter are permissible for the following: front yard, side yard, and rear yard building setbacks (fire safety provisions must be ensured through alternative means), fencing, walls, and hedges, outdoor trash enclosures, and minimum parcel size (cannot exceed that needed to meet public water and sewage disposal requirements).

3. Processing. A PD Base District application shall be processed as an amendment to the Zoning Ordinance and shall include the Comprehensive Master Plan. The application shall include all associated land use permit applications, including zoning compliance, Development Permits, Use Permits, and/or other permits to be processed concurrently with the zoning amendment. Phased developments shall include a list of future land use permits needed by type and time frame.
4. Common Ownership Areas. In planned developments with areas of common

ownership, the tentative map, dedications, covenants, and other legal agreements shall provide for the following:

- a. Give automatic membership with a non-profit property owners association or similar instrument.
- b. Place title to common property with the association, a non-profit land trust, or public agency.
- c. Appropriately and permanently limit the use of the common property, including but not limited to prohibiting further subdivision.
- d. Give each parcel owner the non-exclusive right to the use of the common property, subject to any applicable limitations established by the County.
- e. Assign the operation and maintenance of the common property to the homeowner's association or other entity approved by the County.
- f. Place an association charge on each parcel to ensure sufficient funds for perpetual maintenance of the common property, such charge to be a lien on the property.
- g. Restrict the use of the common property to the uses allowed by the applicable zoning and/or Conditional Use Permit.
- h. Establish a fire safety management plan providing for long-term vegetation management to minimize the fire hazard for such areas.

D. IDR Interim Development Reserve Standards.

1. General. No development may occur within the IDR District other than that provided for in Tables included in this Section without the adoption of a Zoning Master Plan and a Comprehensive Master Plan or Specific Plan, except for interim uses and minor additions as provided for in this Section. See Comprehensive Master Plan, Zoning Map, and Specific Plan criteria.
2. Interim Uses. Prior to submittal of a Zoning Map, Comprehensive Master Plan or Specific Plan, interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table 12.02.060.F Except for single-family residential dwellings, an interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure

improvements. The land use permit approving the interim use shall establish time limits for the interim use.

3. Minor Additions. Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements. Minor improvements shall be limited to remodels that do not result in a more intense land use and building additions that do not exceed ten (10%) percent of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

E. REC Recreation District Standards.

1. General. The REC District provides for a wide range of active and passive recreation uses and supporting services. Such uses may have a significant effect on environmental resources and will require careful site design and development. Prior to any site development, a Comprehensive Master Plan for the entire site shall be approved by the Planning Commission, except for interim uses and minor additions as provided in this Section. See Comprehensive Master Plan and Specific Plan criteria. All projects approved subject to a Comprehensive Master Plan shall be reviewed and approved consistent with the approved Plan. The more intensive uses should be in close proximity to a major highway or arterial with controlled or indirect access.
2. Interim Uses. Prior to submittal of a Comprehensive Master Plan interim uses that do not preclude development of the site for its intended use as designated on the General Plan land use map, and which are consistent with the purpose and intent of the District, subject to the permitting requirements of Table in this Section. An interim use shall be defined as a use which does not require construction of a permanent foundation or permanent infrastructure improvements. The land use permit authorizing the interim use shall establish time limits for the interim use.
3. Minor Additions. Minor improvements may be allowed for uses that are consistent with the purpose and intent of the District, subject to the permitting requirements. Minor improvements shall be limited to remodels that do not result in a more intense land use and building additions that do not exceed ten (10%) of the existing total gross floor area on a single building site. Existing total gross floor area shall be that area which was legally established prior to the requirement for a Comprehensive Master Plan being established on the site.

Table Section 12.02.060.F
Special Purpose Districts Allowable Uses and Permit Requirements Key to Land
Use Permit Requirements:

A	Allowed subject to zoning compliance and building permit issuance
DP	Development Permit required per Section 12.05.050
UP	Use Permit required per Section 12.05.060
NP	Not Permitted
NA	Not Applicable
Varies	Refer to listed Zoning Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section 12.01.040 D for Similar Uses)	IDR (1)	OS	PD (2)	p (3)	REC (4)	Zoning Sections
Residential Uses						
Residential Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	NP		A	NP	
Residential Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP		UP	NP	
ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	IDR (1)	OS	PD (2)	p (3)	REC (4)	Zoning Sections
Daycare Home, small family (6 or fewer children)	A	NP		A	NP	
Daycare Home, large family (7 to 14 children)	A	NP		A	NP	12.03.090
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
Dwelling, Accessory and/or Junior Accessory Unit	A	NP		A	A	12.03.191
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	NP	NP		UP	UP	
Emergency Shelter Housing (6 or fewer people)	A	NP		A	NP	
Low Barrier Navigation Center pursuant to Government Code Section 65662	A	NP		A	A	
Security Housing, Temporary	NP	NP		UP	NA	12.03.150

Residential accessory uses and structures where the structure or use is accessory to the intended use of the property, including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	NP		A	NP	
Temporary use of a mobile home or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	12.03.150
Commercial Uses						
Bed and Breakfast Inns	NP	NP		NP	UP	12.03.050
Community meeting and social event facilities	NP	NP		UP	UP	12.03.070
Fitness Centers	NP	NP		NP	UP	12.03.110
Parking facilities not attached to a specific use	NA	NA		Varies	NA	12.02.070 .10
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	NP	NP		NP	UP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	12.03.300
Industrial Uses						
None Listed						
Agricultural, Resource, and Open Space Uses						
Animal Keeping and Raising	Varies					12.03.040
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	DP	DP	12.03.030
Farm Stand	DP	NP	DP	DP	DP	1230.030
Certified Farmers' Markets	DP	NP	DP	DP	DP	12.03.030
Crop and Tree Farming	A	UP	A	A	A	12.03.030
Agricultural, Resource, and Open Space Uses (cont'd)						
Mining, Mineral Exploration	Varies					12.03.220 .D.2
Mining, Subsurface	UP	UP		UP	UP	12.03.210
Mining, surface (must include ME District)	NP	NP		UP	NP	12.03.220
Mining, surface access to subsurface mining	UP	NP		UP	UP	12.03.220

Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	12.03.220
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	12.03.260
Stables, commercial	NP	NP		NP	UP	
Institutional and Public Uses						
Antennae, minor and certain non-commercial	NP	NP		A	A	12.03.080
Airports or airstrips	NP	NP		UP	NP	
ALLOWABLE LAND USES (See Section 12.01.040.D for Similar Uses)	IDR (1)	OS	PD (2)	p (3)	REC (4)	Zoning Sections
Churches	NP	NP		NP	UP	12.03.070
Communication Towers	NP	NP		UP	UP	12.03.080
Emergency services (including fire and ambulance stations)	UP	NP		DP	UP	
Heliports	NP	NP	NP	UP	NP	
Hospitals	NP	NP		UP	NP	
Public Facilities and Uses	UP	NP		UP	UP	
Public Utility Uses and Structures	Varies					12.03.140
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
Accessory and support uses related directly to a primary recreational use, including, but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre.	NP	NP		UP	UP	
Parks and Playgrounds	NP	UP		UP	UP	
Recreational activities, including, but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities.	NP	NP		UP	UP	
Trails, Pedestrian and Equestrian	A	UP		A	A	12.04.080
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	

Other Uses						
Continuation of any use which was lawfully established on the property before any such property was zoned IDR or PD.	A	NA	A	NA	NA	

Footnotes:

f

* Uses that satisfy the permitting criteria for Administrative Development Permits, consistent with Table 12.05.050 of this Chapter, shall be processed with a Development Permit.

(1) All permitted uses must be consistent with Section 12.02.060.B.1, governing Interim Development Reserve.

(2) See Section 12.02.060.C, governing Planned Development Base District Standards for PD allowable uses and standards.

(3) All uses must be consistent with Section governing Public Districts, 12.02.060 B.4..

(4) See section for 12.02.060, REC standards.

* * * *

(Ord. 2467. (05/14/2019); Ord. 2533. (12/05/2023))

Table Section 12.02.060.G

Special Purpose Districts Site Development Standards Key to Site Development Standards:

ROW Right-of-way, Ultimate (see Definition in this Chapter)

C/L Centerline

ZONING SECTION Refer to Listed Zoning Section for site development standards

SITE DEVELOPMENT STANDARDS	IDR	OS	P	P D	REC	Zoning Sections
Setback Standards (1) (3) (4)						
Front yard (ROW at least 50' in width)	20' from ROW				20' from ROW (with mean average 30')	12.04.140 .E

Front yard (ROW less than 50' in width)	45' from ROW C/L				(5)	45' from ROW C/L (with mean average 55')	12.04.140 .E
Exterior yard (ROW at least 50' in width)	15' from ROW					10' from ROW (with mean average 20')	12.04.140
Exterior yard (ROW less than 50' in width)	40' from ROW C/L					35' from ROW C/L (with mean average 45')	12.04.140
Interior yard (Parcel at least 3 acres)						30' (15' for parcels less than 1 acre)	12.04.140
Interior yard (Parcel less than 3 acres) (1)	30'						12.04.140 .G
Rear yard (Parcel at least 3 acres)							12.04.140
Rear yard (Parcel less than 3 acres) (1)							12.04.140 .G
Other Standards (See Sections 12.04.090 Design Standards & 12.04.220 Resource Standards)							
Building Height Limit	45' or 3 stories, whichever is less				(5)	45'	12.04.130
Fencing & Hedges	Table 12.04.150.D						12.04.150
Maximum Impervious Surface	10%	5%	85%	(5)	10% (20% if < 5 acres)		12.04.190
On-Site Parking	Table 12.04.180.F.12.b						12.04.180
Signs	Sign Standards see Section 12.04.210.K						12.04.210
Minimum Road Frontage (2)	200'		None	(5)	100'		
Minimum Parcel Size:							
Parcel w/ public water & sewer (2)	5 acres	5 acres	None	(5)	0.5 acres		12.04.030.E .4.c
Parcel w/ public water or sewer (2)					1.5 acres		12.04.030.E .4.c
Parcel w/ private water & sewer (2)					3 acres		12.04.030.E .4.c

Footnotes:

(1) Setbacks for residential units may be reduced on parcels less than three (3) acres subject to Section 12.04.140.G.

(2) The minimum parcel size and road frontage required for subdivisions and boundary line adjustments is that shown on the table. Where exceptions pursuant to Section 12.04.030, clustering or a Planned Development is utilized, minimum parcel size and road frontage can vary if adequate provisions are made for the appropriation of water and disposal of sewage consistent with this Code and the protection of public health, safety and welfare. (See Section 12.04.050)

(3) For arterial and collector roads, the front yard setback shall be twenty (20') feet and the exterior side yard setback shall be fifteen (15') feet from the existing or ultimate right-of-way, whichever is greater. (See Section 12.04.140.F)

(4) For arterial and collector roads, the front yard setback shall be twenty (20') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of thirty (30') feet, and the exterior side yard setback shall be ten (10') feet from the existing or ultimate right-of-way, whichever is greater, with a mean average of twenty (20') feet. (See Section 12.04.140.F)

(5) See Section 12.02.050.C for PD Standards.

(Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2427. (01/24/2017); Ord. 2533. (12/05/2023))

Section 12.02.070 Combining Districts

Combining Districts are established to provide specialized consideration of unique or sensitive areas. When added to a base zoning district, the standards established in the combining district may require more or less restrictive regulations than those contained elsewhere in this Chapter. Except as noted, allowed uses within the base district are also allowed within each applicable combining district subject to approval of the same land use permit and level of review.

Section 12.02.071 Airport Influence Combining District (AI)

A. Purpose. To establish extraordinary land use regulations beyond those in a base zoning district for certain properties surrounding the Nevada County Airpark and Truckee-Tahoe Airport to protect persons and structures on the ground from airport-related incidents and noise, and to prevent structural penetration of navigable airspace. This combining district is intended to implement the provisions of the Comprehensive Land Use Plans (CLUPs) for the Nevada County Airpark and Truckee-Tahoe Airport adopted by the Airport Land Use Commission (ALUC).

B. Uses Permitted. Allowed uses within the base district are also allowed within

this district subject to approval of the same land use permit and level of review. No use shall be permitted, and no use shall be operated or maintained in any manner that conflicts with the policies, standards or regulations contained within the CLUP. All uses permitted by the base district shall conform to the compatibility standards established in the CLUP for the appropriate Airport.

Existing land uses that are inconsistent may be continued. However, inconsistent land uses and structures may not be expanded or changed to another inconsistent use. Notwithstanding other provisions of this Code, when an existing inconsistent land use sustains damage or destruction of fifty (50%) percent of the value of the structure, subsequent use of the land must comply with the policies set forth in the CLUP.

C. Procedures. Prior to local review of any land use change, including General Plan or specific plan adoptions or amendments, rezoning, Development Permits, Use Permits or variances involving any property within the AI Combining District, the project shall first be reviewed by the ALUC which in turn will forward its finding of land use compatibility to the Planning Agency. The Planning Agency shall comply with ALUC's findings unless it is able to recommend to the Board of Supervisors that it overrules the ALUC's decision and finds that a hardship clearly outweighs the public health, safety and welfare objectives of the CLUP.

Section 12.02.072 Historic Preservation Combining District (HP)

A. Purpose. To identify and highlight areas of the County having natural or man-made features which are of cultural, archaeological or educational value. The HP District recognizes areas which are important to local, state and national history and provides for the identification, preservation and enhancement of the elements which reflect an area's or individual site's history. This District is intended to protect such historic structures and sites by requiring all new uses and alterations to existing uses to be designed with consideration for preserving and protecting the historic resource and to recommend complimentary, contemporary design and construction through the use of comprehensive Design Guidelines.

B. Establishment of HP Zoning.

1. The following standards shall be used in establishing HP District zoning, and shall be based on an analysis prepared by a qualified professional meeting the standards set by the Register of Professional Archaeologists:
 - a. Areas which exemplify or reflect special elements of the County's cultural, social, economic, political, aesthetic, engineering, mining or architectural history; or
 - b. Areas which embody unusual or remarkable characteristics of a style,

type of use, period of history, method of construction, or exhibit ingenuity in the use of indigenous materials or craftsmanship.

2. Applications to add the HP District shall include all of the following:

- a. An analysis prepared by a qualified professional meeting the standards set by the Register of Professional Archaeologists which meets the standards above.
- b. A written statement of the proposed district's historical importance or uniqueness.
- c. A map of the proposed District.
- d. An inventory of historic resources which describes both the quantity and quality of the District's resources.
- e. Sketches, drawings, photographs and/or other descriptive materials.
- f. Any other information requested by the Board of Supervisors.

3. The following findings shall be made a part of such enactment:

- a. That the special historic interest of the area, site, structure, or use has been identified;
- b. That the public health, safety and general welfare of the citizens of the County of Nevada are promoted through the safeguarding of the County's heritage.

C. Uses Permitted. Uses allowed within the base district are allowed within this District subject to this Section.

D. Standards. In any district with which the HP Combining District is combined, the site development standards may be reduced by the Planning Agency where, as a result of project and/or design review, it is determined that the reductions will result in a project that is consistent with existing, surrounding development, and the historic character of the district:

1. Setbacks.
2. Landscaping.
3. Parking space and parking lot design and construction standards.

E. Historic Preservation Advisory Council Establishment and Authority. The Board

of Supervisors, upon creation of an HP District, shall establish a Historic Preservation Advisory Council (HPAC) whose purpose and authority shall be to develop and recommend area-specific, exterior architectural standards for all projects, taking the following items under consideration:

1. The height, bulk, and area of structures.
2. Setbacks from property lines.
3. The color, textures and material of exterior walls.
4. The type, pitch and material of roofs.
5. The type, size and location of signs.
6. Landscaping and parking lot layout.
7. The relationship to other structures and/or uses in the area.
8. The architectural treatment of historic structures within the District. The HPAC may also provide assistance to the Planning Agency by:
 - a. Reviewing and commenting on district-related impacts of programs and planning initiated by the County, State or Federal Government; and
 - b. Promoting public information, educational and interpretive programs pertaining to historic, cultural and natural resources.

F. Historic Preservation Advisory Council Membership. Membership for HPAC shall consist of five (5) voting members as follows:

1. One (1) property owner in the HP District.
2. One (1) businessperson from the HP District. In the event that no commercial properties are located within the HP District, one additional property owner shall be appointed.
3. One (1) member-at-large.
4. One (1) member of a local merchant's association within the HP District, if such an association exists, and if not, then one additional member-at-large.
5. One (1) official member of a local recognized historical society, if such an

organization exists. If not, then one additional member-at-large.

The Board of Supervisors shall appoint all of the members. Terms of the appointed office holders of the HPAC shall be for a period of four (4) years. Two (2) members of the first appointed HPAC shall be for two (2) years and shall be determined by lot.

G. Procedure. When exteriors of properties within an HP District are to be developed, modified, altered, improved or demolished, the development shall first be reviewed by the HPAC. An application shall be filed with the Planning Department and shall be accompanied by such data and/or materials necessary for proper review of the proposed project and a filing fee adopted by the Board of Supervisors. Upon receipt of a complete application, a public meeting shall be scheduled for HPAC review within thirty (30) days.

If the HPAC reviews and finds the proposed structure, modification, alteration, improvement, or demolition incompatible with the purpose, intent and findings of this Section, the Planning Agency shall endeavor to have such plans changed to conform to said purpose, intent and findings of the District.

Any interested and aggrieved party may appeal any action of the Planning Agency in accordance with provisions governing Appeals in this Chapter.

H. Building Permit Issuance. In no event shall building permits be issued within the HP District until such plans have been reviewed by the HPAC.

I. Destruction or Alteration of Historic Structures Requires a Use Permit. No historic structures in any HP District shall be relocated, moved, torn down, demolished, destroyed, altered, improved, or otherwise changed in exterior appearance except as herein provided. Historic significance shall be determined by the age of the structure, important architectural features and/or the historical use of the structure and site, and shall be based on an analysis as prepared by a qualified professional meeting the standards as set by the Register of Professional Archaeologists. Any historic inventory, prepared and adopted by the County of Nevada, shall be used as a source of identifying such importance.

1. Any owner making any alteration on the exterior of a historic structure or intending to relocate such structure shall submit plans for HPAC review.
2. If any historic structure is damaged by natural disaster, including but not limited to earthquake, flood, or fire, the owner thereof may repair such structure if an HPAC recommendation for such repair is obtained.
3. If the structure is determined to be of historic significance, the HPAC shall review the proposed relocation/demolition for compliance with established guidelines.

4. If a historic structure is determined to be a public safety hazard by a licensed engineer, the demolition of such a structure shall be permitted.

Section 12.02.073 Mineral Extraction Combining District (ME)

A. Purpose. The purpose of this District is to allow for surface mining and to provide for public awareness of the potential for surface mining to occur where adequate information indicates that significant mineral deposits are likely present. This District shall be used only on those lands that are within any of the compatible Nevada County General Plan designations and which are not in a residential zone.

B. Use Permitted. Allowed uses within the base district are also allowed within this District subject to approval of the same land use permit and level of review.

C. Uses Subject to a Use Permit. In the AG, AE, FR, M1, M2, P, and PD Base Districts, where the district symbol is followed by, as part of such symbol, the letters ME, the extraction of minerals by open-pit mining, quarrying, dredging, and related operations on the surface, including comminution, concentration, processing, waste disposal, tailings disposal, and the reclamation thereof shall be conditionally allowed subject to the regulations in section 12.03.220, governing Surface Mining Permits and Reclamation Plans.

D. Procedures. The primary purpose of this District is to inform the public of the existence of minerals and the potential for mineral extraction. However, inclusion within this district shall not alter the necessity for adequate environmental review, formal approval by the County, and compliance with the Surface Mining and Reclamation Act of 1975 for all mining operations. Inclusion within this district shall not alter the ability of the County to deny any mining operation where the County determines that such operation will have unacceptable impacts on the environment and surrounding land uses.

E. Standards for Creation of a ME District. In establishing the ME District, one (1) or more of the following standards must be met:

1. Said lands have been designated as Mineral Resource Zone-2 (MRZ-2) based on State of California Classification Reports.
2. It has been clearly demonstrated that significant mineral deposits are likely present on said lands based on data similar in nature to the State Classification Reports.

Section 12.02.074 Mobile home Parks Combining District (MH)

A. Purpose. To provide special regulations for the establishing of Mobile home Parks in those zoning districts that permit residential uses, subject to the issuance of a Use Permit by the Planning Commission.

B. Standards. The MH District shall be attached to each park, establishing the following minimum standards:

1. The density of the Mobile home Park shall be limited to that allowed by the Zone District and General Plan designation of the property.
2. A mobile home parcel shall be a minimum of 3,500 square feet in area and not less than thirty-five (35') feet in width, except that parcels that have frontage on a cul-de-sac shall measure that width twenty (20') feet from the street frontage.
3. Each mobile home site or parcel shall have direct access to a private or public roadway.
4. Minimum yard setbacks from adjoining streets and properties shall be as set forth in the regulations of the zone district in which the mobile park is located.
5. Landscaping and solid fencing shall be provided that shall screen the Mobile home Park from the street and adjacent properties.
6. Not less than ten (10%) percent of the total area of the Mobile home Park shall be developed for recreational purposes prior to occupancy.
7. In no case shall more than one (1) occupied mobile home be located on any one (1) mobile home site or parcel.
8. In conjunction with a Mobile home Park development, an area composed of not more than twenty (20%) percent of the total area of improved spaces may be developed for recreational vehicles, subject to the following:
 - a. Length of stay permitted in the facility shall be reviewed as part the Use Permit.
 - b. Spaces shall not be subject to all provisions of this Section but shall be adequately delineated on the site plan.
9. Parking shall be required at a ratio of two (2) off-street parking spaces for each mobile home site plus one additional space for every three (3) mobile

home or recreational vehicles sites within the Park. Parking may be grouped off the individual site when it is determined that such grouping will be accessible to the mobile home sites. All parking shall be developed in accordance with this Chapter and tandem parking on each mobile home site or parcel is permitted.

10. Accessory Uses Permitted.

- a. One garage/carport and one storage building may be permitted for each mobile home site.
- b. Private parks, outdoor recreational areas, recreation structures, social halls, swimming pools and maintenance structures in conjunction with an approved Use Permit for a mobile home park.
- c. Commercial uses which are primarily for the convenience of the mobile home park residents, such as laundry and vending machines, provided that such uses are located in the interior of the development and that they shall not occupy more than 500 square feet per each fifty (50) mobile homes.

11. Street Design Standards.

- a. The streets within a Mobile home Park shall provide adequate vehicular circulation for the development and for the area in which it is located, including adequate width, radii and access for emergency vehicles. In no case shall any street designed for two-way traffic be less than thirty-six (36') feet in width. This standard may be reduced to twenty-four (24') feet where specific site and/or street design standards are provided to ensure preclusion of on-street parking and adequate maintenance of ingress and egress for emergency vehicles.
- b. All Department of Public Works requirements shall be complied with, including but not limited to base and paving improvements. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))

Section 12.02.075 Planned Development Combining District (PD)

A. Purpose. The purpose of this District is to allow residential development that allows support uses in a planned community and to allow for flexible standards in both residential and commercial/industrial development. This District is intended to ensure the following in development:

1. Comprehensive, innovative and creative design, including flexible site development standards.
2. Clustering intensive land uses to the maximum extent reasonably possible.
3. Maximum conservation and efficient use of open space, protection of sensitive environmental resources, and sensitivity to environmental constraints.
4. Facilitated use of the most advantageous construction techniques.
5. Provisions for a broad range of housing types and opportunities within the mix of land uses allowed.
6. Areas of common ownership, where applicable.
7. Provisions for ongoing ownership and maintenance of restricted areas to assure maintenance of the open space and environmental resources in perpetuity.

B. Allowed Uses. Use of the PD Combining District shall be limited to residential, rural, commercial, and industrial base districts. Allowed uses within the base district are also allowed within this district subject to approval of the same land use permit and level of review. Subject to the issuance of a Use Permit or concurrent with a tentative map, planned developments consistent with the purposes and standards of this subsection shall be allowed in addition to the uses allowed in the base district. In addition, within the General Plan Planned Residential Community designation, the following uses may be permitted in connection with said developments: private parks and recreation areas, recreation structures, clubs and social halls (including restaurants), playfields, playgrounds, maintenance facilities, and similar facilities. These uses shall be an integral part of the Comprehensive Master Plan and shall primarily serve the needs of the residents of the development.

C. Standards. All planned developments shall meet the following standards:

1. Be consistent with the General Plan and applicable area or specific plans.
2. Be consistent with the purpose of the base district and the PD Combining District.
3. Not exceed the residential density allowed by the applicable General Plan designation and base zoning district.

4. Meet all site development standards of the applicable base district and standards as found in Comprehensive Site Development Standards of this Chapter.
5. Ensure compatibility in terms of use and design with the surrounding land uses.

Except as noted below, all site development standards applied to a project shall meet or exceed the standards contained in the base district, as well as all standards as found in Comprehensive Site Development Standards of this Chapter. However, when the Comprehensive Master Plan provides for not less than a 100-foot non-disturbance buffer around the entire edge of the parcel (excluding site access), standards less than provided for in this Chapter are permissible for the following: front yard, side yard, and rear yard building setbacks (fire safety provisions must be ensured through alternative means), fencing, walls, and hedges, outdoor trash enclosures, and minimum parcel size (cannot be less than that needed to meet public water and sewage disposal requirements).

D. Comprehensive Master Plan. The application for a proposed planned development shall include a Comprehensive Master Plan.

E. Common Ownership Areas. In planned developments with areas of common ownership, the tentative map, dedications, covenants, and other legal agreements shall provide for the following:

1. Automatic membership with a non-profit property owners association or similar instrument.
2. Title to common property with the association, a non-profit land trust, or public agency.
3. Appropriate and permanent limit to the use of the common property, including but not limited to prohibiting further subdivision.
4. Right to the use of common property to each parcel owner, subject to any applicable limitations established by the County.
5. Operation and maintenance of the common property to the homeowner's association or other entity approved by the County.
6. An Association charge on each parcel to ensure sufficient funds for perpetual maintenance of the common property, such charge to be a lien on the property.
7. Restricted use of the common property to the uses allowed by the applicable zoning and/or Conditional Use Permit.

8. A fire safety management plan providing for long-term vegetation management to minimize the fire hazard for such areas.

Section 12.02.076 Potential Snow Avalanche Area Combining District (PSAA)

A. Purpose. The purpose of this District is to identify those areas where, after investigation and study, the County finds that an avalanche potential exists because of steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall, and other interacting factors. Such PSAA District is established:

1. To identify those areas with a high, medium or low avalanche potential;
2. To give notice to the public of such areas;
3. To minimize health and safety hazards, disruption of commerce, and extraordinary public expenditures; and
4. To promote the general public health, safety and welfare.

B. PSAA District Boundaries Identified. The PSAA District boundaries shall be those specifically identified areas within the County subject to potential avalanche danger.

The study and report of Norman Wilson presented to the Board of Supervisors on December 20, 1982, are adopted identifying the standards for classification as the PSAA District, and identifying the locations of such areas, Red (high hazard) Zones, Blue (moderate hazard) Zones, and Yellow (low hazard) Zones, and which are available for public inspection in the Nevada County Planning Department.

Where only a portion of a parcel is affected by the district boundaries of the PSAA District, the provisions of this Section shall be applicable only if the district boundaries bisect any portion of any structure.

C. Use Restrictions. The following restrictions are hereby imposed upon construction, development, and use of all real property located within the PSAA District:

1. Utilities. All new utilities and new individual service connections installed after the effective date of these provisions shall be installed underground in order to minimize possible avalanche damage to said utilities and injury to persons or property.

2. Dangerous Deflection. Avalanche protective, deflective, and preventive structures, devices, or earthwork which threaten to deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property are prohibited.
3. New Subdivision or Parcel Maps. It shall be unlawful to create any new parcel within a Red or Blue PSAA unless said parcel is held in common with units in a planned development or zoned Open Space. The density allocated to the land use area within the PSAA District may be transferred to the remaining property that falls outside of the PSAA District.
4. Red Zone Standards. In addition to the restrictions listed in subsections 1- 3 above the following restrictions shall be applicable in the Red Zone:
 - a. New Construction. Applications for new construction designed for human occupancy, or repairs or remodels, repairs or additions exceeding fifty (50%) percent of the current value of the structure as shown on the most current County Rolls, shall be accompanied by plans signed by a licensed structural engineer certifying:
 - 1) That anticipated snow avalanche hazards have been determined by a recognized avalanche expert, and
 - 2) That the proposed structure will be safe under the anticipated hazards and that the structure complies with anticipated loads and conditions, and
 - 3) That such structure, device, or earthwork will not be a threat to or deflect avalanches toward property of others, or otherwise threaten to increase the danger to persons or property.
 - b. Acknowledgment of Danger by Land Owner. Such application for new construction and/or repairs shall be accompanied by a written document signed by the property owner stating that such property owner understands and agrees that the avalanche forces set forth in the prepared study are to be considered minimum standards only, and that the County of Nevada does not represent, guarantee or warranty the ultimate safety of any construction, use or occupancy of structure constructed to those standards; and that such person understands and agrees that avalanches may occur with forces greater than those set forth in the proposed study.

D. Noticing Requirements.

1. Upon County-initiated rezoning of a property into a PSAA District, the Planning Department shall send, by certified mail, a copy of this Section together with a notification to each affected property owner of record that such property is within a PSAA District.
2. The Nevada County Department of Public Works shall post signs at suitable locations on the County roads that identify the boundaries of the “Red Zone” of the PSAA District. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))
3. All persons who rent, lease, or sublet any structure within a PSAA District, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner, shall:
 - a. At the time of such renting, leasing or subletting, provide to such person written notification that such property is located within the PSAA District.
 - b. Post written notice during the time period between November 1 and May 1, visible from the main winter entrance, that such property is located within the PSAA District and that additional information pertaining to such property may be obtained from the Nevada County Planning Department.
4. All persons who sell any structure within a PSAA District, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner shall, prior to the sale, provide to the buyer written notification that such property is located within the PSAA District.

E. Rezoning Out of the PSAA Zoning District. Any property owner within a PSAA District may request a rezoning out of this Combining District. A rezoning application must be accompanied by a report prepared by a recognized and qualified avalanche hazard expert that demonstrates that the avalanche hazard areas currently mapped and zoned on the property either do not exist or should be adjusted.

F. Violations. Violations of the provisions of this Chapter shall be punishable by any, or all, or any combination of the following:

1. By a fine, to be set from time to time by the Board of Supervisors.

2. By injunctive action requiring the erection or removal of protective, deflective, or preventive structures, devices or earthwork.
3. By injunctive action prohibiting the use or occupancy of any non-complying structure.
4. By making null, void and unenforceable any agreement by an owner to sell, rent, lease or sublet any structure within a PSAA District.
5. By liability for damages in the manner provided by law.

Section 12.02.077 Scenic Corridor Combining District (SC)

A. Purpose. To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors.

B. District Regulations. In any district with which the SC District is applied, the land use regulations of the base district shall apply unless otherwise made more restrictive in this Section. The boundaries of the SC District shall be defined by the zoning district map based on an adopted scenic corridor study.

C. Applicability. The provisions of this Section shall apply to all Development Permits, Use Permits, and subdivisions. Where an adopted Area Plan or Specific Plan includes specific scenic corridor standards for the subject property, the adopted Plan standards shall take precedence.

D. The following standards shall apply to all applicable projects within the Scenic Corridor:

1. A Scenic Corridor Analysis shall be required for all applicable development. The analysis shall be submitted on forms provided by the Planning Department and shall describe the scenic and/or historic resources of the project setting, how the development will ensure compatibility with the scenic nature of the surrounding area, and how it will minimize impacts to identified scenic resources. If a Scenic Corridor Study has been adopted for the subject corridor, the analysis must be consistent with the adopted study.
2. Solid fencing within the front yard setback is prohibited. Fencing within the scenic corridor shall be landscaped to buffer its view from the roadway or adjacent properties. The scale, color, and materials used should be compatible with the site and surrounding viewsheds.

3. All structures and improvements shall comply with Community Design Standards.
4. Signs shall be designed to ensure compatibility with the scenic and natural character of the area. Monument signs shall be constructed with natural materials in colors compatible with the natural surroundings. No internally lit or neon-type signs shall be allowed.
5. Required parking shall not be allowed within the front yard setback.
6. Required landscaping may be increased up to fifty (50%) percent if needed to ensure the aesthetic quality of the proposed development.
7. All development shall be clustered in such a manner to ensure that impacts to the scenic corridor are minimized. Proposed parcels within a subdivision shall be clustered away from the corridor.
8. The front yard setbacks established for the base district shall be considered a minimum and shall be reviewed for conformity with the form and aesthetics of the corridor.

E. Approval. The action taken by the Planning Agency shall be final unless appealed to the Board of Supervisors.

Section 12.02.078 Site Performance Combining District (SP)

A. Purpose. To provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements shall ensure consistency with, and further the intent of, all General Plan policies.

B. Establishment of SP District Regulations.

1. The SP District shall restrict the use of land and/or structures and establish all other conditions in accordance with the specific ordinance establishing the zone district for the affected property or land area. The ordinance shall have the ability to establish the permitted and prohibited uses of the land, site development standards, public service and utility requirements, and the size, height and use of structures provided that the land usage provisions of the SP District are not less restrictive than the base zone district.
2. Refinements or limitations to uses or standards established by the ordinance enacting the SP District shall be reflected by either stating the more restrictive types of use(s), site development standards, public sewer and utility requirements, etc., as part of the adopting ordinance or, by appending to the ordinance a copy of the specific site development plan reflecting the

applicable refinements or limitations.

The SP District shall be designated on the Zoning District Map following the underlying base zoning district by the symbol SP, and the adopting ordinance number in parenthesis.

Example: A rezoning from the AG District to include the SP District would be AG-SP (#99-99).

C. Amendments. The use of any land covered by the ordinance which establishes the SP District shall run with the land until changed or eliminated by the adoption of a new zoning ordinance for said land.

1. Any amendment to the provisions of the ordinance covered by land zoned with the SP District will require a rezoning petition.
2. If a Development Permit or Use Permit is filed with the request to rezone the property into the SP District, the effective time limits for the establishment of the use shall be as provided for in this code.
3. Notwithstanding any provision contained herein, a Development Permit filed or Use Permit may be changed consistent with the provisions of this Code.

Section 12.02.079 Subdivision Limitation Combining District (X)

A. Purpose. The purpose of the X District is to prohibit further subdivision of the property in order to mitigate the cumulative adverse environmental impact of successive divisions of land and to preserve the rural character of the property.

B. Standards.

1. When property is zoned with the X Combining District, there shall be no changes to the parcels shown on the final or parcel map which would increase overall density or create additional building sites. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))
2. Rezoning from the X Combining District shall only be approved where the following findings are made:
 - a. The rezoning is not inconsistent with the purpose of this Section; and
 - b. The rezoning does not conflict with any specific findings that were the basis for adopting an environmental document applicable to the X zoning of the subject property; and
 - c. The rezoning does not conflict with any specific findings that were the basis for approving the subdivision associated with the X

zoning of the subject property; and

- d. The rezoning is in the public interest.

Financial hardship on the applicant shall not be a basis for approval of such a rezoning.

Section 12.02.710 Rural Center Combining District (RC)

A. Purpose. To recognize and preserve the character of existing, multi-purpose Rural Centers identified by the General Plan, by eliminating large areas of nonconformities that were created by subsequent zoning and current site development standards. It is the intent of the RC Combining District to promote development within Rural Centers by allowing for flexible site development standards.

B. Uses Permitted. Uses allowed within the base district are allowed within the RC Combining District, subject to the level of review and approval established for the base district or as modified herein or by an RC District established for an individual Rural Center.

C. Establishing RC Zoning. The following standards shall be used to establish an RC Combining District zoning for an individual Rural Center:

1. The Rural Center shall be a viable, multi-purpose center that provides for a variety of uses and services to the surrounding rural region.
2. The Rural Center shall include unique features that exemplify or reflect the County of Nevada's scenic, historic or natural qualities.
3. The Rural Center shall be constrained by current development standards that preclude or severely restrict development of existing sites for their intended use.

D. Standards. Within any District in which an RC District is combined, the following site development standards may be reduced or modified for development, if allowed for by the ordinance adopting the RC District for a specific rural center, subject to the following:

1. Required building setbacks may be reduced to ensure consistency with established structures or for substandard sized lots, as specified by the RC District established for each Rural Center.
2. Required landscaping may be reduced as specified by the RC District established for each Rural Center.

3. Permanent open space required by this Chapter may be reduced or modified for sites less than one (1) acre in size as specified by the RC District established for each Rural Center.
4. Required Parking.
 - a. The number of required on-site parking stalls may be reduced provided that parking is available offsite as provided herein, or, where the applicant can demonstrate to the satisfaction of the Planning Agency that existing conditions justify a reduction and will not result in a parking deficiency.
 - b. Off-site or shared parking may be allowed if approved by the Planning Agency as part of a land use permit or as determined by Zoning Compliance, subject to the following conditions:
 - 1) On-street parking is authorized and approved by the public agency responsible for street maintenance and safety; or
 - 2) The off-site parking is available to serve the general public and is not restricted to serving an existing use;
 - 3) The off-site parking is constructed in compliance with all applicable on-site parking standards; and
 - 4) To ensure the perpetuation of public off-site parking when such parking is placed on a parcel not containing the use the parking is intended to serve, an irrevocable grant to the public of a right by the owner or developer for parking as public parking shall be recorded in the Office of the County Recorder. Said grant of right shall be on forms provided by the Planning Department and shall be approved as to form and content by the Nevada County Counsel. This dedication of public off-site parking may be terminated by an appropriate conveyance approved by the County at such time as the underlying use(s) of the property requiring such grant is/are expired.
 - c. For the purpose of this Section, shared parking shall refer to parking facilities on a single site that serves two (2) or more nonresidential uses with different peak hour demands.

E. Mixed-Use Development. Where identified as a goal for the RC District established for an individual Rural Center, mixed-use development shall be allowed as a permitted use,

concurrent with commercial or industrial development.

F. Public Areas. Where specifically identified as a goal for the RC District established for an individual Rural Center, pedestrian improvements on improved or unimproved lands are allowed within any zoning district for the purpose of creating a community or town square or plaza.

G. BP Zoning District. Development of Business Park sites within the RC district shall be designed with an emphasis on small-scale processing, service, and research and development uses, in conjunction with a residence for the owner or operator on the site. The Comprehensive Master Plan requirements of Zoning Regulations may be modified to fit each Rural Center as identified in the RC district established for an individual Rural Center.

H. Nonconforming Structures. Legally established nonconforming structures may be repaired, altered or reconstructed, without limitation, if the structure has been approved by the Nevada County Historical Landmark Commission and registered by the Nevada County Board of Supervisors, as a historical landmark.

I. Limited Home Businesses. Where specifically identified and as an allowed use by the RC district established for a Rural Center, may be operated within commercial districts.

J. Design Review. Design review for development projects within an RC District shall be required, consistent with this Chapter and with any adopted Rural Center Design Guidelines adopted for an individual Rural Center.

K. Findings. Reductions to any of the above standards shall require findings by the Planning Agency with permitting authority, that, as a result of project review and/or design review, the following findings can be made and supporting reasons cited, for each reduced standard:

1. That the reduction of the standard is necessary for reasonable development of the site, as demonstrated by an analysis of the site constraints identified for the specific site, or as identified by an Area Plan, Community Plan, or Specific Plan adopted for the Rural Center;
2. That the reduction of the standard will not jeopardize the health, safety or welfare of the project site, or the character of the Rural Center, as demonstrated by an analysis of the site; and
3. That as a result of the reduced standard(s), the project will be consistent with all applicable design standards and/or goals established for the Rural Center by an adopted Area Plan, Community Plan, or Specific Plan.

L. Amendments. Any amendment to the provisions of the ordinance established for a Rural Center zoned with an “RC” Combining District shall require a rezone petition.

Section 12.02.711 Regional Housing Need Combining District (RH)

A. Purpose. The purpose of the Regional Housing Need (RH) Combining District is to increase the supply of affordable and multi-family housing for persons and families within the extremely-low, very-low and low income categories by designating sites for development at sixteen (16) to twenty (20) units minimum per acre in order to meet the requirements of the Regional Housing Need Allocation (RHNA) as required by Cal. Gov’t Code § 65584.

B. Standards. The RH Combining District allows for the following:

1. Designation of the Regional Housing Need (RH) Combining District. The Regional Housing Need (RH) Combining District shall only be applied to those parcels designated by the Board of Supervisors in advance of the County Housing Element adoption; as a part of the Housing Element update process; as a part of the implementation of the Housing Element goals, policies and programs; or where it can be reasonably demonstrated that the rezoning of the site is necessary to meet the goals of the RHNA.
2. Site Selection Criteria. For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:
 - a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in this Code. A private landowner, however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
 - b. The site is currently undeveloped, or it can be demonstrated that the site is underdeveloped.
 - c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standards in this Code.
 - d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to this Section below.

- e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.
 - f. The site is located on or is within reasonable walking distance to a public transit route.
 - g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
 - h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.
3. Density. The density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated sixteen (16) units minimum per acre but will allow for a maximum of twenty (20) units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Resource Standards sections of this Code and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. The number of potential units will be determined by multiplying the developable acreage by 16. Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.
4. Lesser Densities and Interim Uses. Lesser densities and interim uses within the Regional Housing Need (RH) Combining District shall be allowed when consistent with the allowed uses shown within the Allowed Use Tables for an individual Base Zoning District subject to the standards applicable to development within that Base Zoning District. Should a site be developed with a lesser density or interim use, the site must include a plan that provides basic details on how the interim use or lesser density will not impact the sites ability to be otherwise developed at the density shown in this Section.
5. Master Planning. Where contiguous or adjacent parcels are designated under the Regional Housing Need (RH) Combining District, any development

proposal for one parcel may be required to include a Comprehensive Site Plan for development of all contiguous or adjacent parcels which are also designated under the Regional Housing Need (RH) Combining District. The purpose of the Comprehensive Site Plan is to define interior circulation patterns, exterior site access, fire access to all parcels, infrastructure improvements, and common area locations and amenities.

6. Density Bonus. Projects designed in accordance with the County's Density Bonus provisions set forth in this Section shall be eligible for the applicable concessions and incentives outlined within those Sections.
7. Energy and Environmental Efficiency. Multi-family housing developed within the Regional Housing Need (RH) Combining District is encouraged to utilize energy efficient design techniques and environmentally sensitive design and building materials.
8. Management Plan. With all development, there is the potential for the encroachment into Sensitive Environmental Resources, defined in "Resource Standards", to ensure a development will fit onto a site. This may be allowed if a Management Plan prepared consistent with this Code and is approved by the County prior to Building Permit Issuance.

C. By-Right Development. When required by State law, notwithstanding the requirements of the residential uses shown with the Base Zoning Districts Allowable Use Tables, sites within a Regional Housing Need (RH) Combining District shall be developed by-right in that the use and density shall not require a Use Permit, Planned Unit Development Plan or other discretionary action for the use or density of that site. For these sites, the following standards and alternative process shall apply:

1. The developable acreage of the site and the required number of units will be determined as shown in Section 12.02.711 b of this Chapter.
2. Environmental review, as required by the California Environmental Quality Act (CEQA), will be completed as part of the process for the rezoning of such sites into the Regional Housing Need (RH) Combining District to address the uses and minimum densities allowed by the Regional Housing Need (RH) Combining District. Subsequent environmental review may be required if, and to the extent, necessary to comply with CEQA.
3. In addition to assigning density, the Regional Housing Need (RH) Combining District shall outline site specific development standards and

any CEQA mitigation measures adopted for each site at the time the site is rezoned. All identified site specific development standards and CEQA mitigation measures shall be included within the Regional Housing Need Implementation Plan and all development of multi-family housing on a Regional Housing Need (RH) site shall be done in compliance with said Plan.

4. All development proposals within the Regional Housing Need (RH) Combining District, which meet the by-right provision, are subject to Zoning Compliance and Building Permit issuance and the payment of all applicable building permit and mitigation fees which are otherwise applicable to the development proposal.
5. Development proposals shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site.
 - a. Residential development projects in which at least twenty (20%) percent of the units are affordable to lower income households shall not be subject to design review if proposed on parcels that have been identified in two or more consecutive Housing Element planning periods to accommodate the Low or Very-Low income category of the Regional Housing Need Allocation (RHNA).
6. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable public utility, water and sewer service provider demonstrating that adequate public utilities, water and sewage disposal is available to accommodate the use and minimum densities required for a site. If the property does not have direct access to adequate public utilities to serve the anticipated development of the site, it shall be the responsibility of the property owner or developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.
7. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable fire protection district and/or agency demonstrating that the site has adequate fire flow, emergency escape routes, fire equipment access and is designed to meet all applicable requirements of the California Fire Code (Cal. Code Regs. Tit. 24 § 9).
8. If a property does not have direct access to a County maintained roadway,

it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the County maintained road system, if required by the Department of Public Works. If roads are determined to be inadequate, in width, size, surfacing, capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Department of Public Works prior to issuance of a certificate of final occupancy.

9. Subdivision. Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and Title 13, Subdivisions of this Code. Where a tentative map is proposed, the public hearing may be expanded to address findings under the Subdivision Map Act. Wherever possible the environmental review performed at the time the site was designated under the Regional Housing Need (RH) Combining District will be utilized in the processing of the subdivision.

D. Mixed-Use Development. In the event that a site has a Commercial, Industrial, Office Professional or Business Park Base Zoning District and is combined with an RH overlay, the site shall be developed with a use consistent with the Base Zoning District, subject to the development standards shown within said district, prior to or in conjunction with mixed-use residential that can be either vertically or horizontally mixed. The use and minimum density of the residential portion of the site shall be exempt from discretionary review if developed at a density consistent with Regional Housing Need Combining District but shall be subject to the above standards and Zoning Compliance and Building Permit issuance.

Section 12.02.712 Continuing Care Retirement Community Combining District (CCRC)

A. Purpose. The Continuing Care Retirement Community Combining District (CCRC) is intended to provide for housing and care services in an age-restricted setting that includes independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing. The concept of CCRCs is to support “aging in place” communities that promote and encourage a wide range of living arrangements for senior citizens that includes physical and programmed social connectivity, and supportive health-related and similar services. CCRCs shall be combined with a PD (Planned Development) District. The location and site planning characteristics of CCRCs shall be carefully considered pursuant to policy provisions contained within the General Plan and will

emphasize clustering of development, preservation of open space, and minimizing adverse impacts to the character and lifestyles associated with neighborhoods near the project site.

B. Uses Permitted. Uses allowed within the base district are allowed within the CCRC Combining District, subject to the level of review and approval established for the base district or as modified herein.

The CCRC Combining District shall also permit, subject to approval of a Use Permit, the following uses:

- Independent Living Units
- Assisted Living Units
- Nursing Care
- Physical Rehabilitation
- Memory Impairment Housing

- Ancillary uses supporting the primary CCRC use and providing service to CCRC residents, employees and guests, including: dining facilities, convenience retail, gift shops, service commercial, laundry facilities, arts and crafts buildings, gardens, indoor and outdoor recreational facilities, and maintenance facilities.

C. Establishing CCRC Zoning. The following general objectives and requirements shall be used to establish CCRC Combining District zoning for an individual CCRC use:

1. The Continuing Care Retirement Community shall provide senior housing and care services in an age-restricted setting that includes a mix of housing options that may include independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing.
2. The Continuing Care Retirement Community shall emphasize clustering of development, preservation of open space, and minimizing adverse impacts to the character and lifestyles associated with neighborhoods near the project site.
3. The Continuing Care Retirement Community shall require approval of a Use Permit (with corresponding Master Plan) from the Planning Commission.

D. The Continuing Care Retirement Community shall be subject to compliance with the provisions of the California Environmental Quality Act. Standards. The following standards shall apply to new CCRC development applications:

1. The CCRC development is age restricted to adults fifty-five (55) years of age

and older.

2. Minimum collective CCRC project size shall be fifty (50) acres in Rural Regions and twenty (20) acres in Community Regions.
3. Maximum CCRC density shall not exceed two (2) units per acre in Rural Regions and six (6) units per acre in Community Regions. CCRCs shall have a maximum of 400 living units. Nursing Care and/or Memory Care beds shall be included in the overall project density calculations at a ratio of four (4) beds and one (1) kitchen per living unit. Maximum number of persons per acre to be determined in conjunction with processing of Use Permit.
4. For CCRCs located in Rural Regions, development shall be clustered on the project site; with at least fifty (50%) percent of the total project site (parcel) area shall be open space. Open space shall be generally contiguous, accessible to residents where topographic and other natural site and environmental features allow, and projective of sensitive habitat areas and significant natural features.
5. Setbacks: The minimum building setback from adjacent property lines shall be thirty (30') feet for residential structures and fifty (50') feet for administrative, dining hall and related ancillary uses. Setbacks for active outdoor use areas shall not be less than thirty (30') feet.
6. Building Heights: The maximum height of each structure shall not exceed three (3) stories and forty-five (45') feet.
7. Housing types may vary, including a mix of attached and detached residences for independent and assisted living.
8. Adequate recreational facilities shall be constructed with each CCRC project, providing for both indoor and outdoor recreational activities, with at least two acres devoted to outdoor recreational areas (which may include trails, play courts, and active open space areas).
9. Support retail uses shall not exceed 1,500 square feet of building space per use.
10. CCRCs must have reasonable proximity to emergency health care services.
11. CCRCs must include the following minimum range of services:
 - a. Provide and operate ADA equipped transportation services for use by facility residents.

- b. Provide on-site community dining facilities and services, offering a minimum of two (2) meals/day.
 - c. Offer a range of on-site personal services for facility residents to help support a self-contained, “village” environment. These services can include: community-serving general store, beauty shop/barber shop, post office/mailbox room, personal business services, entertainment center, recreation facilities, and similar uses which are of an accessory and supportive nature to the primary CCRC use.
 - d. Central laundry service.
 - e. On-site Nursing Care, CMT personnel and/or contract medical care for weekly or bi-weekly visits from professional medical staff for facility residents.
 - f. On-site, outdoor recreational facilities. This can include swimming pools, trails, play courts and similar improvements and features.
12. Parking: On-site parking shall be provided as noted below. The number of required onsite parking stalls may be reduced provided the applicant can demonstrate to the satisfaction of the Planning Agency that existing conditions justify a reduction and will not result in a parking deficiency.
- a. Independent Living Units: One (1) stall per unit.
 - b. Special Care Units: One (1) stall per four (4) beds.
 - c. Administration: One (1) stall per 300 square feet of gross floor area.
 - d. Employees: One (1) stall per each non-administration employee on shift.
 - e. Guest Parking: One (1) stall per each three (3) units.
 - f. Truck Loading Zone: One (1) space in proximity to the main dining or administrative building.
 - g. Parking stall dimensions and locations shall be consistent with Section 12.04.180 of the County Zoning Regulations.
13. Landscaping: Shall be pursuant to an approved Master Plan for the project

site.

14. Lighting: Shall be pursuant to an approved Master Plan for the project site.

15. Signage: Shall be pursuant to an approved Master Plan for the project site.

E. Development Agreements. CCRC project applicants may be required to enter into a Development Agreement with the County to address key development responsibilities of each party, posting of necessary sureties related to project phasing, provision of necessary infrastructure, and other issues. The determination of whether a Development Agreement is required will be made by the County following review of project application materials.

F. Other Agency Approvals. The project shall obtain all necessary local and State agency and permit approvals, including, as necessary, a certificate of authority and a residential care facility for the elderly (RCFE) license from the California Department of Social Services. Operations of CCRC shall comply with all applicable Community Care licensing laws and regulations.

G. Non-Conforming Structures. Legally established non-conforming structures may be repaired, altered or reconstructed, without limitation, if the structure has been approved by the Nevada County Historical Landmark Commission and registered by the Nevada County Board of Supervisors, as a historical landmark.

H. Design Review. Each CCRC Master Plan shall include detailed architectural renderings and plans to allow the Planning Agency to undertake project design review with each Master Plan application, and shall respond to the following provisions:

1. Architectural planning and design shall incorporate energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, etc.
2. Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights and design to minimize any intrusion on neighbors.
3. Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
4. Structures shall be clustered to reduce site disturbance and protect open spaces, natural and environmentally sensitive areas.

5. Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design features.
6. Building design, colors and materials shall generally correspond to the natural setting of the project site, and to any prevalent design styles that may occur in neighborhoods within the general project area.

I. Findings. A CCRC application may be approved, subject to compliance with the following findings:

1. CCRCs shall be served by public water and public sewer facilities (community sewer systems referenced by General Plan policy 3.1 are not allowed). Extension of services for CCRCs shall be carefully considered by the County, including evaluation pursuant to the following criteria:
 - a. Public water and sewer service line extensions shall be generally limited in distance into Rural Regions unless findings can be made demonstrating special circumstances for longer service line extensions.
 - b. Public water and sewer service line extensions to serve a CCRC facility shall not pass through lands designated as Open Space, Recreation or Forest in the General Plan.
 - c. Extension of public water and sewer service lines shall not create significant potential for development in areas not otherwise planned for development under the General Plan.
 - d. Extension of public sewer and water services must comply with applicable provisions of the particular service provider and County policy as a condition of extension of water and/or sewer services to the project site, including annexation into service area boundaries where required.
2. Any Rezone application for a CCRC Combining District shall carefully consider any issues of compatibility of the proposed project with surrounding lands and neighborhoods. This shall include an evaluation of:
 - a. The type, intensity and location of land uses in the project area.
 - b. Potential for creation of any significant

transportation/circulation, aesthetic, noise, visual and other environmental considerations.

- c. Evaluation of the proposed CCRC site plan, including proposed structural and use area setbacks from property lines.
 - d. Protection of the project area's general character of surrounding land uses and neighborhoods.
3. Reductions to any of the above standards shall require findings by the Planning Agency with permitting authority, that, as a result of project review and/or design review, the following findings can be made and supporting reasons cited, for each reduced standard:
- a. That the reduction of the standard is necessary for reasonable development of the site, as demonstrated by an analysis of the site constraints identified for the specific site, as identified within the project Master Plan;
 - b. That the reduction of the standard will not jeopardize the health, safety or welfare of the project site, or the character of the CCRC, as demonstrated by an analysis of the site; and
 - c. That as a result of the reduced standard(s), the project will be consistent with all applicable design standards and/or goals established for the CCRC through the project Master Plan.
4. That such reductions in development standards do not result in project inconsistency with the General Plan.

J. Amendments. Any amendment to the provisions of the ordinance established for a Continuing Care Retirement Community zoned with a "CCRC" Combining District shall require a rezone petition. (Ord. 2363. (04/09/2013); Ord. 2533. (12/05/2023))

CHAPTER 3: SPECIFIC LAND USES

Sections:

Section 12.03.010	Purpose
Section 12.03.020	Applicability
Section 12.03.030	Agricultural Uses
Section 12.03.040	Animal Keeping and Raising
Section 12.03.041	Backyard Chicken Keeping
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Section 12.03.060	Campgrounds and Camps, Low-Intensity
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Section 12.03.080	Communication Towers and Facilities
Section 12.03.090	Daycare Home, Large Family and Small Family
Section 12.03.100	Employee Housing
Section 12.03.110	Home Businesses
Section 12.03.120	Model Homes, Temporary
Section 12.03.130	Natural Resources – On-Site Uses
Section 12.03.140	Public Utility Uses and Structures
Section 12.03.150	Recreational Vehicle Use and Temporary Occupancies
Section 12.03.160	Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing
Section 12.03.170	Residential Dwellings, Multiple-Family
Section 12.03.171	Single Room Occupancy Units
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Section 12.03.190	Accessory and Second Dwelling Units
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Section 12.03.192	Second Dwelling Units-Consistent with Allowed Density
Section 12.03.193	Second Dwelling Units-Consistent with Government Code Section 65852.21
Section 12.03.200	Transitional and Supportive Housing
Section 12.03.210	Subsurface Mining
Section 12.03.220	Surface Mining Permits and Reclamation Plans
Section 12.03.230	Temporary Commercial Uses
Section 12.03.240	Wineries
Section 12.03.250	Tree Removal Near Nevada City
Section 12.03.260	Wildlife Rehabilitation Facilities
Section 12.03.270	Dog Obedience Training
Section 12.03.280	Commercial/Industrial Pre-Grading
Section 12.03.290	Adult Businesses
Section 12.03.300	Cannabis Cultivation

Section 12.03.010 Purpose

The purpose of this Chapter is to provide for special standards for specific land uses that may affect adjacent properties, the neighborhood, or the environment, even if other standards of this Chapter are met. This Chapter establishes standards for the design, location, and operation of specific land uses to avoid their creating problems and hazards and to ensure their consistency with the General Plan.

Section 12.03.020 Applicability

The specific land uses listed in the Chapter shall meet the minimum standards of this Section and all other standards of this Chapter. If the standards of this Chapter conflict with another standard of this Chapter, Specific Land Use provisions shall control. If a specific land use is subject to more than one Section of this Chapter, the most restrictive standard shall apply.

Section 12.03.030 Agricultural Uses

A. Purpose. To encourage agriculture and to promote a strong and sustainable local agricultural economy.

B. Definitions.

1. Agricultural Products - For the purpose of this Section, includes fresh fruits, vegetables, nuts, herbs, flowers, honey, poultry, fish, animal & animal products, hay and Christmas trees, but does not include plant nursery stock, live animals, cannabis or cannabis products, wine or wine products.
2. Agritourism - The act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of involvement in the ancillary activities of the farm, ranch or agricultural operation that also adds to the economic vitality of the operation. Agritourism uses include, but are not limited to, marketing events, farm tours, facilities for the promotion of agricultural crops grown onsite, the sale of farm/ranch branded agricultural related merchandise, educational classes and lectures, U-pick produce, seasonal celebrations, and other gatherings, activities and uses found to be appurtenant to the agricultural business, but shall not include concerts and weddings, camping or other commercial activities/events that are not related to the promotion of the working farm, ranch or agricultural/horticultural operation.

3. Certified Farmers' Market (CFM) (Cal. Code Regs. Tit. 3 § 1392.2) - A location approved by the County Agricultural Commissioner of that county where agricultural products are sold by producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.
4. Community Supported Agriculture (CSA) - Consists of a relationship between an agricultural producer certified by the County Agricultural Commissioner and buyer intended to support and promote the Nevada County agricultural economy and provide citizens with access to Nevada County grown agricultural products through a pre-paid subscription where the subscription pick-up location may include either the host farm or an off-site location when permission is previously granted from the landowner and when the use is not otherwise prohibited by the County Zoning Ordinance.
5. Field Retail Stand (Cal. Food & Agric. Code § 47030) - Field retail stands are producer-owned and operated premises located at or near the point of production established in accordance with local ordinances and codes. Field retail stands are restricted to only selling fresh, farm-produced fruits, vegetables, nuts and shell eggs, grown by the producer on or near the site. Field retail stands are exempt from standard wholesale size and pack requirements and are exempt from the California Health and Safety Code.
6. Farm Stand (Cal. Food & Agric. Code § 47050) - Farm stands are field retail stands, that sell or offer for sale California agricultural products grown or produced by the producer, and also sell or offer for sale non-potentially hazardous prepackaged food products from an approved source or bottled water or soft drinks. Farm stands allow farmers to sell fresh produce and eggs grown on their farm as well as Processed Agricultural Products made with ingredients produced on or near the farm, thus enhancing their income and the local economy. (Cal. Food & Agric. Code § 47000(d))
7. Industrial Hemp (Cal. Food & Agric. Code § 81000(a)(6)) - "Industrial Hemp" or "Hemp" means an agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa* L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than three-tenths (0.3%) of a percent on a dry weight basis.

C. Standards.

1. Crop and tree farming. In any district the use of land for crop and tree farming shall be allowed. Within those districts not intended for agriculture as a primary or secondary use, crop and tree farming shall be considered an interim use. Crop and tree farming does not include the cultivation of Industrial Hemp.
2. Community Supported Agriculture. Is an allowed use in any district where crop and tree farming are allowed. Pick-up locations shall be consistent with those outlined in the definitions above.
3. Agritourism, Field Retail Stands and Farm Stands. Agritourism activities and the sale of agricultural products from a field retail stand and/or a farm stand is an allowed use subject to building permit issuance and zoning compliance in the AE, AG, FR and RA zoning districts and the following standards:
 - a. Agritourism activities within the RA zoning district and Rural (RUR) General Plan Land Use Designation shall be limited to parcels of three (3) acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.
 - b. Agritourism activities within the RA zoning district not within the RUR General Plan Land Use Designation shall be limited to parcels of five (5) acres or more in size. This minimum parcel size may be reduced subject to approval of a use permit.
 - c. Field retail stands and farm stands, as well as the sale of agricultural products at agritourism events are subject to authorization by the County Agricultural Commissioner and may require a permit from the County Department of Environmental Health, if processed agricultural food products are being sold and/or sampling will occur.
 - d. The sale of agricultural products, shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, and protection from contamination of food products including but not limited to Health and Safety Standards of the California Retail Food Code.
 - e. A producer may sell products they grow out-of-county as long as it is no more than one-third (1/3rd) of the volume sold as verified by the Agricultural Commissioner through submitted Certified Producers Certificates.
 - f. Field retail stands and farm stands shall be limited to a total of 1,000

square feet on any one site and shall be limited to ten (10) producers.

- g. Mobile trailers may be used for the temporary sale of produce but must be located outside of any buildings, may not be placed in designated parking areas, and must be removed from the site at the end of each season.
- h. Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the California Building Code for site accessibility and usability to persons with disabilities as determined by the County Building Official.
- i. Any structure used for a field retail stand, farm stand or agritourism activities shall meet the requirements of the California Fire Code regarding general fire safety.
- j. Field retail stands, farm stands and facilities used for agritourism activities shall meet the minimum requirements of the Nevada County Code, the California Health and Safety Code and the California Retail Food Code.
- k. A field retail stand, farm stand or property used for agritourism shall provide direct access to a publicly-maintained road or if the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If a homeowners' or road association oversees the maintenance of the private road(s), participation in maintaining the road as defined by Cal. Civ. Code § 845 is required.
- l. All parking shall be provided on site with adequate area for vehicles to enter and exit the site without backing into a road right-of-way or road.
- m. Driveways providing access shall meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- n. Field retail stand and farm stand hours of operation are limited to daylight hours. Agritourism activities shall cease at ten (10) p.m.
- o. Noise generated shall not exceed allowable noise limits established by County of Nevada Noise Ordinances, 12.04.070.

- p. Signage shall be consistent with “Signs in Agricultural Districts” as shown in Community Design Standards, 12.04.210, governing signs in this Code.
4. Farm Stands. The sale of agricultural products from a farm stand may be allowed in the C1, C2, C3, CH, OP, M1, M2, BP, IDR, PD, P and REC districts subject to approval of an Administrative Development Permit for each site selling produce, providing that the farm stand satisfies those standards provided in this Code and the following:
- a. Farm stands are prohibited in the TPZ, R1, R2, R3, and OS zoning districts.
 - b. Farm stands may be permitted for up to three (3) years.
 - c. The Administrative Development Permit application for a farm stand shall include the following:
 - 1) A site plan of the proposed location, drawn to a recognized engineer’s scale, delineating the following information:
 - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way.
 - b) The proposed location for the market and parking area for the market.
 - c) Location of sanitation facilities that will be used during operating hours.
 - d) Location of animal enclosures, if applicable.
5. Certified Farmers’ Markets. Certified farmers’ markets may be allowed within all zoning districts except those provided under standard 5.a below, subject to an Administrative Development Permit and an annual County Department of Environmental Health Food Permit, based on the following standards:
- a. Certified farmers’ markets are prohibited in the TPZ, R1, R2, R3, and OS Zoning districts.
 - b. This Section authorizes the sale of agricultural products in accordance with California Food & Agriculture Code regulations governing

certified farmers' markets.

- c. The sale of agricultural products at a certified farmers' market shall comply with all applicable County, State and Federal laws and regulations pertaining to the direct marketing, handling, transport, protection from contamination, and provisions for adequate sanitation facilities, including obtaining permit(s) issued by the County Department of Environmental Health pursuant to the California Health and Safety Code.
- d. Signage for certified farmers' markets shall be consistent with "Signs in Agricultural Districts" 12.04.210, as shown in the Section governing Community Design Standards, shall be temporary and removed at the close of the market each day.

- e. The additional sale of prepared foods, including baked goods and coffee, requires a separate Community Events Permit issued by the County Department of Environmental Health pursuant to the California Retail Food Code. A Community Event can occur adjacent to, but cannot be a part of, the certified farmers' market.
- f. Certified farmers' markets located within Residential or Rural Districts are limited to sites that are developed with an institutional or community support facility with established parking, including schools, churches and community centers.
- g. The market site must have direct access to a County maintained road and may not be located in any public right-of-way or roadway.
- h. Driveways providing access to market sites must meet County driveway standards. Any road improvements within the County right-of-way shall be subject to obtaining an encroachment permit from the County Department of Public Works.
- i. The certified farmers' market site must provide an adequate parking area for vehicles to enter and exit the site without backing into a road right-of-way or roadway. Parking shall be provided completely on the same site as the market. If operating during the business hours of an existing use, the market shall be limited to areas that do not interfere with required parking or parking lot circulation. In no case shall sellers set up within wheelchair-accessible parking stalls established on the site.
- j. Any structure used for a certified farmers' market shall meet the requirements of the California Fire Code regarding general fire safety.
- k. Certified farmers' markets shall occur no more than three consecutive days per week on any one site and may be permitted for up to three (3) years.
- l. The Administrative Development Permit application for certified farmers' markets shall include the following:
 - 1) Written authorization from the property owner(s) on whose land the use is proposed.
 - 2) A copy of the completed application for a certified farmers' market, signed by the Agricultural Commissioner or designee.
 - 3) Certified farmers' markets proposing to utilize an improved parcel

shall submit a market schedule and a facility schedule that demonstrates the market will not conflict with approved uses on the site.

- 4) A site plan of the proposed location, drawn to a recognized engineer's scale, delineating the following information:
 - a) The location of any existing uses including structures, parking, driveways, and road rights-of-way.
 - b) The proposed location for the market and parking area for the market.
 - c) Location of sanitation facilities that will be used during operating hours.
 - d) Location of animal enclosures, if applicable.
 - e) Certified and non-certified sections of the market.

6. Industrial Hemp. The cultivation of industrial hemp or hemp is prohibited in all zoning districts. (Ord. 2489. (01/12/2021); Ord. 2447. (03/13/2018); Ord. 2427. (01/24/2017); Ord. 2235. (04/10/2007); Ord. 2533. (12/05/2023))

Section 12.03.040 Animal Keeping and Raising

A. Purpose. The purpose of this Section is to provide standards for the keeping and raising of animals. It is the intent of this Section to encourage the use and protection of agricultural lands, maintain and enhance the County's pastoral character and rural lifestyle, and minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the keeping and raising of animals.

B. Definitions.

1. Animals, Large - Horses, mules, donkeys, cattle, goats, sheep, swine, llamas, alpacas, and/or similar livestock.
2. Animals, Small - Common household domestic pets readily classifiable as being customarily incidental and accessory to a permitted residential use when no commercial activity is involved, including, but not limited to, rabbits, guinea pigs, hamsters, fish, snakes, lizards, and small amphibians and reptiles.
3. Poultry - Domesticated birds kept for eggs or meat.

C. Standards. The keeping and raising of animals shall meet the standards as provided in Table 12.03.040.C. All animals shall be cared for in a manner that does not create a public health problem or a public nuisance or interfere with the public welfare of surrounding properties. All animal enclosures, pens, and cages shall be maintained so as to discourage the proliferation of flies, other disease vectors, and offensive odors. (Ord. 2479. (06/09/2020; Ord. 2223. (11/14/2006); Ord. 2533. (12/05/2023))

Table 12.03.040.C
Animal Keeping and Raising Standards

Animal Type	AG, AE, FR, REC, IDR, PD, TPZ, P & OS	RA	R1, R3	R2,	Commercial (1) & Industrial Districts
Large animals	No Limit	(2)	Not Allowed		
Small animals	No Limit				
Dogs and/or cats (3)	No Limit			Not more than 3	
Game fowl, poultry, and rabbits	No Limit	(4)	Not Allowed		
Backyard chickens	No Limit	Allowed on parcels less than 0.5-acre per Section 12.03.041	Allowed in R1 per Section 12.03.041	Not Allowed	
		Parcels larger than 0.5-acre see footnote (4)	Not Allowed		
			In R2 and R3		
Aviaries	No Limit (5)				
Apiaries (6)	No Limit	Not more than 20 colonies per acre			Not Allowed
Chinchillas, minks, & animals of a similar size	No Limit	(7)	Not Allowed		

Wild, exotic, or non-domestic animals (8)	Use Permit	Not Allowed
Wildlife rehabilitation facilities	Administrative Permit (9)	Not Allowed

Footnotes:

(1) Applies to residential uses associated with a mixed-use project within commercial and industrial districts. Does not apply to commercial and industrial uses within these districts.

(2) The keeping of large animals is not allowed on parcels of less than one-half (0.5) acres in size. On parcels of one-half (0.5) acres to three (3) acres, not more than one (1) mature large animal shall be kept for each one-half (0.5) acre of land. This standard may be exceeded subject to approval of a Use Permit. On parcels of more than three (3) acres, there is no limit on the number of large animals. There is no limit for occasional mob or rotation grazing where a large number of livestock are confined to a small area for a short period time and moved regularly to keep weeds out and grass down. This table does not apply to commercial stables which require a use permit in rural districts, as allowed by the land use tables.

(3) Where a maximum number of dogs and cats is listed, any combination of these animals is permitted but may not exceed the total as shown in the Table. On parcels of one-half (0.5) acres or less in size, the maximum is not more than six (6) animals, not to exceed three (3) dogs, regardless of zoning. Maximums apply to dogs and cats over six (6) months of age. This table does not apply to commercial kennels which require a use permit as allowed in rural, commercial, and industrial districts, as required by the land use tables. In addition to the provisions of this Chapter, commercial and private kennels as defined in Title 8 of the Nevada County Code, require a kennel license from the Nevada County Department of Animal Control.

(4) The keeping of game fowl, poultry and rabbits is not allowed on parcels of less than one-half (0.5) acres in size. These animals shall be limited to fifty (50) mature animals (over the age of 6 months) per one-half (0.5) acre, except that 1,500 square feet per mature animal (over the age of twelve (12) months) is required for emus, ostriches, peacocks, or other large fowl.

(5) Aviaries shall not create odor, noise, or any type of public nuisance noticeable to neighbors.

(6) No apiary shall be located within 100' of any other property boundary without the consent of the adjacent parcel's owner. Apiary locations are further defined in Title 20 of this Code governing Apiary Locations.

(7) The following standards shall apply within the RA District:

a. All chinchillas, minks and similar-sized animals shall be maintained in cages or pens and shall not be allowed to run free on-site.

(8) Wild, exotic, or non-domestic animals are subject to special authorization from the Department of Animal Control. See Title 8 for details. Such animals may also be subject to special authorization from the California Department of Fish and Game. Specific wild or non-domestic animals may be kept for rehabilitation purposes as shown in Note 9 and further defined in Section 12.03.260, governing Wildlife Rehabilitation Facilities.

(9) Wildlife rehabilitation facilities are allowed subject to an administrative permit if it meets the standards shown in the Section governing Wildlife Rehabilitation Facilities, 12.03.260.

Section 12.03.041 Backyard Chicken Keeping

A. Purpose. To provide opportunities for the onsite raising of domestic chickens in single-family residential (R1) neighborhoods and residential agricultural (RA) zoned properties with lot size less than one-half (0.5) acres.

B. Definitions. For purposes of this section, “backyard chicken” shall mean a domestic chick or hen kept on a property and does not include roosters, guinea hens or loud exotic varieties.

C. Standards. The keeping of backyard chickens shall be allowed in the RA and R1 Zoning Districts based on compliance with the following requirements and standards:

1. The raising of backyard chickens shall be allowed only on properties containing a single-family dwelling with a fenced rear yard area. Backyard chickens and their eggs are for domestic purposes only with no commercial sales allowed at the property.
2. All backyard chicken coops shall maintain the following setbacks:
 - a. Property line: ten (10’) feet.
 - b. Adjacent Residence: thirty (30’) feet.
3. All chicken feed shall be kept within an enclosed container to prevent the attraction of vermin.
4. All chicken manure produced from backyard chickens shall be managed in a manner that prevents odors, flies and pests.
5. The following minimum lot size and corresponding maximum number of chickens shall apply:

Table 12.03.041.A
Property Size/Maximum Number of Chickens

Base District	Zoning	Minimum Lot Size	Maximum Chickens	Number of
R1 & RA (1)		6,000 sq. ft	4	
		10,000 sq. ft	8	
		20,000 sq. ft	14	

(1) RA parcels of less than one-half (0.5) acres in size. (Ord. 2479. (06/09/2020); Ord. 2533. (12/05/2023))

Section 12.03.050 Bed & Breakfast Inns

A. Purpose. To allow various types of bed and breakfast inns in residential and rural districts, and to provide development standards that will ensure compatibility of such facilities with the surrounding neighborhood.

B. Definitions.

1. Bed and Breakfast Inns, Small - Owner occupied single-family dwellings that provide up to three (3) guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed thirty (30) consecutive days.
2. Bed and Breakfast Inns, Medium - Owner occupied single-family dwellings that provide up to five (5) guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed thirty (30) consecutive days. They may also include conducting special events open to a limited number of people as specified in a Use Permit.

C. Standards. Bed and breakfast inns are allowed subject to approval of a Use Permit based on the following standards:

1. Small Bed and Breakfast Inns.
 - a. Shall be the principal residence of the Bed & Breakfast Inn owner.
 - b. Service shall be limited to the rental of rooms and the provision of breakfast and snacks for overnight guests only.
 - c. One sign shall be permitted, a maximum of four (4) square feet in

size. The Planning Director shall review the design of the sign for architectural compatibility with the structure.

- d. Shall be reviewed by the Departments of Building, Environmental Health, and Public Works for compliance with building, health, transportation, and sanitation requirements. (Ord. 2239. (05/29/07); Ord. 2533. (12/05/2023))
- e. Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the dwelling. No guest parking is permitted in the required front yard setback.
- f. Shall be considered as single-family residences for the purpose of building codes, unless additional standards are required by the Uniform Fire Code or the Uniform Building Code, as amended and adopted by the County of Nevada.
- g. Shall be registered with the County for Transient Occupancy Tax purposes.
- h. Shall be required to provide an appropriate level of liability insurance customarily available for like uses. Proof of said insurance shall be provided to the Nevada County Planning Department prior to issuance of the permit and subject to annual review and revision by the Planning Director to reflect current conditions.
- i. Shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).

2. Medium Bed & Breakfast Inns.

- a. Shall meet all of the requirements of a small inn, except as noted below.
- b. Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the single-family dwelling. No guest parking is permitted in the required front yard setback. Parking for approved special events will be required in addition to that required for the Bed & Breakfast Inn use, in accordance with the off-street parking standards of this Chapter.

- c. Medium Bed & Breakfast Inns, and roads providing access to them, shall comply with all applicable requirements of the State Fire Safety Regulations and Uniform Fire Code, as amended and adopted by the County of Nevada.
- d. Medium Bed & Breakfast Inns are subject to annual compliance inspections, at the owner's expense, by the chief of the local fire protection district or, if located outside any local fire protection district boundaries, by the County Fire Marshal.
- e. Special events, such as wedding receptions or social gatherings, may be allowed in a Medium Bed & Breakfast Inn only if specifically allowed in the Permit approved and shall be conducted in compliance with all conditions of approval including, without limitation, restricting the number of people attending so as not to exceed the maximum allowed.

(Ord. 2462. (03/26/2019; Ord. 2432. (05/23/2017; Ord. 2298. (08/18/2009); Ord. 2533. (12/05/2023))

Section 12.03.060 Campgrounds and Camps, Low-Intensity

A. Purpose. To allow for recreational campgrounds and camps of a less intensive nature within rural and forested areas of the County. In general, such uses will provide for more open space, have less need for infrastructure, generate less traffic, and have less on-site development than uses allowed within the REC or CH Districts.

B. Definitions.

1. Campgrounds, Low-Intensity - Facilities to accommodate tent camping parties that do not exceed an overall density of four (4) tent sites per acre, and excluding recreational vehicles, for a period of less than thirty (30) days.
2. Camps, Low-Intensity - Facilities providing for a sustained experience through various social, recreational, educational, and/or religious opportunities in a group setting that do not exceed an overall density of four (4) campers per acre, for a period of less than thirty (30) consecutive days. They normally include trained leadership, organized programs, and the resources of the natural surroundings to provide for this experience. Individual facilities may include cabins, tent sites, sleeping platforms, group eating and meeting facilities, lodges, various indoor and outdoor recreational facilities, and similar facilities, but shall exclude recreational vehicles.

C. Standards. Such facilities are allowed subject to approval of a Use Permit based on the following standards:

1. Ensure consistency with the purpose of the base and combining districts in which they are located.
2. Ensure compatibility with the existing and future surrounding rural and forest uses.
3. Ensure compatibility between such facilities and surrounding property owners and the neighborhood by providing for not less than a 100-foot non-disturbance buffer around the entire parcel, excluding access and fuel modification to ensure wild land fire safety. Said buffer shall remain in its natural state or a low-intensity open space or recreation use (i.e., pasture, tree farm, hiking trails, etc.). This standard may be revised where the Planning Agency determines that the same practical effect is met through the use of vegetation, fences, walls, or other provisions to ensure minimizing impacts to surrounding property owners and the neighborhood.
4. Require the approval of a safe and rapid evacuation plan as a condition of approval of the Use Permit.
5. Ensure that the proposed density will not adversely affect the quality and quantity of the water supply for the neighboring properties.
6. Parking shall be provided for low-intensity campgrounds at a ratio of one (1) parking space per each four (4) people per camp
7. The project shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).

If the Planning Agency determines that use of a road maintenance district is not feasible, the applicant shall join, form, or demonstrate that they are part of a road maintenance agreement. If a Homeowner's Association maintains the private roads, participation in a road maintenance association must be included as part of the Use Permit application and a letter of acknowledgement from the association must accompany the application.

Section 12.03.070 Churches, Community Meeting and Social Event Facilities

A. Purpose. To provide locational criteria for churches, service organizations,

community and group meeting facilities, social events, and related accessory uses, while ensuring compatibility with adjacent land uses pursuant to Policy 1.24 of the Land Use Chapter of the General Plan.

B. Definitions.

1. Church - Religious organization facilities operated for worship or promotion of religious activities, including churches, synagogues, mosques, etc., and accessory facilities such as religious schools, living quarters for ministers and staff, and child Daycare facilities. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and recreational camps, are classified according to their respective activities.
2. Community Meeting and Social Event Facilities - Facilities that are used as a common meeting place or social hall for formal or informal organizations or clubs, or individuals, and that may be rented or leased for social and entertainment events.

C. Standards. These facilities are allowed subject to a use permit as provided in the Rural, Residential and Commercial land use tables and shall meet the standards of the base districts. Related accessory uses include but are not limited to educational and Daycare facilities, parks, and playgrounds. In addition, such facilities located in Residential and/or Rural districts shall also meet the following standards:

1. Ensure compatibility between such facilities and surrounding property owners and the neighborhood by providing that, where the zoning of adjacent properties provides for residential development as the primary use, a minimum a fifty (50') foot non-disturbance buffer around the entire parcel, excluding trails, access and fuel modification to ensure wild land fire safety. Said buffer shall remain in its natural state or a low-intensity open space or recreation use (i.e., pasture, tree farm, hiking trails, etc.). This standard may be modified where the Planning Agency determines that the same practical effect is met through the use of landscaping, fences, walls, or other provisions to ensure minimizing impacts to surrounding property owners and the neighborhood.
2. The project shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).
3. The minimum parcel size for new facilities shall be as follows:

- a. If served by public water and sewer - one (1) acre;
- b. If served by either public water or sewer – one and one-half (1.5) acres;
- c. If served by individual well and septic systems – three (3) acres.

4. All new facilities shall meet the following impervious surface standards:

Parcel Size	Maximum Impervious Surface
2 acres or less	60%
2.01-5 acres	50%
Over 5 acres	40% *

* Does not apply to uses within Forest General Plan Designation.

Section 12.03.080 Communication Towers and Facilities

A. Purpose. To establish standards for the siting and design of communication facilities that promote the availability of adequate public services while ensuring compatibility with adjacent land uses.

B. Definitions.

1. Antenna - Any system of exterior wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves.
2. Antenna, Minor - An antenna mounted or affixed to a structure, sign, light post or similar structure. (Ord. 2206. (05/23/2006); Ord. 2533. (12/05/2023))
3. Co-Location - Placement on a single tower or structure of one or more antennas or dishes, owned or used by more than one public or private entity.
4. Communication Facility - A facility that transmits and/or receives electromagnetic signals by way of towers, antennas and microwave dishes, and which includes equipment buildings or structures, parking areas or other accessory development. It may include facilities staffed with other than occasional maintenance and installation personnel, minor antennas, vehicle or outdoor storage yards, offices or broadcast studios.
5. Communication Tower - A support structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. It does not include

ground or structure mounted satellite dishes that are less than ten (10') feet in diameter, citizens band radio antennas whose total height is less than twenty (20') feet, nor antennas operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.

C. Permitting Requirements.

1. Except as provided in Subsection 3 below, an Administrative Development Permit is required for minor additions to existing facilities or structures if the addition does not conflict with any previous condition of approval for the facility or structure and is designed to blend with the existing structure. If no such findings can be made, the addition shall be subject to a Use Permit. Minor additions include:
 - a. Minor antennae that do not meet the criteria for permit exemption, as established in Subsection C.3, below.
 - b. Antennae designed to simulate natural features indigenous to the site, e.g. trees and rocks.
 - c. A minor expansion of an existing equipment building or structure that does not exceed 200 square feet or fifty (50%) percent of the square footage of the existing structure, whichever is greater. No more than one (1) such expansion shall be permitted.
2. All new communication towers and additions that increase tower height, shall be subject to a Use Permit pursuant to Section 12.05.060, governing Use Permits of this Code.
3. The following are exempt from the permitting requirements of this Chapter:
 - a. Radio or television antennae, or communication antennae for non-commercial entertainment and hobby use, accessory to a residence, if located on property within a residential rural zoning district within the exclusive use or control of the antenna user, and which comply with the maximum height requirements of the zoning district.
 - b. A ground or building-mounted, receive-only, citizens band or two-way radio antenna, including any mast that is operated on a non-commercial basis if located on property within a residential or rural zoning district.
 - c. A ground, building, or tower mounted antenna, operated on a non-

commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service if located on property within a residential or rural zoning district.

d. Minor antennae as defined by this Section, including, but not limited to:

- 1) Wireless internet transceivers that comply with Federal Communications Commission Regulations, Part 15, as may be amended for applicability to wireless internet service providers, provided that:
 - a) Each antenna has a face area of six (6 sq. ft.) square feet or less;
 - b) Any point of an antenna is within twenty-four (24") inches of the supporting structure;
 - c) No more than one antenna support structure may be placed on any one building elevation so as to be visible from a roadway; and
 - d) Where attached to a building, each antenna and support structure shall be finished in a muted color so as to blend with the building color.
- 2) Antennae added to existing towers which have a face area of six (6 sq. ft.) square feet or less, and where any point of the antenna is within twenty-four (24") inches of the supporting structure, are finished to match the tower and do not result in an increase in overall structure height.
- 3) Antennae which are affixed to, or located entirely within, a building, sign, light post, or a similar structure, if designed to be an integral part of, and compatible with the design of, the structure to which it is attached, such that the antenna is effectively unnoticeable. Such antennae may not be placed on a nonconforming structure nor exceed allowable height limits for the structure. (Ord. 2206. (05/23/2006); Ord. 2533. (12/05/2023))

D. Application Requirements. All land use applications for new communication towers shall include the following information:

1. Detailed information to justify the need for the proposed tower site, i.e.,

search ring, the desired service area, technical reasons for the proposed tower height and specific site selection standards.

2. Submit a list of existing towers within the desired service range, information regarding co-location opportunities and evidence of negotiation for co-location on existing towers where such opportunities exist.
3. If the proposed tower is part of a system requiring multiple facilities, provide a plan showing the location of all proposed towers.
4. A visual study from surrounding areas that includes a computerized photo simulation of the tower on the site.
5. Structural elevations of the tower shall include any trees or other structures within twenty (20') feet, and their height.
6. Towers that are located a distance that is less than 100% of their height from a property line, a habitable structure or other tower, shall include a report by a structural engineer licensed by the State of California, certifying that the proposed tower is designed to withstand without failure the maximum forces expected from wind, earthquakes, and ice, when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging. The report shall describe the tower structure, specifying the number of and type of antennas it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed.
7. Applicants shall submit their detailed procedures for reviewing and approving co-location requests from other carriers.

E. Locational Standards for New Towers.

1. Communication towers shall be located to minimize their visibility and the number of distinct facilities present, as follows:
 - a. No new tower shall be placed on an exposed ridgeline or to silhouette against the sky unless the site is developed with existing communication facilities.
 - b. No new tower shall be installed in a location that is not developed with communication facilities or other public or quasi-public uses unless it blends with the surrounding, existing, natural and man-made environment so as to be effectively unnoticeable.

- c. No tower shall be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area unless it blends with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.
 - d. No tower shall be installed closer than two (2) miles from another readily visible, uncamouflaged or unscreened facility unless it is a co-located facility, is on a multiple-user site, or is designed to blend with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.
- 2. Communication towers shall be set back from property lines as follows:
 - a. Where adjacent property is zoned within residential districts, a tower shall be setback from the property line no less than 100% of its height.
 - b. Towers shall be located so as to minimize visual impacts from any public trail, park or developed outdoor recreation area. A minimum fifty (50') foot setback from any such active area shall be required.
- 3. Co-location of new antennas on existing towers is strongly encouraged. Where appropriate to minimize visual impacts, new towers will not be approved where co-location on existing towers is technically feasible, will provide the desired service coverage, and do not result in alterations that create a greater visual impact.
- 4. The use of alternative support structures that conceal or camouflage the presence of antennas are strongly encouraged, including man-made trees, light poles, signs, clock towers, bell steeples or other similar structures.

F. Design Standards.

- 1. Wall mounted antennas shall not extend more than four feet from the face of the wall nor consume more than fifty (50 sq. ft.) square feet per building face, excluding mountings.
- 2. Communication towers are not subject to the maximum building height established within each zoning district. No tower shall exceed 150 feet in a residential district.
- 3. Communication towers and supporting equipment shall be finished and maintained in non-glare colors that minimize their visibility to the greatest

extent possible. Equipment attached to the tower shall match the color of the tower. Colors that blend with background landscapes or structures will be required.

4. The visible exterior surface of communication support facilities, i.e. vaults, equipment rooms and equipment enclosures, shall be designed to be visually compatible with structures typically found in the vicinity of the project site.
5. Fencing and screening of towers.
 - a. All areas disturbed during project construction shall be replanted with vegetation compatible with vegetation in the surrounding area unless the County Fire Marshal requires fuel modification. Native trees are the preferred vegetation.
 - b. Existing trees and other screening vegetation in the vicinity of the facility and along the access or utility easements, shall be protected from damage during construction.
6. Lighting for communication facilities shall be limited as follows:
 - a. All approved lighting shall be shielded or directed on site to minimize off-site light spill except for lighting required by the Federal Aviation Administration.
 - b. In residential zones, lighting shall be limited to Security lighting that is manually operated or motion-detector controlled.
7. Signage shall be limited to required address and facility identification signs, emergency and safety hazard signage.
8. All co-located and multiple-user facilities shall be designed to promote facility and site sharing where feasible, including parking areas, access roads, utilities and equipment.
9. Towers designed as an integral part of the structure are strongly encouraged within all commercial and industrial districts.

G. Permit Requirements.

1. Owners of all approved towers shall be required to agree to allow future co-location by other carriers, and to provide an efficient process for handling co-location requests.

2. Prior to the issuance of any entitlement permit, the applicant shall provide a Facility Maintenance/Removal Agreement to the Planning Director, binding the developer and successors in interest, to an agreement to:
 - a. Maintain the facility as approved; and
 - b. Notify the County of intent to vacate the site, agreeing that the applicant will remove all facilities within twelve (12) months unless the site is occupied by a successor; or
 - c. Provide a cash bond equal in cost to removing the tower and associated facilities.
3. A permanent, weatherproof, facility identification sign, no more than twelve (12") inches by twenty-four (24") inches in size, identifying the facility operator and a twenty-four (24) hour phone number, shall be placed on the fence, the equipment building or tower base. If larger signage is required by the FCC, the applicant shall provide proof of the requirement, and signage shall not exceed the required size.

Section 12.03.090 Daycare Home, Large Family and Small Family

A. Purpose. The purpose of this Section is to identify the permitting requirements and standards for large family Daycare homes in a manner that recognizes the needs of Daycare operators, provides children the same home environment as provided in a traditional home setting and at the same time minimizes impacts to surrounding residents.

B. Definitions.

1. Small Family Daycare Home - A facility where resident child Daycare services are provided in the home for eight or fewer children at any one time, including the resident children under the age of ten (10) years, or as provided for in Cal. Health & Safety Code §§ 1596.78 – 1596.792.
2. Large Family Daycare Home – A facility where resident child Daycare services are provided in the home for seven (7) to fourteen (14) children at any one time, including the resident children under the age of ten (10) years, or as provided for in Cal. State Health & Safety Code § 1596.78.

C. Standards. Such facilities shall be considered a residential use on all parcels within all zoning districts where residential uses are allowed, subject to zoning compliance and building permit issuance and the following standards:

1. The facility shall be the principal residence of the Daycare provider and the use shall be clearly incidental and secondary to the use of the property as a single-family residence.
2. The facility shall be considered as a single-family residence for the purpose of building codes, unless additional standards are required by the State Fire Marshal.
3. The facility shall comply with all sanitation and health requirements administered by the County Department of Environmental Health and all health and safety requirements of the State Fire Marshal's Office.
4. The applicant shall provide one on-site parking stall for every eight (8) children or fraction thereof in accordance with the standards of Section 12.04180, governing Parking in Community Design Standards as part of this Code.
5. The applicant shall provide direct access to a publicly maintained road. If the property does not have direct access to a publicly maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e. permanent road division, county service area, community service district).
6. All facilities shall be state licensed and shall be operated according to all applicable state and local statutes and regulations.

For Daycare Centers see 12.02. Land Use Tables.

Section 12.03.100 Employee Housing

- A. Purpose. To identify applicable standards for employee housing regulated by the California Employee Housing Act, and to facilitate additional housing opportunities for agricultural and resource-based workers.
- B. Definitions.
 1. State-Regulated Employee Housing. Employer-provided housing accommodations regulated and permitted by the State of California Department of Housing and Community Development (HCD) in compliance with the California Employee Housing Act, Cal. Health & Safety Code §§ 17000—17062, and the Employee Housing Regulations codified as Title 25, Division 1, Chapter 1, Subchapter 3 of the California Code of Regulations, as may be amended.

2. Resource-Based Employee Housing. Employer-provided housing for employees engaged in the production, processing, sales or management of resources, including agricultural operations, mineral extraction and timber harvesting.

C. Standards. The following standards and permitting requirements shall apply to employee housing:

1. State-Regulated Employee Housing. Employee housing for five (5) or more employees is allowed subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the State Department of Housing and Community Development and compliance with County regulations related to building construction, sewage disposal, water supply, and the following zoning regulations:
 - a. Employee housing for six (6) or fewer employees within a single structure shall be allowed subject to the same development standards, permits and fees applicable to a single-family residence.
 - b. Employee housing for agricultural workers, consisting of up to twelve (12) units or thirty-six (36) beds in a single structure, shall be allowed subject to the same site development standards, permits and fees applicable to an agricultural use. Such housing shall be compliant the State Housing Law and the Employee Housing Regulations, including but not limited to the duration of use and type of housing.
 - c. The property owner shall complete an Employee Housing Information form to identify the type of proposed housing accommodations and to acknowledge the occupancy limitations of State- mandated employee housing.
2. Resource-Based Employee Housing. Employee housing for four (4) employees or fewer consisting of four (4) or fewer attached or detached dwelling units within a Rural district, is allowed subject to zoning compliance and building permit issuance, unless otherwise specified within this Section, regardless of General Plan or zoning density, if all of the following standards are satisfied:
 - a. Employee housing may be established provided that no other

dwelling unit, other than a primary, single-family dwelling, and a secondary dwelling unit consistent with density, is established on the parcel;

- b. Employee housing shall be located on the same parcel as the resource use, or adjacent parcels, under the same business ownership.
- c. Employee housing shall be clearly subordinate to and incidental to resource production or management on the site. Concurrent with any application to establish employee housing, the property owner shall submit an Employee Housing Information form to verify the resource-based use.
- d. Employee housing shall not be subdivided from the primary parcel.
- e. Employee housing shall not exceed the following size limitations:
 - 1) Employee housing units that are not consistent with density shall not exceed 1,200 square feet, allowing no more than one (1) 480 square foot attached non-habitable accessory structure.
 - 2) Subject to approval of a Use Permit by the County Zoning Administrator, an employee dwelling may be increased in size.
- f. Seasonal Temporary Recreational Vehicle (RV) Use. Employee housing in a Recreational Vehicle as defined by Cal. Health & Safety Code §18010 may be allowed subject to all standards within this Section and those provided below.
 - 1) Seasonal Temporary RV use for the cultivation of Agricultural Products as defined by 12.03.030.B.1 Agricultural Products of this Code shall require approval of an Administrative Development Permit to be renewed annually.
 - 2) Seasonal Temporary RV use for employee housing may be allowed for a period not exceeding one (1) contiguous six (6)-month period in any calendar year.

- 3) Seasonal Temporary RVs shall be disconnected from utilities and placed in a location that provides screening from neighboring residences and public roadways to the greatest extent possible and/or removed from the site when not being used as employee housing.
 - 4) The placement of a Seasonal Temporary RV shall adhere to the standards outlined in Recreational Vehicle Use, 12.03 150.C.13 and Temporary Occupancies as part of this Code except those standards that restrict density and prohibit the collection of rent or fees for occupants of employee housing.
- g. Occupancy of employee housing shall be limited to the resource operator and employees of the operator and their immediate families.
 - h. Employee housing shall comply with all codes, standards and fees applicable to the type of housing being proposed.
 - i. A deed restriction shall be recorded limiting occupancy to employee housing, prior to authorizing occupancy.
 - j. High and very high fire hazard areas. Employee housing sites that are mapped within a high or very high fire hazard zone on the CAL FIRE-adopted Fire Severity Map, shall be subject to the following additional standards:
 - 1) Sites that are served by a road located beyond the dead-end road limits established by Fire Safety Regulations of the County Code, Title 4, shall provide one turnout along the property road frontage for every 800-feet of property frontage. The turnout(s) shall be visible from both directions and shall be constructed to a thirty (30)-foot long, ten (10)-foot wide standard with a twenty-five (25)-foot taper on each end.
 - 2) Where two or more employee housing units exceed allowable density, the housing units shall be clustered in close proximity to each other, utilizing a common driveway with direct access to a road that is maintained by a public entity, a road-maintenance district, or where it is demonstrated that the housing site adequately participates in a property owner's road association, and which road is

improved to a minimum Fire Safe Road Standard pursuant to Fire Safety Regulations of the Nevada County Code.

Section 12.03.110 Home Businesses

A. Purpose. To provide for limited commercial activity in the residential and rural districts on properties developed with a residence as the primary use, provided that the home business activity does not impact surrounding residential properties.

B. Standards. All Home Businesses are subject to approval of an Administrative Development Permit, but not subject to design review, unless specifically exempted by this Section, subject to the following standards:

1. The following businesses are exempt from the Administrative Development Permit requirement of this Section, 12.05.051, provided they meet the criteria listed in paragraph 2 below:
 - a. Office uses conducted completely within a residence;
 - b. Arts and crafts fabrication if conducted completely within the primary residence.
2. Home businesses which are exempt from the permit requirements of this Section shall be subject to the standards listed herein except that they may not have signage nor generate customer traffic.
3. The business shall be owned and operated by a resident of the property.
4. The use of the property for any home business shall be clearly incidental and subordinate to its use as a single-family residence and shall be contained entirely within any one building located on the property, and further provided that not more than twenty-five (25%) percent of the floor area of the dwelling unit nor more than 400 square feet of the floor area, whichever is greater, shall be used in conducting any such home business, nor shall any home business be conducted in more than one (1) accessory building, the use thereof which shall not exceed 1,000 square feet.
5. The business shall not alter the appearance of the premises, including but not limited to lighting, signage and outdoor activity.
6. No article shall be sold or delivered, or offered for sale and delivery, on-site except articles produced on site.

7. No more than six (6) business-related vehicle trips (round trips) per day are permitted. Business related traffic trips shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. The following exceptions to this standard are allowed for educational tutoring:
 - a. Business related vehicle trips for educational tutoring may be averaged to allow a maximum thirty-six (36) trips during the allowed six (6)-day period (Monday through Saturday);
 - b. The hours of operation for educational tutoring may be extended to 9:00 p.m. where the number of business-related vehicles are parked on- site is limited to no more than one at any time after 5:00 p.m.
8. All parking for the business shall be provided on site.
9. One on-site, freestanding or wall sign for businesses requiring a permit, shall be limited to a maximum four (4 sq. ft.) square feet and may not be illuminated.
10. No equipment or process shall be used in any such home business which generates noise in excess of the Noise Standards, 12.04,00, contained in this Chapter.
11. No equipment or process shall be used in any home business which generates off-site, detectable vibration, glare, fumes, odors or electrical interference.
12. All home businesses shall be subject to the regulations of local and State agencies applicable to the conduct of such business, including compliance with the Uniform Building Code, Uniform Fire Code and Health and Safety standards, including the storage of hazardous materials.
13. Filing fees for Administrative Development Permits shall be as established by the most current Resolution of the Board of Supervisors.

Section 12.03.120 Model Homes, Temporary

- A. Purpose. To provide for the sale of dwelling units and parcels within a subdivision.
- B. Definitions.
 1. Model Home, Temporary - A dwelling used on a temporary basis for the public

display and sale of dwellings and parcels within a subdivision.

C. Standards. Model homes are allowed subject to zoning compliance and building permit issuance, if required, based on the following standards:

1. Such model homes shall be designed and used for public display for a period not to exceed three (3) years from date of final inspection, not including real estate offices;
2. The model home shall be a permitted residential structure within the base zoning district and will serve as a primary residence at the expiration of the three (3)-year period;
3. Only one (1) model home shall be allowed per parcel;
4. All site development standards applicable to the base district shall be applicable to the model home;
5. All lighting shall comply with the standards of Section governing Lighting in Community Design Standards, 12.04.170;
6. Direct access shall be provided from a two (2) lane, paved County maintained road;
7. The hours of operation shall be limited to the hours of 8:00 a.m. to 8:00 p.m;
8. No more than two (2) employee/employer personnel may be assigned to the site. Employees associated with off-site construction shall not be accommodated or dispatched from the property nor shall construction material or equipment be stored on the property;
9. A landscaping plan shall be submitted consistent with the design standards of Section 12.04.160, governing Landscaping in Community Design Standards. High priority shall be given to protect existing natural landscaping, providing adequate buffering from adjacent land uses and installing supplemental landscaping in order to enhance the appearance of the site;
10. Signs shall be non-illuminated and not exceed four (4 sq. ft.) square feet in area, limited to one sign per street frontage. One freestanding sign, not exceeding six (6') feet in height, is permitted. No balloons, flags, banners or similar contrivances are permitted. Upon expiration of the use, said signs shall be removed;

11. All fees applicable to the establishment of a single-family dwelling shall be applicable to the model home.

Section 12.03.130 Natural Resources - On-Site Uses

When approved as part of a Use Permit, natural resource materials existing on-site may be processed for utilization as construction materials necessary to complete the approved project.

Natural resources include, but are not limited to, extracted and processed sand and gravel, mine tailings and timber products.

Nothing contained herein shall be construed to permit the installation of permanent processing facilities, the importation of materials to be processed, or the commercial extraction of natural resources to be sold or utilized off-site, contrary to the provisions of the zoning district in which the premises are located.

Section 12.03.140 Public Utility Uses and Structures

- A. Purpose. To allow for public utility uses and structures within all zoning districts and provide development standards for such uses and structures.
- B. Definitions.
 1. Public Utility - Any company under the jurisdiction of the California Public Utility Commission or County District under the jurisdiction of a Board of Trustees.
 2. Public Utility Uses and Structures - Any use of land or structures by a public utility. See Section governing Communication Towers for tower definition and standards.
- C. Non-Regulated Activities. The provisions of this Chapter shall have no application to:
 1. Underground or above-ground pipelines, meters, regulators, poles or wires installed by a public utility for local collection or distribution, excepting electrical transmission lines carrying over 120,000 volts and electrical substations.
 2. Communication dishes and antennas for non-commercial entertainment and hobby accessory to a residence, and for entertainment and communication uses required by a business for its own use as part of an Administrative Development or Use Permit.

D. Uses Requiring an Administrative Development Permit in accordance with 12.05.051 requirements of this Code. An Administrative Development Permit shall be required for a single public utility structure where the following standards are met:

1. Less than 600 square feet of floor area;
2. Less than thirty-five (35') feet in height;
3. Not more than one public utility dish not more than twenty (20') feet in height;
4. Unmanned except for periodic maintenance;
5. No outside storage or facilities;
6. Existing and proposed vegetation will effectively attenuate any potential adverse aesthetic impacts associated with the project.

E. Uses Requiring a Use Permit in accordance with 12.05.060 requirements of this Code. All other public utility uses shall require a Use Permit. Public utility communication towers shall meet the standards of Communication Towers and Facilities Section.

F. Electrical Lines and Electrical Substations Standards.

1. Non-Regulated Activities. Electrical transmission and distribution lines carrying up to 120,000 volts.
2. Land Use Permit Regulations. Permitted in all base districts except the R1, R2 and TPZ Districts, these uses are subject to a Use Permit:
 - a. New or upgraded electrical transmission lines carrying over 120,000 volts, to be reviewed by the Board of Supervisors, unless preempted by State law;
 - b. Electrical substations subject to the design standards of Section governing Public Utility Uses and Structures, 12.03.140.F.5, to be reviewed by the Planning Agency, unless exempted by State law.
3. Use Permit Application. In addition to the required project description and environmental documentation for the project, any Use Permit application for electrical transmission lines carrying over 120,000 volts or electrical substations shall include the following:

- a. A documented statement of need for the project and a documented analysis of the benefits of the project to the residents and property owners of the County of Nevada;
 - b. An outline of alternatives to the project as proposed, including alternative routes, sites and structure types;
 - c. An outline of construction and future maintenance procedures which demonstrate protection of the health, safety and welfare of humans and wildlife.
- 4. Standards for location of electrical transmission lines carrying over 120,000 volts. If unable to comply with any standards established below, the applicant shall demonstrate why compliance is infeasible:
 - a. Rights-of-way shall be selected to preserve the natural landscape and minimize conflicts with present and planned uses of the land on which they are to be located;
 - b. Where possible, retirement or upgrading of existing lower voltage transmission circuits shall be required to allow construction of higher voltage, higher capacity circuits on the existing right-of-way;
 - c. Properly sited established rights-of-way shall be used where warranted for the location of additions to existing transmission facilities;
 - d. The joint use of electrical transmission facilities by two (2) or more utilities is required, when feasible, to reduce the total number of transmission lines constructed. Where technically feasible, other types of transmission facilities shall also share existing rights-of-way (i.e. communication facilities, pipelines, etc.);
 - e. The relative advantages and disadvantages of locating a new line either adjacent to or widely separated from existing transmission lines will be considered so boundaries are avoided which will create unusable hiatus areas;
 - f. Rights-of-way shall avoid heavily timbered areas, steep slopes, and proximity to main highways and scenic areas. Where possible, transmission line crossings of major roads in the vicinity of intersections or interchanges shall be avoided;
 - g. Long views of transmission lines parallel to existing or proposed highways

shall be avoided and alternative routes away shall be considered. Where ridges of timber areas are adjacent to highways or other areas of public view, overhead lines shall be placed beyond the ridges or timber areas;

- h. Transmission lines shall be located to avoid crossing at high points in the road so that the towers cannot be seen from a great distance. Instead, where possible, highway crossings shall be made between two (2) high points, at a dip, or on a curve in the road;
- i. Facilities shall avoid expanses of water and marsh land and particularly those utilized as flight lanes by migratory waterfowl and as heavily used corridors by other birds. Areas of wildlife concentrations, such as nesting and rearing areas, shall be absolutely avoided;
- j. In forest and timber areas, long spans shall be used at highway crossings in order to retain the natural growth, to screen the tower structure, or a planted screen shall be provided between the highway and the towers;
- k. Long views of transmission lines perpendicular to highways, down canyons and valleys or up ridges and hills shall be avoided. Lines shall approach these areas diagonally and shall cross them at a slight diagonal. Lines shall cross canyons up slope from roads that traverse the length of the canyon;
- l. Transmission facilities shall be located part way up slopes to provide a background of topography and/or natural cover where possible. The facilities shall be screened from highways and other areas of public view to the extent possible with natural vegetation and terrain;
- m. Rights-of-Way shall not cross hills and other high points at the crests. To avoid placement of a transmission tower at the crest of a ridge or hill, space towers below the crest or in a saddle to carry the line over the ridge or hill. The profile of facilities shall not be silhouetted against the sky;
- n. Rights-of-Way shall avoid scenic highways, parks, monuments, scenic recreation or historic areas. If a line must be located in or near those areas, the feasibility of placing the line underground shall be clearly determined. If the line must be placed overhead, it shall be located in a corridor least visible to public view. Other standards or conditions as necessary to minimize adverse impacts shall be imposed by the agency administering the lands involved;
- o. When crossing a canyon in a forest, high, low-span towers shall be used to keep the conductors above the trees and to minimize the need to clear all

vegetation from below the lines. Clearing in the canyon shall be limited to that which is necessary to string the conductors, and in those cases construction should be aided by helicopter. Rights-of-Way through scenic forests or timber areas shall be deflected to avoid Rights-of-Way appearing as tunnels cut through timber;

- p. Line construction and maintenance shall use existing roads to the maximum extent possible. Where possible, use of helicopters should occur rather than new road construction;
 - q. Towers and substations shall be strategically located to utilize existing topography, vegetation, etc., for screening and structures shall be colored to blend with surrounding landscape. When lines are adjacent to highways, guyed towers shall be avoided where possible;
 - r. The time and method of clearing rights-of-way and tower construction shall demonstrate protection of water quality, soil stability, wildlife habitat and natural vegetation. The use of “brush and blades” instead of dirt blades on bulldozers is required to preserve the cover crop of grass and low- growing vegetation. Where vegetative cover is destroyed, re-planting of native vegetation of the type destroyed shall be required;
 - s. Construction and maintenance procedures shall be defined in the project description and shall demonstrate protection of the health of humans and wildlife.
5. Design Standards for Location of Electrical Substations. The objective of this subsection is to effectively design electrical substations to be compatible with their surroundings. The decision-making body or other committee having design review responsibilities appointed by the Board of Supervisors shall review the following design standards:
- a. All electrical substations shall be a “low profile design” and be completely enclosed with a six (6) foot minimum height (up to a maximum of eight (8’) feet if approved as part of the Use Permit) fence, wall, or a chain-link fence with slats and landscaping;
 - b. Where a fence or wall is used, such fence or wall shall include any one of the following combinations of materials:
 - 1) Masonry.
 - 2) Concrete panels with textured or other architectural treatment on the exterior.

- 3) Framed wooden wall construction with or without false roof.
 - 4) Combination of wood and masonry or concrete.
 - c. Impervious Surface Standards. The maximum impervious surface standards of the base zoning district and/or the open space standards provided in Section governing Permanent Open Space/ Maximum Impervious Surface in Community Design Standards, 12.04.190, whichever is greater, shall be met for that portion of the use contained within the screened area;
 - d. Setbacks. Shall be as specified in Section 12.04.140, governing Building Setbacks in Community Design Standards and the base district;
 - e. Color. When natural materials are not used, earth tone colors shall be used. Such colors shall be subject to review and approved by the decision-making body.
 - f. Landscaping. A landscaping plan (including irrigation) shall provide for landscaping of all areas outside of the fenced or walled substation. The landscape plan shall incorporate and retain the existing natural landscaping when possible and be supplemented as necessary in order to enhance the appearance of the substation and provide transitional screening from adjacent properties and other view corridors;
 - g. Undergrounding. When possible and where necessary, source-in and circuit-out electrical lines shall be installed underground.
6. Findings and Conditions. Findings for approval, in addition to those findings required in the Use Permits Section, shall include:
- a. To the extent that it is feasible, the project complies with the standards of this Section;
 - b. The proposed facilities are consistent with all elements of the Nevada County General Plan and any applicable specific plan;
 - c. There are no superior and feasible alternatives to the project as proposed.

G. Power Plants.

- 1. Power plants regulated by this Chapter are only those that are constructed by

“other than local agency” as defined by Cal. Gov’t Code § 53090 and excluding other plants exempted from local zoning jurisdiction by either Federal or State laws. For purposes of determining whether the County of Nevada has jurisdiction over small hydroelectric power plants, all of the following standards must be used:

2. If any of the above items are applicable, jurisdiction shall remain with the Federal Energy Regulatory Commission (FERC).
3. When the energy derived from an individually operated small powerplant is used totally on-site for a use not requiring a discretionary land use permit, the provisions of this Section will not apply. However, when such a facility is being constructed as part of a new land use or an addition to an existing land use requiring a discretionary land use permit, said power plant must also be reviewed. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))
4. Alternative energy sources which may be used for a conditionally permitted power plant include, but are not limited to, wind, hydroelectric, solar photovoltaics and bio-mass, but do not include nuclear fission, and specifically exempting therefrom, individually operated small power plants where the energy derived is used on-site except in the AG, and FR Districts where private, non-commercial, bio-mass, co-generation and hydroelectric power plants require a Use Permit.
5. Power plants subject to the authority of the County of Nevada shall require a Use Permit which will be considered by the Planning Agency.

Section 12.03.150 Recreational Vehicle Use and Temporary Occupancies

A. Purpose. To provide for the temporary occupancy of recreational vehicles on property not located within a mobile home park or a campground, and which are not subject to the Employee Housing regulations established in Section 12.03.100 this Chapter.

B. Definitions.

1. Recreational Vehicle - Shall be as defined by Cal. Health & Safety Code § 18010.

C. Standards. A Recreational Vehicle may be used for temporary occupancy subject to zoning compliance and building permit issuance, if necessary, based on the following standards, which shall be met before any temporary occupancy of a recreational vehicle, occurs or is allowed to continue pursuant to this Subsection C:

1. Unless specifically exempted by this Section, a Temporary Residence Permit shall be obtained from the Building Department upon proof of compliance with applicable standards. A reasonable fee may be collected for issuance of the Permit, and renewals thereof. Said fee shall be as established pursuant to the latest adopted resolution of the Nevada County Board of Supervisors.
2. No more than one (1) Recreational Vehicle may be occupied per parcel for any and all permitted occupancies except for resource based seasonal agricultural employee housing as allowed by Section 12.03.100 of this Code.
3. All site development standards and separation requirements applicable to single-family dwellings shall apply to placement of the Recreational Vehicle to be occupied.
4. Sewage disposal and water for service supply shall be approved by the Department of Environmental Health.
5. A Recreational Vehicle used for temporary occupancy shall be structurally sound and protect its occupants against the elements.
6. The County Fire Marshal, or their designee, shall inspect the site to ensure that the placement of the Recreational Vehicle complies with the flammable vegetation clearance requirements of Cal. Pub. Res. Code § 4291.
7. Smoke and Carbon Monoxide Detectors: Every sleeping area and the hallway providing access to the sleeping area shall be provided with operable smoke detectors. If an internal combustion generator powers the Recreational Vehicle, and such generator is incorporated into or within ten (10') feet of the qualified Recreational Vehicle, a minimum of one carbon monoxide monitor/alarm shall be required. A carbon monoxide detector shall be required for any unit that contains a carbon-fueled appliance or heating device.
8. Heating Systems: Heating systems shall be maintained in accordance with the manufacturer's requirements. Any additional or new solid- or liquid-fuel burning appliances to be used in a Recreational Vehicle shall be installed, used and maintained in accordance with the listing for the appliance and the manufacturer's requirements, including provisions allowing their use in Recreational Vehicles.
9. LP-Gas System: LP-gas storage and delivery system shall be maintained in accordance with the manufacturer's requirements. In lieu of complying with the manufacturer's requirements, additional storage of LP-gas is permitted provided the storage and delivery systems comply with the current editions

of California Building and Fire Codes as adopted in Title 14 governing Building in this Code.

10. Any water, sewage drain, electrical, fuel supply or other utility connection and installation shall conform to State and local regulations and require inspection by the Building Department and a permit.
11. A current DMV registration and operating permit shall be required and maintained on the Recreational Vehicle at all times.
12. The recreational vehicle shall be set up in compliance with the manufacturer's minimum specifications and shall remain mobile. No ancillary structures (except ramadas where necessary to meet the applicable snow load requirements) may be permitted with regard thereto for the temporary occupancies provided for herein.
13. No rent may be charged or collected for any of the temporary occupancies provided for herein.
14. Upon request of a County code enforcement officer investigating any complaint, satisfactory evidence shall be presented of continuing compliance with the applicable standards for temporary occupancy or the occupancy shall cease.

D. Security Housing. Security personnel may occupy a recreational vehicle on the site of a church or other community facility or public use land requiring on-site security, for a maximum three (3)-year period, subject to the issuance of a Use Permit. Pursuant to Permit Time Limits, security housing approved through a Use Permit is eligible for two (2) two-year (2) extension of times for the Use Permit, for length of occupancy.

E. Temporary Urgent Medical Care. A recreational vehicle may be used as a temporary residence, in addition to a legally established permanent dwelling existing on any parcel, when one is occupied by a person in serious medical need of twenty-four (24)-hour on-site care, and the other is occupied by a qualified person providing such care, subject to issuance of an Administrative Development permit from the Planning Department, if all the general criteria established in Subsection C of this Section are complied with, and so long as the following special criteria are also met:

1. There shall be no other available accommodations (i.e. second units, guest houses) on the property that could be utilized for the purpose of providing urgent medical care, and evidence of such shall be submitted to the satisfaction of the Planning Department;
2. Permits shall be valid for six (6) months, renewable every six (6) months, at

an at-cost hourly planning fee, so long as the serious urgent medical need continues, and require current confirmation of a licensed physician of the medical need for continual care. The Permit shall expire and the use discontinued when the need ceases. The Recreational Vehicle shall be unoccupied within ten (10) days of permit expiration;

3. Where the unit is to be placed on property subject to recorded deed restrictions or CC&R provisions, not required by the County, that may preclude such a unit, any approval shall not become effective until thirty (30) days after the applicant has given written notice thereof to the active Homeowners' Association or other entity entitled to enforce such restrictions or CC&Rs. If no such entity can reasonably be located, the applicant shall provide notice to all property owners subject to same restrictions or CC&Rs. The applicant shall provide the County with proof of notice to be included in the Building Department file.

F. Seasonal Use. Seasonal stays in a Recreational Vehicle are permitted for the owners of any parcel with no permanent dwelling thereon, not to exceed a total of ninety (90) days between April 15th and October 15th of any one calendar year. Seasonal use is not subject to a Temporary Residence Permit, provided that:

1. The Recreational Vehicle must be currently licensed;
2. Siting of the Recreational Vehicle must satisfy Cal. Pub. Res. Code § 4291 for vegetation clearance around the Recreational Vehicle.
3. The property owner is required to notify their Fire District, or the California Department of Forestry where there is no local Fire District, of the location of, and access to, the Recreational Vehicle, and to obtain Ca. Pub. Res. Code § 4291 regulations.
4. The property owner must have an operating 2A10BC fire extinguisher available within or on the Recreational Vehicle at all times.

G. Overnight Guest Stays. Overnight stays in a Recreational Vehicle are permitted for non-paying guests of the occupants of any legally established permanent dwelling on the parcel, not to exceed a total of ninety (90) days per parcel in any calendar year, without a Temporary Residence Permit, provided that standards of Section F.1 through Section F.4, above, are satisfied.

Section 12.03.160 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing

A. Purpose. As required by Cal. Gov't Code § 65915, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to provide density bonuses and other incentives, concessions, or waivers for certain housing projects affordable to lower income, very low income, senior citizen housing, and moderate income housing projects.

This zoning ordinance includes additional density bonus and incentive provisions in Section governing Transitional and Supportive Housing.

B. Standards. In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed residential development project shall meet all the applicable eligibility requirements of this section:

1. Consist of five (5) or more rental units, or dwelling units offered for sale; and
2. Be designed and constructed so that at least:
 - a. Ten-percent (10%) of the total number of proposed units are for lower income households, as defined in the Cal. Health & Safety Code § 50079.5; or
 - b. Five-percent (5%) of the total number of proposed units are for very low income households, as defined in the Cal. Health & Safety Code § 50105; or
 - c. Fifty-percent (50%) of the total number of proposed units are for qualifying residents as determined by Cal. Civ. Code §§ 51.3 and 51.12 (senior of any income level), or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civ. Code §§ 798.76 or 799.5; or
 - d. Ten-percent (10%) of the total number of proposed units are for families of moderate income (80 to 120% of median income) as defined by Cal. Health & Safety Code § 50093; or
 - e. Fifty-percent (50%) of the total number of proposed units are for workforce housing (60% to 150% of median income); or
 - f. Ten-percent (10%) of the total number of proposed units are for transitional foster youth, as defined in Cal. Educ. Code 66025.9, disabled veterans, as defined in Cal. Gov't Code § 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall

be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low-income units; or

- g. Twenty-percent (20%) of the total number of proposed units are for lower income students in a student housing development for an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges; or
- h. 100% of the total number of proposed units including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Cal. Health & Safety Code § 50079.5, except that up to twenty (20%) percent) of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Cal. Health & Safety Code § 50053; and
- i. The units described herein shall be subject to the continued affordability requirements of all very low and low-income rental units that qualified the applicant for the award of the density bonus for fifty-five (55) years or a longer period of time, as described in State Density Bonus Law at Cal. Govt. Code § 65915, Subdivision I, Paragraph (1) - 65918. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Cal. Health & Safety Code § 50053.

3. Satisfy all other applicable provisions of this Chapter.

C. Type of Bonus and Incentives Allowed. The county will allow a residential development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this section.

- 1. A housing development that satisfies all applicable provisions of this Section shall be entitled to the following density bonus and other incentives or concessions:
 - a. If an applicant elects to construct units for low-income households for at least five (5%) percent of the total dwelling units, the development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Low-Income Units	Percentage Density Bonus	Incentives or Concessions
10	20	1

11	21.5	1
12	23	1
13	24.5	1
14	26	1
15	27.5	1
16	29	1
17	30.5	2
18	32	2
19	33.5	2
20	35	2
21	38.75	2
22	42.5	2
23	46.25	2
24	50	3

- b. If an applicant elects to construct units for very low-income households for at least ten (10%) percent of the total dwelling units, the residential development shall be entitled to the following density bonus calculation and incentives or concessions:

Percentage Very/Low Income Units	Percentage Density Bonus	Incentives or Concessions
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	32.5	2
11	35	2

12	38.75	2
13	42.5	2
14	46.25	2
15	50	3

- c. If an applicant elects to construct units for moderate income households for at least ten (10%) percent of the total dwelling units, the development shall be entitled to the following density bonus calculation:

Percentage Moderate- Income Units	Percentage Density Bonus	Incentives or Concessions
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2

27	22	2
28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3
41	38.75	3
42	42.5	3
43	46.25	3
44	50	3

- d. If an applicant elects to construct a senior citizen housing development with at least fifty (50%) percent of the total dwelling units for senior citizens, the density bonus shall be twenty (20%) percent of the total number of allowed housing units without the density bonus, or as described in Subsection (e) of this Section.
- e. If an applicant elects to construct a Senior Citizen or Disabled Apartments or a Senior or Disabled Independent Living Center development with 100% of the total dwelling units for senior citizens, the development shall be entitled to the following density bonus calculation:

Allowable Density Bonus	If All Dwelling Units Are Within, or Have Available:	% Parking May be Reduced as Provided in Section 12.04.180(1)
10%	Within 750 ft. of transit stop or directly served by public transit	10%
25%	Minimum of 2 meals per day served in community dining hall	5%
-	Age 55 years or older (by State Requirements)	5%
20%	Within 1500 ft. of an existing regional or neighborhood shopping center	5%
10%	Within 100 ft. of an existing neighborhood or community park or public recreation facility	5%
20%	Self-contained village, no outside public access (i.e., drug and sundry store, beauty and barber shop, etc.) minimum of 5% or 800 sq. ft., whichever is greater, of the common floor space	5%
5%	Community washers & dryers provided	5%
10%	Within 1 mile of health care facilities, emergency/acute care	5%
10%	On-site outdoor recreation facilities (parks, paths, tennis courts, pools, etc.) Min. 10% of gross floor area	-

(1) As part of the Use Permit consideration, the hearing body may restrict the total number of resident cars to be parked on-site or designate employee or visitor parking.

i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. Residents must be Fifty-five (55) years of age or older or disabled. In the case of married or cohabitant couples, at least one occupant must be fifty- five (55) years or older or disabled.
2. The project must be located on an existing transit line, have an all-weather bus shelter stop, approved by the local transit authority, immediately adjacent to the project, and be readily served by a public transit provider.
3. The project must provide for or otherwise bear the cost of providing for paratransit demands of the project's residents.
4. A minimum of five (5%) percent of the total indoor floor space must be devoted

to recreation/ social/educational facilities (i.e., recreation room, library, TV room, multi- purpose common room, etc.)

5. All on-site facilities may only be used for the private use of the residents living on-site and their invited guests.
6. The proposed project shall be served by a public water supply as defined in Section of this Code governing Water Supply and Resources and a publicly owned and operated sanitary sewer system as defined in Section governing Centralized Wastewater Collection, Treatment and Disposal System of this Code.

f. If an applicant elects to construct a housing development with at least fifty (50%) percent of the total units for workforce housing, the density bonus shall be twenty (20%) percent of the total number of allowed housing units without the density bonus.

i. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:

1. No less than fifty (50%) percent of the adult tenants must work full-time within the boundaries of the County of Nevada.
2. No less than twenty-five (25%) percent of the units shall target the sixty to eighty (60% - 80%) percent median family income range.

g. If an applicant elects to construct a housing development with at least ten (10%) percent percent of the total dwelling units for transitional foster youth, disabled veterans, or homeless persons, the density bonus shall be thirty-five (35%) percent of the total number of allowed housing units without the density bonus and the applicant may request one (1) incentive or concession.

h. If an applicant elects to construct units for low income households with 100% of the total dwelling units, exclusive of manager's unit(s), except that up to twenty (20%) percent of the total units in the development may be for moderate-income households, the density bonus shall be eighty (80%) percent of the number of units for lower income households and the applicant may request four (4) incentives or concessions. If the housing development is located within one-half mile of a major transit stop, as defined in Cal. Pub. Res. Code § 21155, there shall be no maximum density, the applicant may request four (4) incentives or concessions, and the applicant shall also receive a height increase of up to three additional stories, or thirty-three (33') feet.

i. If an applicant elects to donate lands to the County in accordance with the State Density Bonus Law at Cal. Gov't Code § 65915, Subdivision (g)-65918, the development shall be entitled to the following density bonus:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

* Density Bonus is a density increase over the otherwise maximum allowable residential units permitted under existing zoning or the General Plan Land Use Element whichever is more restrictive.

EXAMPLE: The zoning for a parcel is R3 (twenty (20) units per acres). By meeting all of the density bonus standards, the bonus is 125%.

$20 \text{ UPA} \times 1.25 = 25 \text{ UPA} + 20 \text{ UPA} = 45 \text{ UPA Total}$

3. An applicant may request the following incentives or concessions for affordable housing only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to this section. For the purposes of this section, an incentive means the following:
 - a. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Cal. Health & Safety Code §§ 18901 – 18919 including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in subdivision I.
 - b. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 - c. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Cal. Health & Safety Code §50052.5, or for rents for the targeted units to be set as specified in subdivision I.
 - d. Reduction by fifty (50%) percent all County permit fees for projects that develop housing for very low income households, lower income households or housing for persons with disabilities as defined by the California Fair Employment and Housing Act and the federal Fair Housing Amendments Act of 1988.
4. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

D. Continued Availability. The land use permit application or tentative map application for the residential project shall include the procedures proposed by the developer to maintain the continued affordability of all very low or lower income and senior citizen units as well as moderate income density bonus units as follows:

1. Projects with Density Bonus and Other Incentive. Projects receiving a direct financial contribution or other financial incentive from the County, or a density bonus and at least one other concession or incentive as provided by subsection (C) of this Section, shall maintain the availability of all very low or lower income units for a minimum period of fifty-five (55) years required by Cal. Gov't Code §§ 65915 and 65916 or longer if required by the Construction or Mortgage Financing Assistance Program, Mortgage insurance Program or Rental Subsidy Program, as applicable by these programs.
2. Projects with Density Bonus Only. Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915, shall maintain the availability of very low and lower income density bonus units for fifty-five (55) years where such units are rented or leased. Where such housing is owner-occupied, the applicant shall agree to ensure, and the county shall ensure that a for-sale unit that qualified the applicant for the award of the density bonus meets the conditions described in Cal. Gov't Code § 65915(2)(A). Privately financed projects that receive a density bonus as the only incentive from the County consistent with Cal. Gov't Code § 65915(c), shall maintain the availability of senior citizen units as well as moderate density bonus units for ten (10) years where such units are rented or leased.
3. Deed Covenant Required. The deed to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign or otherwise transfer any interests for same without the written approval of the Director of Nevada County Health and Human Services Agency confirming that the cost of the units will remain consistent with the limits established for the affected density bonus.
4. Other Incentive Only. Projects which include other incentives, not including public financing, or density bonuses, shall have the minimum period established by Use Permit consistent with the benefit received. In no event shall such minimum period be less than ten (10) years.

E. Land Donation. If an application submitted pursuant to this Section includes a

request for a density bonus based on an offer to donate land in accordance with the State Density Bonus Law, then a complete application, in addition to other requirements of this section, shall satisfy the requirements defined in Cal. Gov't Code § 65915(g).

F. Procedures. The county shall approve, modify or disapprove the application to donate land in accordance with the requirements of this Section and the State Density Bonus Law. A request for a density bonus and regulatory concessions and/or incentive shall require a Use Permit and be subject to the following provisions:

1. Supporting Information. The developer shall include information with the application, based upon building industry standard, to substantiate that any requested waiver or modification of zoning or subdivision standards is meets the following standards:
 - a. The concession or incentive does results in identifiable and actual cost reductions, consistent with Cal. Gov't Code § 65915(k), to provide for affordable housing costs, as defined in Cal. Health & Safety Code § 50052.5, or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
 - b. The concession or incentive would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Cal. Gov't Code § 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
 - c. The concession or incentive would not be contrary to state or federal law.
2. Initial Review. Proposed bonus requests shall be included as part of the application for Use Permit for the residential project, which may be a subdivision and be accompanied by a tentative map and shall be reviewed by the Planning Director. Proposed bonus requests shall satisfy the following requirements:
 - a. Identify the section and/or subdivision of the State Density Bonus Law under which the application is made.
 - b. Quantify the total density bonus requested, along with the factual and legal basis for the request in accordance with the State Density Bonus

Law and this section.

- c. Identify any incentives or concessions requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.
 - d. Identify any waivers, reductions, or modifications of development standards requested by the applicant, along with the factual and legal basis for the request in accordance with the State Density Bonus Law and this section.
 - e. Provide information satisfactory to the director to enable the county to determine whether the requirements of the State Density Bonus Law and this code have been met by the applicant, including, for example, the project cost per unit and whether any requested incentive or concession is necessary to make the housing units economically feasible (see Cal. Gov't Code § 65915, subdivision (d)). Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the director.
3. Findings for Approval. In addition to the findings required for approval of the application for the project, support of a density bonus by the Planning Director and the approval of the bonus by the applicable approval body shall also require the following special findings:
- a. Adequate evidence exists to indicate that the development of the property in compliance with the permit will result in the provision of affordable housing in a manner consistent with the purpose and intent of this Section.
 - b. If the County does not grant at least one (1) financial concession or incentive as defined in Cal. Gov't Code § 65915 in addition to the density bonus, that the additional concession or incentive is not necessary in order to provide for affordable housing costs as defined in Cal. Health & Safety Code § 50525 or for rents for the targeted units to be set as specified in Cal. Gov't Code § 65915.
 - c. There are sufficient provisions to guarantee that units will remain affordable in the future.

G. Residential Inclusionary Affordable Housing Component. In addition to the above incentives, all projects or subdivisions within the Town of Truckee's Sphere of Influence creating twenty (20) or more parcels or units within the Urban High Density,

Urban Medium Density, and Urban Single-Family Density General Plan land use map designations shall have an inclusionary affordable housing component of ten (10%) percent. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence. Details regarding this component are contained in Title 13 Subdivisions, Water Supply and Distribution Requirements.

H. **Childcare Facilities.** In addition to the above incentives, for all projects or subdivisions eligible for a density bonus and other incentives as provided by this Section that includes a childcare facility that will be located on the premises, the County shall grant additional density bonus or incentive or concession.

1. When an applicant proposes to construct a housing development and includes a childcare facility as defined in Cal. Gov't Code § 65915 (h)(4) that will be located on the premises of, as part of, or adjacent to, the project, the County shall grant either of the following:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.
 - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
2. The County shall require, as a condition of approving the housing development, that the following occur:
 - a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income.

Section 12.03.170 Residential Dwellings, Multiple-Family

- A. Multiple-Family dwellings, defined as structures containing two (2) or more kitchens, not including an ADU and/or JADU, designed or used for the occupancy of two (2) or more families living independently of each other, shall be allowed in the RA, R1, and rural districts subject to approval of a Use Permit, provided that:

1. The density does not exceed that allowed by the applicable zoning district,
 2. The structures are clustered on the site,
 3. Adequate buffering and screening is provided for adjacent uses in conformance with all site development standards of this Chapter.
- B. Multiple-Family dwellings shall be allowed in the R2 and R3 Districts subject to approval of a Development Permit.
- C. Multi-Family Residential Uses which are not an integral part of a mixed-use development shall be deemed an allowable use subject to the approval of a Use Permit if the housing development project is located within a zone where office, retail, or parking are a principally permitted use, and the housing development project complies with the standards defined in Cal. Gov't Code §§ 65852.24 – 65863.13, and as amended (the California Middle Class Housing Act of 2022).

Section 12.03.171 Single Room Occupancy Units

- A. Purpose. To provide for a variety of housing opportunities for all income segments of the County.
- B. Definition.
1. Single Room Occupancy - Housing (consisting of single room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants (HUD Definition).
- C. Standards. Single Room Occupancy (SRO) facilities shall be permitted in the R2, R3, C1 and C2 Zoning Districts subject to a Use Permit approved by the Planning Commission.
1. The density of an SRO facility shall not exceed that allowed by the applicable zoning district.
 2. Unit size: The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or

kitchen facilities.

3. Tenancy. Tenancy of an SRO shall be a minimum of thirty (30) days.
4. Occupancy. An SRO unit shall accommodate a maximum of two (2) persons.
5. Parking shall be provided for an SRO facility at a rate of one (1) parking space per unit.
6. The SRO facility shall be compliant with all site development standards of the County Code, and all permits and mitigation fees that would otherwise be applicable to Multiple-Family Residential Dwelling construction including but not limited to adherence to all applicable Building Codes and provisions for providing adequate water and sewage disposal.
7. An Operational Management Plan shall be submitted with the application for an SRO facility. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance. An onsite twenty-four (24)-hour manager is required in every SRO project. In addition a single manager's unit shall be provided which shall be designed as a complete residential unit. (Ord. 2366. (08/13/2013); Ord. 2533. (12/05/2023))

Section 12.03.180 Residential Guest Quarters

A. Purpose. The purpose of this Section is to provide for the establishment of a residential guest quarters as an accessory use subject to specified standards.

B. Definitions.

1. Residential Guest Quarters - A residential structure intended for sleeping purposes for members of a family occupying the primary residence on the subject property and their non-paying guests.

C. Standards. Guest quarters are allowed subject to zoning compliance and building permit issuance, if required, provided that:

1. The maximum floor area of the guest quarters is 500 square feet unless the Zoning Administrator approves a Use Permit providing for a larger structure;
2. The guest quarters shall not contain a kitchen;
3. Allowable plumbing shall be limited to that required for a single bathroom and one

(1) wet bar (defined as a single sink and faucet);

4. All utilities serving the guest quarters shall be common to and dependent on the primary residence, including, but not limited to, electrical meters, natural gas and propane connections and water.

Section 12.03.190 Accessory and Second Dwelling Units

Accessory and junior accessory dwelling units provide an important source of affordable housing. By promoting the development of accessory, junior accessory, and second dwelling units, the County may ease a rental-housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income. Accessory, junior accessory, and second dwelling units can increase the property tax base and contribute to the local affordable housing stock. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements of this Section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the property on which it is allowed consistent with State Accessory Unit Legislation.

Section 12.03.191 Accessory and Junior Accessory Dwelling Units

- A. Purpose. To maintain the social fabric of families and to improve affordable housing opportunities for the County's workforce, family members, students, senior citizens, in-home health providers, the disabled, and others at below-market prices in existing neighborhoods in the County of Nevada.
- B. Definitions: "Accessory dwelling unit" and "junior accessory dwelling unit" have the same meanings as defined in the California Government Code.
- C. Standards. An accessory dwelling unit or junior accessory dwelling unit shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels where residential uses are permitted by-right or by conditional use, subject to zoning compliance and building permit issuance and the following standards:
 1. Accessory dwelling units may be a conventionally on-site constructed attached or detached structure, a manufactured home or a converted area within a legally existing residential unit or accessory structure provided that building permits are obtained, and the following size limitations are satisfied:
 - a. The accessory dwelling unit shall not exceed the following size limitations, as measured from the interior walls:

- 1) Attached Units: maximum fifty (50%) of the existing residence gross floor area, but not to exceed 1,200 square feet.
 - 2) Detached Units: maximum size shall be 1,200 square feet.
 - 3) Detached accessory dwelling units may have an attached garage or carport.
 - 4) Enclosed decks or porches shall be constructed as non- habitable space.
2. Junior accessory dwelling units must be constructed within the walls of a proposed or existing single-family residence, must have a separate entrance, and must have a cooking facility with appliances, a food preparation counter, and storage cabinets reasonably sized in relation to the unit.
 - a. For properties with a junior accessory dwelling unit, the single-family residence containing a junior accessory dwelling unit must be owner-occupied, either in the remaining portion of the structure or in the junior accessory dwelling unit, unless the owner is a governmental agency, land trust, or housing organization.
3. There shall be no more than one (1) accessory dwelling unit, and one junior accessory dwelling unit, as provided for in this Chapter, per parcel with a single-family primary dwelling. The accessory dwelling unit and/or junior accessory dwelling unit are not intended for sale separate from the primary residence and may be rented for long-term use only (thirty (30) consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
 - a. Short-term rentals (less than thirty (30) days) of ADUs are allowed on properties that contain a working farm, ranch, agricultural or horticultural operation, and contain an active agritourism use as defined by under Agricultural Uses in this Code and verified by the County Agricultural Commissioner;
 - b. Short-term rentals (less than thirty (30) days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;
 - c. Renting an ADU within the Truckee Sphere of Influence for either a short- or long-term basis are subject to the same rental standards as established in the Town of Truckee Zoning Ordinance;

4. No more than two (2) detached accessory dwelling units shall be allowed per lot with a multifamily dwelling.
5. At least one (1) accessory dwelling unit is allowed within an existing multifamily dwelling. The total number of accessory dwelling units allowed within a multifamily dwelling shall not exceed twenty-five (25%) percent of the number of existing multifamily dwelling units.
6. Prior to building permit issuance for an accessory dwelling unit or junior accessory dwelling unit, the owner shall record a deed restriction which addresses restrictions on such units set forth in Rental Standards in this Section. The declaration shall run with the land and be binding upon the applicant and successor property owners. A property owner may also voluntarily opt to deed-restrict an ADU. for affordability in order to receive incentives outlined in Standard 14 below.
7. Previously approved transitional and supportive housing units may be modified to increase the square footage, not to exceed 1,200 square feet or change the occupancy to rescind previously recorded restrictive covenants, subject to all applicable development fees and standards in effect at the time and consistent with this Chapter.
8. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.
 - a. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of this Chapter, is void and unenforceable.
9. If the accessory dwelling unit or junior accessory dwelling unit is proposed to be constructed within a City's Sphere of Influence, the accessory unit must also comply with any standards (including, but not limited to, the unit's size and permitting requirements) of the City that are more restrictive than those provided for in this Chapter.
10. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area

Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Accessory dwelling units and/or junior accessory dwelling units constructed with kitchens, which includes cooking equipment, may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the accessory dwelling units and/or junior accessory dwelling unit. In the event that the existing disposal field cannot handle the additional load or flow from the accessory dwelling units and/or junior accessory dwelling unit, a new, separate septic tank or system shall be installed to accommodate the accessory dwelling units and junior accessory dwelling unit.

11. Nevada County building code requirements apply to detached dwellings. However, accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. Accessory dwelling units must meet building and fire safe standards.
12. Compliance is required with all local Fire Safety Regulations that are generally applicable to residential development, unless exempted by State law or herein, including Titles governing Zoning(12); Subdivisions (13); Buildings (14); Street Addressing and Naming (16); Fire Safety Regulations (4); and Road Standards (16) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.
13. Prior to issuance of a building permit for an accessory dwelling unit or junior accessory dwelling unit, the applicant shall pay all applicable permit and mitigation fees, unless the accessory dwelling unit meets one of the criteria provided below. If the accessory dwelling unit or junior accessory dwelling unit meets one of the criteria below, the applicant shall qualify for a fee deferral and the payment of all permit and sewer mitigation fees shall be completed prior to issuance of the certificate of occupancy for the accessory dwelling unit. At the time of building permit submittal, the applicant shall submit a written request to the Building and Planning Department for the deferral of fees and shall submit an agreement to pay form specific to this request. The written request shall document which criteria the unit qualifies for to receive the deferral.
 - a. The property owner may deed-restrict the accessory dwelling unit and/or junior accessory dwelling unit to very low- or low-income qualified individuals or families for a minimum of ten (10) years. Prior to issuance of a building permit for second dwelling unit, the owner shall record the deed restriction. The declaration shall run with the land and be binding upon the applicant and successor property owner.

- b. Construction of an 800 square foot unit or less in size.
- 14. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Fire Safety Regulations, Driveways.
- 15. All accessory dwelling units and junior accessory dwelling units that are located beyond the dead-end road limit as established by Road Standards are subject to the following provisions:
 - a. The applicant shall provide a minimum of one turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to Fire Safety Regulations, Definitions. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.
 - b. The accessory dwelling unit or junior accessory dwelling unit shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.
 - c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the accessory dwelling unit or junior accessory dwelling unit is located beyond the dead-end road limit established by the Nevada County Road Standards.
- 16. All accessory dwelling units and junior accessory dwelling units within the High and Very High Fire Severity Zone as defined on the State Responsibility Area (SRA) maps and all accessory and junior accessory dwelling units beyond the dead- end road limit regardless of their SRA Fire Severity Zone, are subject to the following provision:
 - a. As a part of the building permit application, the applicant shall submit a Fire Protection Plan, which shall be site specific and address the following issues:
 - 1) The proximity to emergency responders and estimated emergency response times;
 - 2) Describe the primary (and secondary if applicable) access road conditions;

- 3) Identify the project's emergency water supply or emergency water storage facilities consistent with Fire Safety Regulation;
 - 4) Identify if a fire sprinkler system is proposed or required;
 - 5) Provide a Fuels Management Plan that requires;
 - a) Defensible space design consistent with Cal. Pub. Res. Code §4291;
 - b) Identification of high fuel load areas;
 - c) How adequate defensible space will be ensured;
 - d) The mechanism for maintaining defensible space; and
 - e) Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project. (Ord. 2474. (01/14/2020); Ord. 2462. (03/26/2019); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2366. (08/13/2013); Ord. 2236. (05/21/2007); Ord. 2149. (05/25/2004); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))
17. Newly constructed, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar panels on the ADU or the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.
18. An application for a building permit shall be approved to create an ADU pursuant to Cal. Gov't Code § 65852.2(1)(B) or (D) within a residential or mixed- use zone, in compliance with all of the applicable provisions in Cal. Gov't Code § 65852.2; and all of the applicable provisions of this Chapter, except for those provisions which do not allow such an ADU otherwise in compliance with all applicable provisions in Cal. Gov't Code § 65852.2 ; and all of the following requirements:
- a. An ADU created pursuant to Cal. Gov't Code § 65852.2(1)(B) shall have a Floor Area of not more than 800 square feet and a height of no more

than sixteen (16') feet; and

- b. An ADU created pursuant to Cal. Gov't Code § 65852.2(1)(D) shall have a height of no more than sixteen (16') feet and four-foot (4') rear yard and side setbacks.

Section 12.03.192 Second Dwelling Units-Consistent with Allowed Density

A. Purpose. To allow for second dwelling units on parcels with available density without limiting the size of the unit.

B. Standards. A second dwelling unit, not including Accessory Dwelling Units or Junior Accessory Dwelling Units, consistent with allowed density, shall be permitted, regardless of minimum parcel size and zoning densities, on all parcels within the RA, the R1, the R2, the AE, the AG, the FR, and the TPZ zoning districts, where the property is at least twice the minimum lot size, subject to an Administrative Development Permit pursuant to Section governing Development Permits, but not subject to design review, provided the following standards are satisfied:

1. The second unit shall comply with zoning density established for the parcel on which the second unit is located.
2. No more than one (1) second dwelling unit may be allowed on any one (1) parcel pursuant to this section.
3. The unit must comply with all applicable standards of the Nevada County Codes, including all water supply and sewage disposal requirements, as administered by the Department of Environmental Health.
4. The unit shall comply with all conditions, including payment of any mitigation fees, which are imposed upon the issuance of any permit authorizing it.
5. Compliance is required with all local Fire Safety Regulations, including Wildland Fire Hazards, and Fire Safety Regulations and Road Standards, certified as equaling or exceeding the California Fire Safe Regulations pursuant to Cal. Pub. Res. Code § 4290.

Section 12.03.193 Second Dwelling Units-Consistent with Government Code Section 65852.21

A. Within the R1 zoning districts a second primary dwelling unit consistent with Cal. Gov't Code § 65852.21 shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

1. The parcel subject to the proposed housing development is located on a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
2. The proposed development would not require:
 - a. Demolition or alteration of deed-restricted affordable or rent- controlled housing;
 - b. Demolition or alteration of housing that has been occupied by a tenant in the last three years; or
 - c. Demolition of more than twenty-five (25%) of existing exterior structural walls, unless allowed by local ordinance or unless the site has not been occupied by a tenant in the last three (3) years.
 - 1). The development is not located within a historic district or property included on the State Historic Resources Inventory.
 - 2). The development is not located on a site that is any of the following unless a Management Plan is approved pursuant to Resource Standards in this Code:
 - a). Prime farmland, farmland of statewide importance, or land designated for agricultural protection;
 - b). Wetlands;
 - c) High or very high fire hazard severity zone as defined on the State Responsibility Area (SRA) maps;
 - d) An uncleared hazardous waste site;
 - e) A delineated earthquake fault zone;
 - f) A specified special flood hazard area;
 - g) A regulatory floodway;
 - h) Lands identified for conservation in adopted natural resource protection plan;

- i) Habitat for protected species;
 - j) Lands under conservation easement; or
 - k) Within the setback to a watercourse per Resource Standards.
- 3. The development is not intended for separate unit sale and the units may be rented for long-term use only (thirty (30) consecutive calendar days or more); short-term rentals are prohibited, subject to a deed restriction, unless otherwise allowed as follows:
 - a. Short-term rentals (less than thirty (30) days) are allowed on properties that contain active agritourism uses as defined by this Code and verified by the County Agricultural Commissioner;
 - b. Short-term rentals (less than thirty (30) days) are allowed on properties that are within the Soda Springs Rural Center as defined of the County General Plan Land Use Maps;
- 4. Prior to building permit issuance for the development, the owner shall record a deed restriction which addresses restrictions on such units set forth in Single-Family Districts Allowable Uses and Permit Requirements. The declaration shall run with the land and be binding upon the applicant and successor property owners.
- 5. If the development is proposed to be constructed within a City's Sphere of Influence, the development must also comply with any standards of the City that are more restrictive than those provided for in this Chapter.
- 6. All water supply and sewage disposal requirements shall be complied with as administered by the Department of Environmental Health-Local Area Management Plan (LAMP) and Onsite Wastewater Treatment System (OWTS) Policy. Developments proposed with kitchens, which includes cooking equipment, may be required to install an additional septic tank to reduce the load on the existing disposal field, if the existing disposal field is of adequate capacity to handle the additional flow from the development. In the event that the existing disposal field cannot handle the additional load or flow from the development, a new, separate septic system shall be installed to accommodate the development.
- 7. Compliance is required with all local Fire Safety Regulations that are generally applicable to single-family residential development, unless

exempted by State law or herein, including Zoning Title 12), Subdivisions (Title 13), Buildings (Title 14), Street Addressing and Naming (Title 16), Fire Safety Regulations (Title 4), and Road Standards (Title 16) of this Code, certified as equaling or exceeding the California Fire Safe Regulations pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard.

8. Prior to issuance of a building permit for the housing development, the applicant shall pay all applicable permit and mitigation fees.
9. The onsite driveway access shall meet the minimum fire safe driveway standard pursuant to Fire Safety Regulations governing Private Driveways.
10. All housing developments that are located beyond the dead-end road limit as established by Road Standards in this Code are subject to the following provisions:
 - a. The applicant shall provide a minimum of one (1) turnout visible from both directions along the property road frontage and an additional turnout every 800-feet of property frontage as necessary. Said turnouts shall meet the minimum fire safe turnout standard pursuant to General Requirements of Fire Safety Regulations. In the event that the road meets the minimum Fire Safe Road Standard then turnouts shall not be required.
 - b. The housing development shall utilize a shared driveway encroachment with the primary dwelling, unless the applicant can demonstrate that a common encroachment is infeasible due to site constraints such as topography, building site location and/or environmental resources.
 - c. Prior to issuance of final occupancy, the property owner shall record a Notice to Property Owner stating that the housing development is located beyond the dead-end road limit established by the Nevada County Code Road Standards (Title 16).
11. The proposed housing development shall not have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section 12.03.200 Transitional and Supportive Housing.

- A. Purpose. To allow for adequate supportive housing to help alleviate the

severe shortage of housing opportunities for people experiencing homelessness in the County of Nevada.

B. Definitions.

1. Supportive housing shall have the same meaning as defined in Cal. Health & Safety Code § 50675.14.
2. Supportive services shall have the same meaning as defined in Cal. Health & Safety Code § 65582.
3. Target population shall have the same meaning as defined in Cal. Health & Safety Code § 50675.14.

C. Standards. Supportive Housing developments shall be ministerially permitted, regardless of minimum parcel size and zoning densities, on all parcels within the R2, R3, C2, and C3 zoning districts, subject to zoning compliance and building permit issuance and the following standards:

1. Units within the development are subject to a recorded affordability restriction for fifty-five years (55) years;
2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Cal. Health & Safety Code § 50079.5.
3. At least twenty-five (25%) of the units in the development or twelve (12) units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than twelve (12) units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
4. The developer provides the planning agency with the information required by Cal. Gov't Code § 65652.
5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - a. For a development with twenty (20) or fewer total units, at least ninety (90 sq. ft.) square feet shall be provided for onsite supportive services.

- b. For a development with more than twenty (20) units, at least three (3%) percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Cal. Gov't Code § 65915(c)(3).
7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
8. Development proposals shall undergo an Administrative Design Review process limited to design issues only. No discretionary permit is necessary for the density or use of the site.

Section 12.03.210 Subsurface Mining

Subsurface mining is allowed in all base districts subject to approval of a Use Permit. Surface access to subsurface mining, including vent and escape shafts, is allowed in the AG, FR, M1, M2, P, and PD base districts subject to approval of a Use Permit. Small vent and escape shafts disturbing not more than 100 cubic yards of overburden are allowed in all other base districts subject to approval of a Use Permit.

Section 12.03.220 Surface Mining Permits and Reclamation Plans

- A. Purpose and Intent. The purpose and intent of this Section is to ensure:
 1. The recognition and protection of valuable mineral resources for current and future generations in a manner that does not create land use conflicts.
 2. The protection of valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing.
 3. That adverse effects on neighboring activities and the environment are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.
 4. That the production and conservation of minerals are encouraged, while protecting values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
 5. That immediate and residual hazards to the public health and safety are

eliminated.

B. Definitions.

1. Area of Regional Significance - An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
2. Area of Statewide Significance - An area designated by the State Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
3. Borrow Pits - Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.
4. Compatible Land Uses - Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
5. Exploration - The search for economic mineral or ore by (a) geological surveys, (b) geophysical or geochemical prospecting, (c) bore holes and trial pits, (d) surface or underground headings, drifts, or tunnels. Exploration aims at locating the presence of economic deposits and establishing their nature, shape, and grade.
6. Haul Road - A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.
7. Idle - Surface mining operations curtailed for a period of one (1) year or more, by more than ninety (90%) percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

8. Incompatible Land Uses - Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to residential uses, public facilities, geographically limited but impact intensive industrial, and commercial.
9. Mined Lands - The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
10. Minerals - Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
11. Mining, Recreational - The extraction of minerals for recreation on a seasonal basis and using such devices as pans, rockers, and dredges, in compliance with all applicable State and Federal Regulations.
12. Operator - Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.
13. Overburden - Soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by mining operations.
14. Quarry - A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.
15. Quarrying - The digging out of stone or slate from an open excavation.
16. Reclamation - The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to

affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

17. Stream Bed Skimming - Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
18. Surface Boulder Collection - Collecting of exposed boulders without the need for excavation.
19. Surface Mining - All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, combination, concentration, processing, in-place distillation or retorting or leaching, the production and disposal of mining waste, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same). Said process shall not include the processing and use of on-site aggregate for on-site construction (see Section governing Natural Resources – On-Site Uses).
20. Waste, Mining - The barren rock excavated from a mine. The waste dump is the area where waste is disposed of or piled.

C. Incorporation by Reference. The following are made a part of this Section by reference with the same force and effect as if the provisions therein were specifically and fully set out herein as those provisions and regulations may be amended from time to time, excepting that when the provisions of this Section are more restrictive than correlative State provisions, this Section shall prevail:

1. California's Surface Mining and Reclamation Act of 1975 (Cal. Pub. Res. Code §§ 2710 – 2796.5), hereinafter referred to as "SMARA".
2. California Public Resources Code (PRC) § 2207 (relating to annual reporting requirements).
3. State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations CCR Tit. 14, §§ 3500 - 3508).

D. Scope.

1. General. Except as provided in this Section, no person shall conduct surface mining operations unless the County of Nevada has first approved a Use Permit, Reclamation Plan, and financial assurances for reclamation. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other General Plan policies or regulations of the County, including but not limited to, the application of CEQA, the requirement for other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Section shall apply to all lands within the unincorporated County, public and private.
2. Exploration.
 - a. Mineral exploration is allowed in the AG, FR, M1, M2, P, and PD Districts subject to zoning compliance and building permit issuance, if required. A Use Permit shall be required if:
 - 1) Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed, or
 - 2) The operation in any one location exceeds one (1) acre in size, or
 - 3) De-watering will occur, or water will be discharged from the site as a result of the operation.
 - b. Smaller-scale exploration is allowed in all other Districts not listed in 2.a. above, subject to approval of a Use Permit, providing:
 - 1) Methods of geological survey, geophysical, or geochemical prospecting are used, or
 - 2) Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance per acre may be done.
 - 3) No explosives may be used other than geophysical; there may be no drifting or tunneling and de-watering or water discharge is not allowed.
 - c. All exploratory operations shall require a reclamation plan unless:
 - 1) Less than 1,000 cubic yards of overburden are disturbed, and
 - 2) The size of the operation in any one location is one (1) acre or less.

In those instances where a reclamation plan is not required, an erosion control plan, approved by the Nevada County Planning Department, and a grading permit shall be

required for those operations in which fifty (50) cubic yards or more of overburden are disturbed.

3. Surface Mining. Surface mining is allowed in the AG, FR, M1, M2, P, PD, and TPZ Districts and where the property is zoned ME, subject to approval of a Use Permit and Reclamation Plan. Within the TPZ Districts, surface boulder collection only is allowed, and is limited to exposed rocks within areas of historic, previously mined lands where no significant impacts to sensitive resources occur, and no additional roads are constructed, subject to a Use Permit and Reclamation Plan.
4. Exemptions. This Section shall not apply to the following activities:
 - a. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
 - b. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments.
 - c. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
 - d. Recreational mining as defined in Section "B" above. Certain Federal and State regulations and local building and sanitation regulations may apply. Recreational mining is not exempted from SMARA compliance if surface disturbance is greater than one acre or 1000 cubic yards.
 - e. Such other mining operations categorically identified in Cal. Pub. Res. Code §2714 as excepted activities.

E. Vested Rights. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Section. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Section shall apply to vested mining operations.

F. Process.

1. Applications for a Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Cal. Pub. Res. Code §§ 2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation. For surface mining operations that are exempt from a Use Permit pursuant to this Section, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.
2. Within thirty (30) days of acceptance of an application for a Use Permit for surface mining operations and/or a Reclamation Plan, including financial assurances, as complete, the Planning Department shall request review and comment on the application and financial assurances by the State Department of Conservation and other selected public agencies. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.
3. Pursuant to Cal. Pub. Res. Code §2774(d), the State Department of Conservation shall be given thirty (30) days to review and comment on the Reclamation Plan and forty-five (45) days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation and other selected public agencies, and may incorporate said comments into conditions of approval, if applicable. Following a noticed public hearing(s), the Planning Commission shall then take action to approve, conditionally approve, or deny the Use Permit and/or Reclamation Plan, and the financial assurances pursuant to Cal. Pub. Res. Code §2770(d).
4. The Planning Department shall forward a copy of each approved Use Permit for mining operations and/or approved Reclamation Plan and a copy of the approved financial assurances to the State Department of Conservation. Staff shall also prepare a written response describing the disposition of the major issues raised by the State and forward said response to the State. In particular, if the Commission's action is at variance with the recommendations and objections raised in the State's

comments, the written response shall address why specific comments and suggestions were not accepted. Copies of any written comments received, and responses prepared by the staff shall be promptly forwarded to the operator/applicant.

5. By July 1st of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Use Permit or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

G. Standards for Surface Mining Use Permits.

All surface mining Use Permits shall:

1. Comply with the policies of the Nevada County General Plan Chapter 17: Mineral Management and standards in “Site Development Standards” in this Code.
2. Provide for periodic reviews of the Permit by the Planning Agency to ensure compliance with Permit conditions. Said reviews time periods shall not exceed five (5) years with the first review not to exceed five (5) years from approval of the Permit.
3. Include provisions for management of water quality and quantity based on the following standards:
 - a. Require the conservation of on-site water during mining operations.
 - b. Require that off-site water discharge comply with State water quality standards.
 - c. Require that any increase or decrease of off-site discharge is not detrimental to the downstream environment or downstream water uses.
 - d. When the Planning Agency determines, based on relevant expert testimony, or other available information, that existing surface or subsurface water quality or quantity may be threatened, require a comparable supply of water to nearby homes and businesses through accessible forms of Security or alternative sources of water. Where water quantity and quality problems occur, an immediate water supply shall be provided by the operator until the source of the problem is determined. The burden of proof shall be on the operator to show that the mining operation did not create the water problem. If it is determined that the operator is at fault, impacted owners shall be compensated by the operator.

H. Standards for Reclamation.

1. All Reclamation Plans shall comply with “Site Development Standards” and the provisions of SMARA (Cal. Pub. Res. Code § 2772 and §2773) and State regulations (CCR Tit. 14 §§3500-3505). Reclamation Plans approved after January 15, 1993, Plans for proposed new mining operations, and any substantial amendments to previously approved Plans, shall also comply with the requirements for reclamation performance standards (CCR Tit. 14 §§ 3700- 3713).
2. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) standards for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.

I. Statement of Responsibility. The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Plan. The Planning Department shall keep said statement in the mining operation’s permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

J. Findings for Approval.

1. Use Permits. In addition to findings required by Section governing Use Permits, subsection “G”, Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
2. Reclamation Plans. For Reclamation Plans, the following findings shall be required:
 - a. That the Plan and potential use of reclaimed land pursuant to the Plan are consistent with the General Plan and the provisions of this Section.
 - b. That the Plan complies with SMARA, Cal. Pub. Res. Code §§ 2772 and 2773, applicable requirements of State regulations (CCR Tit. 14 §§ 3500-3505, and §3700-3713), and any other applicable provisions;
 - c. That the Plan has been reviewed pursuant to CEQA and the County’s environmental

review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

- d. That the Plan minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations.
- e. That the Plan restores the mined lands to a usable condition that is readily adaptable for alternative land uses.
- f. That the Plan restores the mined lands to a condition that creates no danger to public health or safety.
- g. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
- h. That the Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the General Plan.
- i. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

K. Financial Assurances.

- 1. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the County shall require as a condition of approval Security that will be released upon satisfactory performance. The applicant may pose Security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Plan. Financial assurances shall be made payable to the County of Nevada and the State Department of Conservation, and, where applicable, the United States Forest Service and Federal Bureau of Land Management.
- 2. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies

and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

3. Cost estimates for the financial assurance shall be submitted to the Planning Department with the Use Permit and/or Reclamation Plan application. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Planning Commission shall have the discretion to approve the financial assurance if it meets the requirements of this Section, SMARA, and State regulations.
4. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. A California registered professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Planning Director shall prepare cost estimates. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten (10%) percent shall be added to the cost of financial assurances.
5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
6. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
7. The amount of financial assurances required of a surface mining operation for any

one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

8. Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

L. Interim Management Plans.

1. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
2. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
3. Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review at least thirty (30) days prior to approval.
4. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Section. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Commission shall approve or deny the revised IMP within sixty (60) days of receipt.
5. The IMP may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the IMP for another period not to exceed five (5) years, or require the surface mining operator to commence reclamation in

accordance with its approved Reclamation Plan.

M. Annual Report Requirements. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

N. Inspections. The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the Annual Report required in subsection M, to determine whether the surface mining operation is in compliance with the approved Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

O. Violations and Penalties. If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Section, the applicable Use Permit, any other required permit, and/or the Reclamation Plan, the County shall follow the provisions of Section governing Permit Revocation, as well as the procedures set forth in Cal. Pub. Res. Code §§ 2774.1 and 2774.2 concerning violations and penalties.

P. Fees. The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Use Permit application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator.

Q. Mineral Resource Protection. Mine development is encouraged in compatible areas as shown in the General Plan before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Section, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible consistent with the General Plan.

In accordance with Cal. Pub. Res. Code § 2762, the General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve (12) months of receipt from the State Mining and Geology Board of such information. Land use decisions will be guided by information provided on the location of identified mineral resources of regional significance.

See Section governing Mineral Areas, Significant, for standards in this Chapter intended to protect significant mineral areas from incompatible land uses and minimize land use conflicts between surface mineral extraction and processing and neighboring incompatible land uses.

R. Severability. If any Section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

S. Effective Date. This Chapter shall take effect thirty (30) days following its adoption. (Ord. 2220. (10/31/2006); Ord. 2533. (12/05/2023))

Section 12.03.230 Temporary Commercial Uses

A. Purpose. To establish standards and permitting requirements for temporary commercial uses in those districts listed in the standards below. This section does not apply to the direct sale of agricultural products addressed in Agricultural Uses, 12.03.030, in this Chapter, nor does it apply to other on-site temporary uses permitted under the terms of an issued use permit or customarily considered to be an accessory and incidental to allowed uses on sites occupied by a residence or by a church, school, community center or similar institution.

B. Definitions.

1. Temporary Commercial Uses - Services limited to the installation and removal of tire chains, and transient businesses involving the selling of food or merchandise, in any doorway, recess, alley, vacant lot or other place facing a street or roadway that

may be hired, leased or occupied for the exhibition of such food or merchandise. This definition does not apply to the sale of agricultural products authorized pursuant to the “Agricultural Uses” Section of Zoning Regulations, 12.03.030, nor does it apply to other on-site temporary uses permitted under the terms of an issued use permit or customarily considered to be an accessory and incidental to allowed uses on sites occupied by a residence or by a church, school, community center or similar institution. (Ord. 2235. (04/10/2007); Ord. 2533. (12/05/2023))

2. Non-Profit Charitable Organization - Any organization incorporated pursuant to the California Non-Profit Corporation Law (Cal. Corp. Code §§ 5000 - 10841), that is exempted from federal taxation by the Internal Revenue Code pursuant to subsections (3) or (19) of 26 USCS §501 (c) and exempted from state taxation by the Cal. Rev. & Tax. Code §§23701d or 23701x.

C. Standards. Temporary commercial uses as herein defined are allowed in the C1, C2, CH, C3, M1 and M2 districts subject to approval of an Administrative Development Permit, but not subject to design review, and the following standards:

1. Temporary commercial uses shall not exceed a period of ninety (90) days in a calendar year, except that temporary flea markets shall be limited to no more than three (3) days in a ninety-day (90) period, not exceed three (3) such operations in a twelve-month (12) period.
2. Submit written permission from the property owner(s) on whose land the use is proposed.
3. Submit a site plan drawn to scale showing the location of the proposed temporary use, including parking for the proposed use, the existing uses including parking for the existing uses and road rights-of-way.
4. Temporary uses may not be located within a public right-of-way, except that the provisions of this Section shall not supersede the requirements for a permit for the installation of tire chains contained in the Nevada County Code.
5. Temporary uses may not be located in any wheelchair accessible parking stalls nor shall such use occupy more than ten (10%) of any on-site parking on a commercially-developed property.
6. No more than one permit for a temporary commercial use may be issued at any one time on a single parcel.
7. Permits for temporary commercial uses shall not be issued more than thirty (30) days in advance of the valid date of operation.

8. Permits may not be re-issued for the same type of business (i.e., vendors of fresh produce or fresh flowers) on a single parcel if total operating time will exceed the time limits established in this Section.
9. Parking shall be provided completely on the same site as the temporary use and may not be located in the County right-of-way. Parking may not be located so as to require backout into any County right-of-way. Unpaved parking areas for temporary commercial uses shall be surfaced with a minimum four (4") inches of crushed rock except that temporary flea market parking areas shall be treated as necessary to reduce dust and fire danger. Driveway encroachments into County roads shall be improved pursuant to County Encroachment Permit standards.
10. Signage is limited to one sign per business which shall be substantially attached to the stand or vehicle used for the temporary use and the maximum allowable aggregate area shall be twenty (20 sq. ft.) square feet.
11. All pedestrian traffic or display areas that are not paved or graveled shall be covered with a minimum two (2") inches of sawdust or wood shaving, except that temporary flea market parking areas shall be treated as necessary to reduce dust and fire danger.
12. Temporary use shall be limited to chain installation or outside sales, which may include sales from a vehicle or temporary structure that is removed from the site at the end of each business day. Any new temporary structure or new electrical service connection shall require a building permit unless specifically exempted by the Uniform Building Code.
13. Any use that provides for public access into a structure or vehicle shall require approval by the local Fire Protection District.
14. Where applicable, temporary uses shall satisfy the Department of Environmental Health for the storage and removal of solid waste and/or sewage.
15. Temporary commercial uses shall be subject to compliance with all applicable County and local Codes, including the issuance of the following permits, where applicable:
 - a. A Certificate of Operation from the Nevada County Environmental Health Department for those uses requiring such a permit, including the handling of foods.
 - b. A Hawkers and Peddlers Permit issued by the Nevada County Tax Collector.

16. Temporary commercial uses shall be subject to compliance with all applicable State and Federal laws and regulations, including a California Sales Tax Permit issued by the State of California.

D. Exemptions.

1. Non-profit charitable organization, as herein defined, shall be exempt from the permit provisions of this Section for temporary uses meeting the standards of this Section, but shall be required to file a letter of intent with the Planning Department in advance of commencing the use, stating the days of operation and location of the proposed use.
2. Mobile Food preparation Units, or Mobile Food Facilities, that are regulated by the Department of Environmental Health, pursuant to the California Uniform Retail Food Facilities Law of the Health and Safety Code, and which do not stay in any one location for more than one hour at a time.

E. Temporary Construction Trailers. A recreational vehicle, mobile home or commercial coach may be used as a construction office on property that is being developed for commercial or industrial use, provided that a building permit has been issued and is valid for construction of an approved development. (Ord. 2090. (07/07/2002); Ord. 2533. (12/05/2023))

Section 12.03.240 Wineries

A. Purpose. To provide for the development of wineries as a viable agricultural industry by establishing standards for the growing of fruit, the production of wine, the sale of wine and winery-related goods, and the use of land for support uses, within the AG, AE, FR, and RA zoning districts.

B. Definitions.

1. Wineries - Facilities used for the fermenting and processing of juice into wine. Typical activities include crushing of fruit, aging, processing, and storage of wine in bulk, bottling and storage of bottled wine, shipping of bulk and bottled wine, offices, and laboratories.
2. Wine Tasting Room - An area for the promotion and sales of wines produced at the winery facility or other winery facilities contracted to produce wines made from wine growers' fruit, and the sale of wine related merchandise. May be either a Grower Tasting Room or a Winery Tasting Room.

C. Standards. Wineries, retail sales and wine tasting facilities are allowed in the

AE, AG, FR and RA districts subject to zoning compliance and building permit issuance, if required, and the following limitations.

1. Facilities within the RA district are limited in size to no more than 3,000 square feet in size. This size may be exceeded subject to a use permit.
2. Within the RA district such uses shall be limited to parcels of three (3) acres or more in size. This minimum parcel size may be waived subject to a use permit.
3. All parking is provided on site.
4. The winery shall have direct access to a publicly-maintained road. If the property does not have direct access to a publicly-maintained road, the developer shall form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district). If the use of a road maintenance district is not feasible, the property owner shall join, form, or demonstrate that they are part of a road maintenance agreement. If a homeowner's association maintains the private roads, participation in a road maintenance association is required.

Section 12.03.250 Tree Removal Near Nevada City

A. No person, firm or corporation shall remove or cause to be removed any tree located outside a Timberland Preserve Zone (TPZ) and within the Nevada City Sphere of Influence as adopted by the Local Agency Formation Commission without first obtaining a tree removal permit from the Planning Director, except those:

1. That have been identified for removal as part of a Use Permit, Development Permit or Subdivision;
2. That are on developed residentially-zoned property;
3. That have been identified by a licensed forester as being in a hazardous condition presenting an immediate danger to health and property;
4. Where the trunks measure less than ten (10") inches in diameter, measured four and one-half (4.5') feet above grade and where less than twenty percent (20%) of the trees over eight (8") inches in diameter are proposed to be removed every five (5) years;
5. Located on parcels aggregating three (3) acres or more in size, subject to pre-emptive State regulations identified for commercial tree removal pursuant to an approved Timber Harvest Plan;

6. Located within a public or public utility right-of-way when such trees are to be removed by a public agency or public utility.

B. Application Content. A tree removal application shall include, but is not limited to, the following:

1. An inventory of on-site trees, including the percentage of trees over ten (10”) inches in diameter to be removed, and the size, species and condition of each tree to be removed.
2. Statement of fact stating the purpose of the removal.
3. Size and species of any trees proposed to replace removed trees.

C. Tagging Required. Trees proposed for removal shall be identified by flagging, staking, painting or other suitable means not detrimental to the health of the tree that is readily visible for field inspection.

D. Removal Standards. A tree may be removed only when:

1. Dead or diseased beyond reclamation.
2. Crowded beyond good forestry practices.
3. Interfering with existing utilities or structures.
4. Obstructing existing or proposed improvement that cannot be designed to avoid tree removal.
5. Inhibiting sunlight necessary for solar access.

E. Safety. The Planning Director may require that tree removal be conducted by a licensed and insured tree faller, to ensure the safety of life and property.

Any other reason that may be identified by the Planning Director based on a consultation with the recognized expert in the field including, but not limited to, a licensed landscape architect, forester or horticulturist. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.03.260 Wildlife Rehabilitation Facilities

A. Purpose. To provide opportunities for the rehabilitation of wild (non-exotic) animals within the rural and agricultural districts on properties developed with a residence as the primary use, provided that the wildlife rehabilitation activity does not impact

surrounding properties.

B. Definitions.

1. Wildlife Rehabilitation Facility - A site where activities are undertaken to restore to a condition of good health, for the purpose of release to the wild, animals occurring naturally and not normally domesticated in this state, but not including those defined by Title 8 governing definition of a Working Animal in the Nevada County Code.

C. Standards. All wildlife rehabilitation facilities are subject to the approval of an Administrative Development Permit, 12.05.051, subject to the following standards:

1. Wildlife rehabilitation facilities shall be allowed in the AG, AE, RA, FR, REC, IDR, PD, TPZ, P, and OS zoning districts subject to an Administrative Development Permit. Wildlife rehabilitation facilities shall not be allowed in the R-1, R-2, R-3, and all commercial and industrial zoning districts.
2. No person shall possess any animal, if such animal is a member of any class, family and species as set forth in Cal. Code Regs. tit. 14 § 679(c) and (f), with the county without first applying to and receiving from the Planning Department a permit to do so. Such permit shall not in any way act in lieu of the required state permit for possession of such animal, nor shall the state permit act in lieu of the permit required herein by the county. County permits shall not be issued for any animal for which a state permit may not be issued.
3. Applicants shall be required to apply and receive approval of a Memorandum of Understanding (MOU) from the State of California Department of Fish and Game and meet all provisions of the MOU. Nevada County shall not issue a release of a Wildlife Rehabilitation Facility Permit (Administrative) without the submittal of the MOU.
4. Annually, the applicant shall provide a letter to the Nevada County Planning Department from the Department of Fish and Game stating that they are in compliance with the most current DFG MOU for wildlife rehabilitation facilities.
5. The Planning Department shall notify the Animal Control Division of the Sheriff's Office about the issuance of an Administrative Development Permit for any approved wildlife rehabilitation facility.
6. Wildlife rehabilitation permits are specifically for native California wildlife including birds, mammals and reptiles. No animals larger than a bobcat or fawn are allowed.

7. Wildlife rehabilitators are prohibited by the DFG and provisions of this Code from rehabbing “big game” animals, which include adult deer, elk, pronghorn antelope, wild boar, bear, and mountain lions. Cal. Fish & Game Code § 679.c prohibits the possession of Big Game Mammals or Fully Protected, Threatened or Endangered Species except under Department permit. This Section of the Fish and Game Code states: “[n]o person or wildlife rehabilitation facility may possess any big game mammal listed in Section 350, Title 14, CCR, or any fully protected, endangered or threatened bird, mammal, fish, reptile or amphibian without specific written authorization from the department.” The keeping of these animals upon written authorization from the DFG, shall be subject to a Use Permit and authorization of the Animal Control Division of the Nevada County Sheriff’s Office.
8. The applicant shall be responsible for obtaining all necessary permits from the Nevada County Building Department for any temporary or permanent structures used for the purposes of the wildlife rehabilitation facility.
9. Wildlife rehabilitation facility vehicular trips shall be limited to dropping off of injured animals, animal caregivers of the facility and veterinary visits for animal care. Public visitations are prohibited by Cal. Fish & Game Code § 679. This Section of the Fish and Game Code states: “[w]ildlife held for rehabilitation must be maintained separate from facilities housing domestic animals and shall not be displayed to the public. Such wildlife shall have minimal direct human contact. Every effort shall be made to prevent imprinting.”
10. All parking for the rehabilitation facility shall be provided on site.
11. No signage shall be allowed that advertises the wildlife rehabilitation facility.
12. Setback for animal enclosures shall mirror the building setbacks required by the base zoning district.
13. Filing fees for Administrative Development Permits shall be as established by the most current Resolution of the Board of Supervisors.

Section 12.03.270 Dog Obedience Training

A. Purpose. To provide for opportunities for instructor led dog obedience training in rural or low-density residential districts, where the sessions are conducted in a manner consistent with the neighborhood and do not adversely impact surrounding properties and uses allowed thereon.

B. Definitions:

1. Dog Obedience Training - An instructor led training involving a domestic dog pet and its handler to assist in developing working relationships between owner and animal focused on creating a willingness of the animal to yield or to cooperate with the command of authority, including both group and individual training classes. It shall not include training for sport fighting or other potentially malicious purposes, which is strictly prohibited in all districts.

C. Standards. Dog obedience training is allowed subject to zoning compliance and building permit issuance, if required, pursuant to the following standards:

1. Individual or group dog obedience training is an allowed use at public parks or other appropriate public facilities, served by public water and sewer adequate to accommodate the use, between dawn and dusk with advance written approval from the appropriate park district or property owner, subject to the following standards:

- a. The dog owner or handler and the obedience instructor or assistant shall be present at all times during training activities.
- b. All parking shall be provided onsite.
- c. Exterior property line noise levels generated by this use do not create a nuisance by exceeding those defined for the base-zoning district shown in the Nevada County Code.
- d. All dogs shall be kept on leash except when actually participating in instructional dog obedience training classes with the dog's owner or handler personally present and able to effectively control the dog at all times.
- e. The property owner, dog obedience instructor and dog owner/handler is responsible for cleanup of all animal waste from dogs participating in obedience training in a fashion consistent with the County Solid Waste Code. As such, all animal waste shall be picked-up each day and bagged and then placed in a secure, plastic lined, covered solid waste receptacle and removed from the property to an approved solid waste facility at least every seven days.
- f. The dog obedience training activity shall be conducted in a manner that does not result in a private or public nuisance.

2. Individual private dog obedience training is an allowed use in all residential zoning districts so long as it involves only the property resident and/or handler, the instructor and/or assistant and a single dog lawfully kept as a pet on the premises where the training is being conducted. Individual private obedience training may also be performed at the residence of the dog obedience instructor or assistant. All individual dog obedience training is subject to the following standards:

- a. The proposed use shall be subject to standards (a-f) of subsection C.1 above.
 - b. Hours of operation for dog obedience training shall be limited to the hours of 7:00 a.m. to 9:00 p.m. for outdoor activity and 7:00 a.m. to 10:00 p.m. for indoor activity Monday through Saturday and 8:00 a.m. to 9:00 p.m. for outdoor activity and 8:00 a.m. to 10:00 p.m. for indoor activity on Sunday.
3. Group dog obedience training involving more than one resident or handler and/or more than one dog is allowed in the AG, AE and RA zoning districts, pursuant to the following standards:
- a. The proposed use shall be subject to standards (a-f) of subsection 1 and (a-b) of subsection C.2.
 - b. All outdoor use shall be conducted within a fenced area capable of containing a dog in the event that said dog is off-leash during training activities. Property perimeter fencing is sufficient to meet this requirement.
 - c. The applicant shall demonstrate, upon County request, that the proposed site is compliant with the County Fire Safety Regulations, unless otherwise modified by the agency responsible for fire protection.
 - d. The applicant shall demonstrate, upon County request, that access to the proposed site meets, at the least, the minimum fire standard access road specifications compliant with the Road Standards.
 - e. The applicant shall demonstrate, upon County request, that the proposed training site has access to a public water supply and a public sewer system or provide proof that the site has access to a County approved septic system and water supply adequately sized to accommodate the classes being conducted as determined by the Nevada County Department of Environmental Health.
 - f. One on-site, freestanding or wall sign shall be permitted for the training site, which is limited to a maximum of four (4 sq. ft.) square feet and may not be illuminated.

Section 12.03.280 Commercial/Industrial Pre-Grading

A. Purpose. To provide opportunities and establish standards for the grading and preparation of certain Commercial or Industrial zoned sites for future development of permitted and/or allowed structures and uses prior to the approval and design of a specific development project. It is the intent of this Section to encourage and enhance economic development in the County's identified Community Regions by enhancing the sale, lease

and/or development opportunities of a commercial/industrial site through site preparation and grading activities prior to a specific development project.

B. Definition.

1. Pre-Grading - Grading activities performed in accordance with Building Codes in the County Code for the grading and preparation of a Commercial or Industrial site for future development prior to the approval and design of a specific development project.

C. Standards. Pre-Grading activities are subject to the following development standards:

1. Pre-Grading is allowed in the C1, C2, C3, M1 and M2 zone districts within a Community Region subject to an Administrative Development Permit if the following standards can be met. Pre-Grading activities shall not be allowed in all other zone districts or outside of a Community Region.
 - a. Pre-Grading activities that do not disturb more than one (1) acre of land.
 - b. Pre-Grading activities that are determined to be exempt from CEQA.
 - c. Pre-Grading activities shall be required to obtain a Grading Permit from the Building Department and shall conform to the requirements of the Building Code, Title 14, including erosion control standards, 16.13.020 and Best Management Practices.
 - d. Pre-Grading activities shall meet drainage standards and requirements contained in Building, Title 14 and Storm Drainage regarding Road Standards title 16 and shall demonstrate that the post-grading flow levels and patterns do not exceed pre-grading drainage flow levels and patterns. The applicant shall demonstrate that onsite and offsite drainage facilities and easements exist to accommodate the proposed drainage of the graded site. Offsite properties and drainage facilities shall not be adversely impacted by Pre- Grading activities.
 - e. On parcels not served by sewer a Minimum Usable Sewage Disposal Area (M.U.S.D.A.) shall be identified on the site and avoided during all Pre-Grading activities. The M.U.S.D.A. design shall be in conformance with Environmental Health standards and regulations. A Notice to Property Owner shall be recorded indicating the M.U.S.D.A. capacity for future fixtures and occupancy load for future development on the Pre- Graded site.
 - f. Pre-Grading activities shall comply with all Northern Sierra Air Quality Management District (NSAQMD) regulations pertaining to dust control and shall include a long-

term dust suppression plan to be approved by the NSAQMD. Any other applicable State and/or Federal Air Quality regulations shall be adhered to and implemented.

- g. All NID canal protection measures shall be implemented during any Pre-Grading activities that impact NID canals.
- h. The source and type of any fill material transported to the site shall be identified. All fill material shall be free of any construction debris or other contaminants.
- i. The location of any material transported offsite shall be identified and appropriately permitted as part of the Pre-Grading Development Permit.
- j. All environmental resources as identified in Comprehensive Site Development Standards Resource Standards, 12.04.300.
- k. Pre-Grading activities shall not include any mining activities as defined in Surface Mining Permits and Reclamation Plans and Subsurface Mining in this Code.
- 1. Filing fees for Development Permits shall be as established by the most current Resolution of the Board of Supervisors.
- 2. Pre-Grading is allowed in the C1, C2, C3, M1 and M2 zone districts within a Community Region subject to a discretionary Development Permit to be approved by the Zoning Administrator subject to the following standards. Pre-Grading activities shall not be allowed in all other zone districts or outside of a Community Region.
 - a. Pre-Grading activities that disturb more than one (1) acre of land.
 - b. Pre-Grading activities that are determined not to be exempt from CEQA review.
 - c. Pre-Grading activities shall meet standards C.1.c - l listed above.

D. Findings. Findings for discretionary approval by the Zoning Administrator, in addition to the applicable findings required in Code Sections governing Development Permits, 12.05.050, and findings for Administrative Development Permits, 12.05.051, shall include:

1. Pre-Grading is appropriate for the preparation of the site for sale or leasing purposes and no foreseeable development project exists.
2. Pre-Grading of the site does not preclude reasonable development of the site.
3. Pre-Grading of the site does not restrict future design and/or development of the site.

(Section added by Ord. 2351. (07/10/2012); amended by Ord. 2298. (08/18/2009); Ord. 2291. (05/26/2009); Ord. 2270. (07/15/2008); Ord. 2258. (01/22/2008); entire Chapter II repealed and re-enacted by Ord. 2253. (10/23/2007); Ord. 2247. (07/10/2007); Ord. 2239. (05/29/2007); Ord. 2236. (05/22/2007); Ord. 2235. (04/10/2007); Urgency Ord. 2229. (01/09/2007); Ord. 2223. (11/14/2006); Ord. 2220. (10/31/2006); Ord. 2214. (08/22/2006); Ord. 2206. (05/23/2006); Ord. 2176. (05/10/2005); Ord. 2157. (09/28/2004); Ord. 2152. (05/25/2004); Ord. 2149. (05/25/2004); Ord. 2146. (04/27/2004); Comprehensive Changes Ord. 2090. (07/09/2002); Entire Chapter II repealed and re-enacted by Ord. 2033. (06/27/2000); Ord. 2533. (12/05/2023))

Section 12.03.290 Adult Businesses

A. Purpose. It is the purpose and intent of this section to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including but not limited to increases in crime in the vicinity of adult businesses; increases in vacancies in residential areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate, or patronize adult businesses.

B. Definitions. The words and phrases used in this Section shall employ the definitions found in the Section governing "Adult Business Licenses and Operational Regulations," 6.08.010, and Definitions as part of this Code, unless it is clearly apparent from the context that another meaning is intended. In addition to those definitions, the following definitions shall apply to this Section.

1. Park - A publicly-owned park so designated on the County's General Plan or zoning map, or property actually owned, developed and maintained, by a public agency for public recreation purposes.
2. School - An institution of learning for minors, whether public or private, offering

instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary school, middle or junior high school, senior high school or any special institution of education but does not include a vocational or professional institution of higher education, including a community or junior college, college or university. This definition also includes a child Daycare facility or Daycare center, as defined in Cal. Health & Safety Code §§ 1596.750 and 1596.76.

3. Church - An institution which people regularly attend to participate in or hold religious services, meetings and related activities.

C. Locational Requirements. Adult Businesses, as defined in Section governing Adult Businesses, 6.08.010, shall be:

1. Located exclusively in the M1 (Light Industrial zone).
2. Distanced 500 feet from any property with an existing residence or a General Plan designation of RES (Residential), PRC (Planned Residential Community), EST (Estate), USF (Urban Single-Family Residential), UMD (Urban Medium Density Residential), or UHD (Urban High Density Residential). The distance between the adult business and the residentially- zoned property shall be measured from the closest exterior wall of the adult business and the nearest property line included within the residential-zone, along a straight line extended between the two points, without regard to intervening structures.
3. Distanced 1,000 feet from a school, church, daycare, camp/campground, arcade, amusement park, fairgrounds or park, as those terms are defined in this Code. The distance between the adult use and the park shall be measured from the closest exterior wall of the adult business and the nearest property line of the school or park, along a straight line extended between the two points, without regard to intervening structures.
4. Distanced 1,000 feet from any other adult business, as defined in this Code. The distance between adult businesses shall be measured from the front door of each adult use, along a straight line extended between the two points, without regard to intervening structures.

D. Licensing/Permitting Requirements. Licensing and Operational Standards for Adult Businesses are provided in this Code. Additionally, Adult Businesses are subject to Zoning Compliance and Building Permit issuance and shall be reviewed on a case- by- case basis for potential conflicts with school bus stops and other like school activities.

E. Violations; Public Nuisance; Remedies Cumulative. Any person violating or causing the violation of any of these locational provisions regulating adult business shall

be subject to the remedies of Enforcement and Penalties for Violations. Any person operating or causing the operation of an adult business on any parcel for which no application for an adult business regulatory license has been filed or granted, or any person violating or causing the violation of any of the locational provisions regulating adult business shall be subject to license revocation/suspension pursuant to Sections governing Enforcement and Penalties for Violations, Penalties under licensing of Adult Businesses, a fine of not more than \$1,000.00, and any and all other civil remedies. 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 above, any violation of any of the locational provisions regulating adult businesses is hereby declared to be a public nuisance. The requirements of this Section shall be in addition to any other relevant provisions of this Code.

Section 12.03.300 Cannabis Cultivation

A. Authority and Title. Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Cal. Health & Safety Code § 11362.83, and Cal. Gov't Code § 25845, the Board of Supervisors does enact this Section.

B. Purpose and Intent. It is the purpose and intent of this Section to implement State law by regulating the cultivation of cannabis in a manner consistent with State law. It is also the intent of this Section to balance the needs of adult uses and medical patients and their caregivers and to promote the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Nevada. This Section is intended to be consistent with State law. The intent and purpose of this Section is to establish reasonable regulations regarding the manner in which cannabis may be cultivated, distributed and processed including non-volatile manufacturing, and retail sales, including restrictions on the amount and location of cannabis that may be cultivated on any premises, in order to protect the public health, safety, and welfare in Nevada County, and to address the adverse impacts previous local regulations have failed to curtail.

C. Definitions. As used herein the following definitions shall apply:

1. Accessory Structure - A separate and legally permitted building or structure located on the premises where cannabis is being cultivated. The structure must be permitted pursuant to applicable building codes and, although it may be permitted for other uses, it must also be permitted specifically for Cannabis Cultivation. Notwithstanding the foregoing, an Accessory Structure may include an attached structure, but Cultivation may not take place in any space inhabited by humans, and must comply with all other local regulations pertaining to Accessory Structures to the extent they are applicable to an attached structure.

2. Annual Cannabis Permit (ACP) - A permit issued by Nevada County in final form allowing the permit holder to conduct Commercial Cannabis Activities as set forth in the permit.
3. Cannabis shall have the same meaning as that set forth in Cal. Health & Safety Code § 11018, as may be amended. Cannabis, Medical Cannabis, and the Cultivation thereof, as defined in this Section shall not be considered an agricultural activity, operation or facility under Cal. Civ. Code § 3482.5 or an Agricultural Product as defined in 12.03.030this Chapter, or an Agricultural Operation as defined in Section 12.03.030 of this Code governing Specific Land Uses, Agricultural Uses Definitions and Agricultural Lands and Operations.
4. Canopy and Canopy Area - The designated area(s) at a licensed and permitted Premises, including Nurseries but excluding Immature Plant Areas, that may contain mature Cannabis plants at any point in time:
 - a. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain the entirety of mature plants at any point in time, including all of the space(s) within the boundaries.
 - b. Canopies must be clearly identified on site plans, and may be noncontiguous, but each unique area included in the total Canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, Accessory Structure walls, or fencing. This definition does not include ancillary spaces such as spaces used for drying, curing, or trimming.
 - c. Canopy Boundaries shall encompass the entire plant. Cannabis plants which extend outside the boundaries are considered outside the “Canopy” boundaries and would be considered out of compliance with any permit issued pursuant to this Section.
 - d. Cultivation of mature plants using a shelving system or moveable horizontal benches, the surface area of each level shall be included in the total canopy cultivation.
5. Childcare Center - Any licensed childcare center, daycare center (including small family), childcare home, or any preschool.
6. Church - A structure or lease portion of a structure, which is used primarily for religious worship and related religious activities.
7. Commercial Cannabis Activity - All Commercial Cannabis-related activities contemplated by or for which a license may be required by the State of California as codified in its Business & Professions Code, Code of Regulations, Government

Code, Health and Safety Code, Labor Code and Revenue and Taxation Code, as may be amended.

8. Commercial Cannabis Cultivation - Cultivation of Medical Cannabis and/or Adult Use Cannabis, excluding Cultivation of no more than six (6) plants for Personal Use consistent with state law, including operation of a Nursery.
9. Cultivation or Cultivate - The grading, planting, growing, harvesting, drying, curing, trimming, or storage, or any combination of these activities, of one or more Cannabis plants or any part thereof in any location, Indoor or Outdoor, including from within a fully enclosed and secure building.
10. Daycare Center - Resident or non-resident-based daycare services for over fourteen (14) children including resident children, under the age of ten (10) years old, if located within a residence, or as provided for in the Cal. Health & Safety Code § 1596.76, as may be amended.
11. Daycare, Small Family - Where resident child daycare services are provided in the home for eight (8) or fewer children, including the resident children, under the age of ten (10) years old, or as provided for in Cal. Health & Safety Code § 1596.78(c), as may be amended.
12. Designated Responsible Party(ies) - The individual or entity legally and primarily responsible for all the Commercial Cannabis Activities on the Parcel and/or Premises related to Commercial Cannabis Activities. The Designated Responsible Party(ies) must be licensed by the State of California for the Commercial Cannabis Activities which he/she/they intend on conducting in Nevada County. If the licensee is not the property owner, the legal property owner of any Parcel and/or Premises upon which any Commercial Cannabis Activity will be conducted in Nevada County will also be considered a Designated Responsible Party.
13. Distribution - the procurement, sale, and transport of cannabis and cannabis products between licensees.
14. Enforcing Officer - The Community Development Agency Director, Code Compliance or Cannabis Program Manager, Compliance Department Director Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state or federal laws.
15. Fire Authority - The CAL Fire unit chief, Fire Marshal, or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, Office of Emergency Services staff, contractors or designees, company officers and trained prevention staff as may be designated by a Fire Chief

to enforce the provisions of this Section.

16. Habitable Space - Space intended for or which is used for habitation by humans or which is occupied by humans.
17. Hazardous Materials - Any Hazardous Material as defined in Cal. Health & Safety Code § 25501, as may be amended.
18. Hearing Body - A hearing officer or hearing body designated by the Board of Supervisors to conduct administrative hearings as provided in Section of this Code governing Administrative Enforcement 12.05.220.
19. Identification card shall have the same definition as Cal. Health & Safety Code § 11362.7, as may be amended.
20. Immature Plant - A Cannabis plant which is not flowering.
21. Immature Plant Area - An area designated for the production of only clones, Immature Plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Premises.
22. Indoor or Indoors - Cultivation using exclusively artificial light or mixed light within a detached fully enclosed and secure Accessory Structure using artificial light at a rate above twenty-five watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada, except for structures that are exempt from the requirement to obtain a building permit under the Nevada County Code. For purposes of Personal Use only, “Indoor” or “Indoors” shall also include Cultivation inside a private Residence or attached garage, but not in areas inhabited by humans, including, but not limited to, bedrooms and kitchens.
23. Local Authorization - As required by Cal. Code Regs. tit. §§8100(b)(6) and 8110; Cal. Bus. & Prof. Code § 26050.1(a)(2), or as amended respectively and by any other regulation requiring local license, permit or other local authorization to engage in Commercial Cannabis Activity, means a permit issued in final form by the Permitting Authority specifically allowing the holder of said permit to engage in the Commercial Cannabis Activity within the limitations set forth in said permit and allowing for the type of Commercial Cannabis Activity sought by the individual seeking the state license.
24. “Manufacturing” or “Manufacturing Operation” means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products.

Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

25. Medical Cannabis - Cannabis recommended by a licensed physician, in accordance with Cal. Health & Safety Code §§ 11362.5 - 11362.83, commonly referred to as the Compassionate Use Act and the Medical Cannabis Program Act.
26. Microbusiness - An operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
27. Mixed Light - The Cultivation of mature or Immature Cannabis Plants in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation using light deprivation and/or one of the artificial lighting models described below:

Mixed Light Tier 1 - The use of artificial light at a rate of six watts per square foot or less.

Mixed Light Tier 2 - The use of artificial light at a rate above six watts and below or equal to twenty-five watts per square foot. "Mixed Light" cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.

28. Non-Remunerative Cultivation - The Cultivation of Medical Cannabis only by a Primary Caregiver on behalf of a Qualified Patient for no monetary compensation except for actual expenses as allowed by Cal. Health & Safety Code § 11362.765(c). Non-remunerative Cultivation must comply with all Commercial Cannabis Cultivation regulations.
29. Non-Volatile Manufacturing - Extractions using mechanical methods or nonvolatile solvents as defined by this section. A Non-Volatile Manufacturing operation may also:
 - a. Conduct infusion operations on the licensed premises; and
 - b. Conduct packaging and labeling of cannabis products on the licensed premises.
30. Non-Volatile Solvent - Any solvent used in the extraction process that is not a volatile solvent. "Nonvolatile solvent" includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.
31. Nursery - The production of only clones, immature plants, seeds, and other

agricultural products used specifically for the propagation and cultivation of Cannabis for wholesale distribution or sales to another State licensee in accordance with California law.

32. Outdoor or Outdoors - Cultivation of Cannabis in any location that is not “Indoors” nor “Mixed Light” and which is cultivated without the use of any artificial light at any time.
33. Parcel - Any legal parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Cal. Gov’t Code S§ 66410 – 66499.40))
34. Parks - Private and public parks, playgrounds, play lots, athletic fields, tennis courts, public outdoor gathering area, recreational area, restrooms and similar facilities.
35. Permitting Authority - The Community Development Agency Director, Building Director, Planning Director, Environmental Health Director, Code Compliance Program Manager, and/or Fire Authority and/or their designee(s).
36. Personal Use - Cannabis cultivated for Personal Use, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the Personal Use of the individual who Cultivates. Personal Use does not include Cannabis which is Cultivated for non-remuneration.
37. Premises refers to the site where Cultivation occurs and includes at least one legal Parcel but may include multiple Parcels if such Parcels are under common ownership or control and at least one Parcel contains a legally permitted and occupied Primary Place of Residence.
38. Primary Caregiver shall have the definition set forth in Cal. Health & Safety Code §11362.7(d), as may be amended.
39. Primary Place of Residence - The Residence at which an individual resides, uses or otherwise occupies on a full-time, regular basis.
40. Processing - Any method used to prepare cannabis for commercial sale, including, but not limited to: drying, cleaning, curing, grading, trimming, and packaging of cannabis and nonmanufactured cannabis products.
41. Qualified Patient shall have the definition as set forth in Cal. Health & Safety Code § 11362.7(c) and (f), as may be amended.
42. Residence - A fully enclosed permanent structure used, designed or intended for human occupancy that has been legally established, permitted, and certified as a

single-family or multi-family dwelling in accordance with the County Codes. Recreational Vehicles (RVs), trailers, motorhomes, tents or other vehicles or structures which are used, designed, or intended as temporary housing shall not constitute a Residence for purposes of this Section, whether or not such vehicle or structure is otherwise permitted or allowed under the Nevada County Codes.

43. Retail Sales.

- a. Storefront Retail Sales - means a building, room, or other area that is open to the public, upon the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.
- b. Non-Storefront Retail Sales - means conducting retail sales exclusively by delivery as defined in Cal. Bus. & Prof. Code § 26001(o) and be closed to the public.

44. School - An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

45. Sensitive Site - A School, Church, Park, Child or Daycare Center, or Youth-Oriented Facility.

46. Sheriff or Sheriff's Office - The Nevada County Sheriff's Office or the authorized representatives thereof.

47. Support Area - An area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies, and infrastructure (water storage tanks) exclusively used for and necessary for Cannabis Cultivation, and Immature Plant Areas.

48. Transport - The movement of Cannabis by a person or entity holding a Distributor Transport Only (Self-Transport) license from the State of California to transport its own Cannabis off its own Cultivation site.

49. Violator - Any person or entity who causes, permits, maintains, conducts or otherwise suffers or allows a violation of this Section and/or a nuisance to exist, including but not limited to the owner(s) of the Parcel or Premises, the occupant(s) if other than the owner(s), the holder(s) of any permit obtained pursuant to this Section, any Designated Responsible Party, and/or any person or entity who causes a public nuisance as

described in this Section, including any person or entity who causes such nuisance on property owned by another.

50. Youth-Oriented Facility - Any facility that caters to or provides services primarily intended for minors, or where the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

D. Nuisance Declared; Cultivation Restrictions.

1. Cannabis Cultivation, either Indoors, Mixed Light or Outdoors, on any Parcel or Premises in an area or in a quantity greater than as provided herein, or in any other way not in conformance with or in violation of the provisions of this Section, any permit issued pursuant to this Section, and/or state law, is hereby declared to be a public nuisance that may be abated by any means available by law. The provisions of 12.05.190 governing Legal Nonconforming Uses and Structures shall not apply to Cannabis Cultivation hereby declared to be a public nuisance. No person owning, leasing, occupying, or having charge or possession of any Parcel or Premises within the County shall cause, allow, suffer, or permit such Parcel or Premises to be used for Cannabis Cultivation in violation of the California Health and Safety Code or this Section.
2. Cannabis Cultivation is prohibited on any Parcel or Premises within the unincorporated territory of Nevada County except on Parcels or Premises with a legally established Residence or an adjacent Parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
3. Cannabis Cultivation is hereby prohibited and declared a nuisance pursuant to this Section, except that Cannabis Cultivation may be undertaken in accordance with this Section as follows:
 - a. On Parcels or Premises with a legally established Residence or adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
 - b. Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical or adult purposes, including operation of a Nursery in accordance with state and local law.
 - c. By an individual for Personal Use in accordance with Subsection E below and in accordance with state and local law.
4. Indoor and Mixed-Light Cannabis Cultivation may occur only within a permitted Accessory Structure that meets the requirements of this Section and complies with all

applicable provisions of the County's County Code and which is permitted for purposes of the specified type of Cannabis Cultivation. Cultivation shall not take place in a kitchen, bathroom, bedrooms, common areas or any other space in the structure, which is used as, designed or intended for human occupancy. Structures that are exempt from the requirement to obtain a building permit under the Nevada County Code may be used for Commercial Cannabis Cultivation if meeting all requirements of the Nevada County Code for that specific structure. Notwithstanding the above, Cannabis Cultivation for Personal Use may occur inside a private residence, but not in bedrooms or kitchens.

5. Cultivation of Cannabis is prohibited on any Premises located within the following areas:
 - a. Upon any Premises located within 600 feet of any Sensitive Site. This setback is measured from the edges of the designated Canopy Area and from any Support Area to the property line of the Sensitive Site.
 - b. In any location where Cannabis, or any portion thereof and whether mature or Immature, is visible and clearly identifiable from the public right-of-way or publicly traveled private roads at any stage of growth.
 - c. Within any setback area required by this Section.
6. All Cannabis Cultivation areas shall comply with the following requirements:
 - a. All Cannabis Cultivation Premises shall be adequately secure to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times when the Cultivator is not present within the Cultivation area.
 - b. Cannabis Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way. Cannabis Cultivation shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors.
 - c. All electrical, mechanical, and plumbing used for Indoor or Mixed- Light Cultivation of Cannabis shall be installed with valid electrical, mechanical, and plumbing permits issued and inspected by the Nevada County Building Department, which building permits shall only be issued to the legal owner of the Premises or their authorized agent. The collective draw from all electrical appliances on the Premises shall not exceed the maximum rating of the approved electrical panel for the Parcel. Electrical utilities shall be supplied by a commercial power source. If generators are used for emergency purposes as approved by the Enforcing Officer,

all generators shall be located in containment sheds while in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This is an annual requirement and shall be verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or held in abeyance until the project infraction is brought into conformance with this Section.

- d. Cultivation of Cannabis indoors shall contain effective ventilation, air filtration and odor-reducing or odor-eliminating filters to prevent odor, mold and mildew in any area used for Cultivation or which is used as, designed or intended for human occupancy, or on adjacent Premises.
- e. All structure and site utilities (plumbing, electrical and mechanical) shall comply with the California Building Standards Codes as adopted by the County of Nevada.
- f. All lights used for Cannabis Cultivation shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the Premises and shall comply with the requirements of Section 12.04.170.8.D, Lighting in Community Design Standards of this Code. Lights are not permitted to be detectable during the nighttime hours. If lights are to be used during nighttime hours, black out or light barriers must be used to ensure no light is visible during nighttime hours.
- g. Noise levels generated by Cultivation shall not exceed the standards set forth in Table 12.04 Exterior Noise Limits of this Chapter applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.
- h. If the person(s) engaging in Cannabis Cultivation is/are not the legal owner(s) of the Parcel, the person(s) who is engaging in Cannabis Cultivation on such Parcel shall:
 - (i) give written notice to the legal owner(s) of the Parcel prior to commencing Cannabis Cultivation on such Parcel, and (ii) shall obtain a signed and notarized Nevada County issued authorization form from the legal owner(s) consenting to the specific Commercial Cannabis Activity for which a local permit and state license are being sought on the Parcel and provide said authorization to Nevada County prior to the commencement of any Cultivation activities and at least annually thereafter. A copy of the most current letter of consent shall be displayed in the same immediate area as designated in the permit and license, in such a manner as to allow law enforcement and other Enforcing Officers to easily see the authorization without having to enter any building of any type. Such authorization must also be presented immediately upon request by an Enforcing Officer.
- i. The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous Materials that are below State of California

threshold levels of fifty-five (55) gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Code Chapter governing Water Supply and Resources. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

Exception: Liquified Propane tanks up to 1,000 gallons installed in accordance with the California Fire Code and California Health and Safety Code and approved by the Fire Authority, Nevada County Building Department and Nevada County Environmental Health Department.

- j. All Premises used for Cannabis Cultivation shall have a legal and permitted water source and shall not engage in unlawful or unpermitted drawing of surface or piped water or permit illegal discharges of water. For purposes of engaging in Cannabis Cultivation pursuant to this Section, water delivery is prohibited.
- k. All Premises used for Cannabis Cultivation shall have a legal and permitted sewage disposal system and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water.

7. Accessory Structures used for Cannabis Cultivation shall meet all of the following criteria:

- a. The Accessory Structure, regardless of size, shall be legally constructed in accordance with all applicable development permits and entitlements including, but not limited to, grading, building, structural, electrical, mechanical and plumbing permits approved by applicable federal, state and local authorities prior to the commencement of any Cultivation Activity. The conversion of any existing Accessory Structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable federal, state and local authorities prior to commencement of any Cultivation Activity. Any Accessory Structure must also be permitted for the specific purpose of Commercial Cannabis Cultivation. Agricultural structures constructed in compliance with the Nevada County Code may be used for Commercial Cannabis Cultivation if a letter of exemption is issued by the Nevada County Chief Building Official or their designee certifying that the structure meets all requirements to receive a letter of agricultural exemption.
- b. The Accessory Structure shall not be built or placed within any setback as required by the Nevada County Code or approved development permit or entitlement.
- c. Accessory Structures shall not be served by temporary extension cords. All electrical shall be permitted and permanently installed.

- d. Accessory Structures used for Indoor Cultivation shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent any odor, humidity, or mold problem within the structure, on the Premises, or on adjacent Parcels.
 - e. Any structure used for Indoor Cultivation shall have a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or thicker studs overlain with 3/8" or thicker plywood, polycarbonate panels, or equivalent materials. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy these requirements.
- 8. Where the provisions of this Section are more restrictive than the Nevada County Code, the provisions of this Section shall govern.
 - 9. Nothing herein shall limit the ability of the Enforcing Officer or any other state or local employees or agents from entering the property to conduct the inspections authorized by or necessary to ensure compliance with this Section, or the ability of the Sheriff to make initial inspections or independent compliance checks. The Enforcing Officer is authorized to determine the number and timing of inspections that may be required.
 - 10. All Canopy Areas and Support Areas must be adequately secured to prevent unauthorized entry and entry by children and include a locking gate that shall remain locked at all times when a Designated Responsible Party is not present within the Cultivation site. Cannabis or any portion thereof and whether mature or Immature shall not be visible and clearly identifiable from a public right-of-way.
 - 11. Notwithstanding the above, Cannabis Cultivation of up to six (6) Immature or mature plants for Personal Use may be Cultivated inside a private Residence or attached garage except that it may not be Cultivated in any space inhabited by humans, including, but not limited to, bedrooms and kitchens.
 - 12. Offsite Processing: The processing of permitted and licensed cannabis product grown offsite may occur at a local and State licensed and permitted cultivation premises subject to all limitations and requirements contained within the provisions of this Section, including, but not limited to: noise standards, odor controls, sanitation requirements, accessory structure requirements, support area size limitations, setbacks, parcel sizes, etc.
 - a. Offsite processing facilities shall meet commercial occupancy requirements and

be specifically described in commercial cannabis cultivation permit applications including the number of employees and the areas for offsite processing shall be delineated on the site plan.

- b. Traffic associated with offsite processing activities shall be limited to 8 a.m. to 5 p.m. Monday through Saturday. No more than six (6) vehicle trips (round trips) shall be allowed for offsite processing activities per day.

E. Personal Use Cannabis Cultivation. All Cultivation of Cannabis for Personal Use must conform to the regulations and requirements set forth in subsection D, above, in addition to the following regulations and requirements.

Personal Use Cannabis Cultivation is allowed as follows:

1. For Personal Use only, Cannabis Cultivation may occur only on a Parcel or Premises with an occupied legally permitted Primary Place of Residence and only in the following zones:
 - a. R-1, R-2, R-3 and R-A (Residential Designation) on Parcels of any size:
Indoors: Maximum of six (6) plants, mature or immature. Mixed Light or
Outdoors: Cultivation is prohibited.
 - b. RA (Rural and Estate Designation):
Parcels of 5.00 acres or more:
Indoors, Mixed-Light and Outdoors or a combination of methods: a maximum of six (6) plants, mature or immature.
 - c. AG, AE, FR, and TPZ:
Parcels of equal to or less than 1.99 acres:
Indoors: a maximum of six (6) plants, mature or immature. Mixed-Light and
Outdoors: Cultivation is prohibited.
Parcels of 2.00 acres or greater:
Indoors, Mixed-Light and Outdoors: a maximum of six (6) plants, mature or immature.
2. The following setbacks apply to all Cannabis Cultivation sites regardless of purpose or Cultivation method:
 - a. For all External, Non-Shared Premises Property Lines:

100 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes under 10,001 square feet. 150 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

b. For all External, Non-Shared Premises Property Lines:

100 linear feet measured from the edge of any Support Area to the adjacent property lines for canopies sizes under 10,001 square feet.

150 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

c. For all Shared Internal Premises Property Lines of the parcels under common ownership or control that are part of the permitted Premises:

Indoor and Mixed Light Canopy Areas and all structures including Support Area structures shall meet the setbacks of the base zoning district identified by this Chapter.

Outdoor Canopy Areas that do not include any structures do not require setbacks from shared parcel lines that are under common ownership or control that are part of the permitted Premises.

d. In a mobile home park as defined in Cal. Health & Safety Code § 18214.1, 100 feet from mobile home that is under separate ownership.

F. Commercial Cannabis Cultivation. Except as explicitly allowed in this Section, Commercial Cannabis Activities are prohibited. All Commercial Cannabis Activities must conform to the regulations and requirements set forth in Subsection D, above, in addition to the following regulations and requirements:

Commercial Cannabis Cultivation is permitted as follows:

1. Commercial Cannabis Cultivation may occur only on Premises with an occupied legally permitted Primary Place of Residence, or an adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has an established Residence. Multiple, contiguous parcels under common ownership or control may be used to qualify for the minimum acreage required for the canopy maximum square footage as described below, however, all parcels must be a minimum of 5.00 acres in size to qualify for aggregate parcel size totals. Commercial Cannabis may occur only in zones as set forth as follows:

- a. R-1, R-2, R-3 and R-A (Regardless of Code Designation) and TPZ:

Commercial Cannabis Cultivation is prohibited.

- b. AG, AE, FR: Parcels of less than two (2) acres:

Commercial Cannabis Cultivation is prohibited.

Parcels two (2) acres up to four and ninety-nine one hundredths (4.99) acres:

Indoors: a maximum of 500 square feet of Canopy.

Mixed-Light and Outdoors: Commercial Cannabis Cultivation is prohibited. Parcels five (5) acres up to nine and ninety-nine one hundredths (9.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 2,500 square feet of Canopy. Up to fifty-five (55%) of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of ten (10) acres up to nineteen and ninety-nine one hundredths (19.99) acres: Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy. Up to fifty-five (55%) percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of twenty (20) acres up to thirty-nine and ninety-nine one hundredths (39.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. Up to fifty-five (55%) percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.

Parcels or multiple contiguous parcels under common ownership or control of forty (40) acres up to fifty-nine and ninety-nine one hundredths (59.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 20,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.

Parcels or multiple contiguous parcels under common ownership or control of sixty (60) acres up to seventy-nine and ninety-nine one hundredths (79.99) acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 30,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

Parcels or multiple contiguous parcels under common ownership or control of eighty (80) acres or greater:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 40,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

2. The six (6) plants permitted to be Cultivated on any Premises for Personal Use in accordance with this Section and state law may be Cultivated in addition to the amounts allowed for Commercial Cannabis Cultivation by this Section.
3. Commercial Cannabis may be Cultivated on Premises with multiple Parcels only if there is direct access from one Parcel to the other. The total Canopy Area shall not exceed that allowed area based on the total aggregate size of all contiguous parcels included in the operation as identified in Subsection (F)(1)(b) above. The total Canopy Area and any Support Area must comply with all setback requirements as described in Subsection (E)(2) above.
4. All those engaged in Commercial Cannabis Cultivation in Nevada County must possess and maintain the appropriate Commercial Cannabis license(s) from the State of California. State licenses must cover and allow for the Commercial Cannabis Cultivation activities being conducted in Nevada County.
5. The holder of an Annual Cannabis Permit for Commercial Cannabis Cultivation or for Non-Remuneration Cultivation in Nevada County may also Transport its own Cannabis from its licensed and permitted Premises to the extent allowed by the permit holder's State license and State law without obtaining an additional permit from Nevada County. The permit from Nevada County, however, must indicate that such Transport is specifically allowed. In order to engage in Transport of Cannabis or Cannabis products, the permit holder must provide the County with proof of possession of a "Distributor Transport Only" (Self-Distribution only) California State license, and/or "Distributor" California State license, as set forth in CCR tit. 16 § 5315, allowing for Transport of Cannabis from the Cultivation site as long as said license is necessary under State law. Said State license must be maintained in good standing in order to engage in the Transport of Cannabis in the County of Nevada. Notwithstanding the foregoing, this provision does not authorize the holder of an ACP to Transport Cannabis away from the Cultivation sites of other permit holders.
6. Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is not valid, until the appropriate license is obtained from the State of California.

7. A maximum of three (3) Cultivation permits will be issued per person or entity for purpose of engaging in Commercial Cannabis Activities. No person or entity may have any financial interest in more than eight (8) Commercial Cannabis businesses and/or enterprises in Nevada County Cannabis Cooperatives as defined by Cal. Bus. & Prof. Code §§ 26220 – 26325, and as amended, are exempt from the limitations contained in this Subsection F.7.
8. A Primary Caregiver may cultivate no more than five hundred (500) square feet of Canopy per Qualified Patient for up to five (5) specified Qualified Patients for whom they is the Primary Caregiver within the meaning of Cal. Health & Safety Code § 11362.7 , if said Primary Caregiver does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Cal Health & Safety Code § 11362.765. Cultivation under this provision, however, must otherwise comply with all other regulations applying to Commercial Cannabis Cultivation under this Section.
9. Cannabis Support Areas are limited to a maximum area equal to ninety (90%) percent of the allowed Canopy Area. The Support Area boundary shall be clearly identified on any plans that are submitted and on the Premises.
10. Standard Parking: One regular space per employee shall be provided onsite.

Accessible Parking: The accessible parking standards for Commercial Cannabis operations shall be in accordance with the most recently adopted version of the California Building Standards Codes. These standards will be in accordance to Public Accommodations as outlined in Chapter 11B of the California Building Code. Accessible parking is required only when there are fully permitted commercial accessory structures such as processing structures, office buildings, and greenhouse structures. Any exempt structures do not require disabled accessible parking facilities.

Parking spaces for non-ADA spaces may be gravel or other compacted surface capable of supporting vehicles. If employees are living onsite parking spaces required for the residence may be credited toward the total employee spaces required onsite (up to two (2) spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. seven (7) employees proposed, six (6) regular spaces and 1 ADA space for a total of seven (7)). Any parking spaces provided in excess of the required parking are not required to meet County standards. Driveway standards are required to be met for all cannabis projects regardless of parking requirements.

G. Permitting of Commercial and Non-Remuneration Cannabis Activities.
Permitting to engage in Commercial Cannabis Activities or Non-Remunerative Cannabis Cultivation in Nevada County is a two-step process. One must obtain both an

Administrative Development Permit, and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection G and this Section.

1. Administrative Development Permit (ADP) requirements are as follows:

- a. Canopy sizes of a combined total of up to 40,000 sq. feet (Indoors, Mixed-Light or Outdoors) on the Premises depending on parcel(s) size as described in Subsection (F)(1) above.
- b. Applicant must provide the following as part of their application for an ADP:
 - i. A complete application.
 - ii. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
 - iii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
 - iv. All ADP permits are subject to all of the resource protection standards identified in Section 12.04.303, Resource Standards, General Provisions of this Code.
 - v. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section. In addition, the site plan shall include:
 - a) All landmark trees, landmark groves and heritage trees and groves as defined in the Nevada County Code. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all Cannabis cultivation and Accessory Structures are outside the existing drip line of all trees. If any Cultivation or Accessory Structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.

- b) All Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed Accessory Structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable. A Management Plan pursuant to General Provisions of Resource Standards shall be required if any Cultivation activities or structures encroach into mapped farmland.
- vi. Irrigation water service verification.
- vii. Sewer/septic service verification.
- viii. Electrical service verification.
- ix. A security plan.
- x. A light control plan that demonstrates how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.
- xi. All Administrative Development Permit applications shall include language in project Cultivation plans and on project site plans when applicable, that the grading or building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of Cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the Cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.
- xii. All Administrative Development Permit and Non- Remuneration Cultivation operations are restricted from burning any Cannabis or other vegetative materials. The following language shall be included on all site plans: “The burning of any part of the Cannabis plant or plant materials that is considered excess or waste is prohibited from being burned.”

- xiii. All applications shall include biological pre-screening materials. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes Canopy area, Accessory Structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project description describing all phases of construction, all proposed structures and Cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). If avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section 12.04.303, General Provisions of Resource Standards of this Code shall be prepared. If potential impacts on these biological resources cannot be reduced to less than significant levels, no permit shall be issued.
- xiv. Applications shall include a Non-Confidential Records Search to NCIC to determine the potential for Commercial Cannabis Cultivation sites to disturb historic, cultural, or tribal resources. Upon receipt, should the County find the NCIC recommends a cultural resource study; the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.
- xv. All applications that include ground disturbance shall include a note on the plans that if subsurface archeological and/or paleontological features or unique geologic features are discovered during construction or ground disturbance, all activities within fifty (50') feet of the find shall cease and the County shall be notified immediately. A qualified archaeologist/paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance, all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections details in Cal. Pub. Res. Code § 5097.98 shall be followed.
- xvi. Copy of Deed to Property indicating applicant ownership.

- xvii. Acknowledgement of all standards and requirements set forth in this Section.
 - xviii. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).
 - xix. Lease information.
 - xx. Payment of applicable fees.
 - xxi. Provide proof of purchase of a Certificate of Deposit or Bond from a commercial banking institution approved by the Enforcing Officer in the amount of \$5,000.00 which may be accessed by County of Nevada.
 - xxii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
 - xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association Acknowledgment shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
- c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
 - d. Secondary Access and Dead End Road Requirement Exemption:

Secondary access may be waived at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises and that the general public will not have access to the Premises.
 - e. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked, expires or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP.

H. Permitting of Distribution. Permitting to engage in Distribution requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Distribution is allowed only on a legally permitted cannabis cultivation premises site

with an approved Administrative Development Permit. The area dedicated to distribution shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.

2. A licensed distributor shall distribute only cannabis and cannabis products, cannabis accessories, and licensees' branded merchandise or promotional materials.
3. Distribution activities may include:
 - a. Moving cannabis and cannabis products between cultivation, manufacturing or distribution premises.
 - b. Moving finished cannabis goods to retail premises.
 - c. Arranging for testing of cannabis goods.
4. All activities associated with distribution shall be limited to a maximum of six (6) vehicle trips per day.
5. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

I. Permitting of Non-Volatile Manufacturing. Permitting to engage in Manufacturing Activities using Non-Volatile solvents requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Non-Volatile Manufacturing is allowed only on a legally permitted cannabis cultivation site with an approved Administrative Development Permit. The area dedicated to non-volatile manufacturing shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
2. Non-Volatile Manufacturing shall be located within permitted structures that meet setbacks required by this Section.
3. Non-Volatile Manufacturing Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is

not valid, until the appropriate license is obtained from the State of California.

- a. A manufacturer licensee shall not manufacture, prepare, package or label any products other than cannabis products at the licensed premises.
 - b. A manufacturer licensee shall only use cannabinoid concentrates and extracts that are manufactured or processed from cannabis cultivated onsite and/or obtained from a licensed cannabis cultivator.
4. No equipment or process shall be used in any manufacturing operation which generates noise in excess of the Noise Standards contained in this Chapter.
 5. No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, significant odors or electrical interference.
 6. All parking for the operation shall be provided on site and shall meet the standards set forth in this Chapter.
 7. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.
- J. Permitting of Microbusiness without Storefront Retail Sales. Such facilities require the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section including the following standards:
1. All cultivation, manufacturing, and distribution, shall occur on the same licensed premises.
 2. Microbusiness without Storefront Retail Sales shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution and Non-Storefront Retail Sales for all activities occurring onsite.
 3. Retail delivery is only allowed for licensed Non-Storefront Retailer conducting the sales exclusively by delivery as defined in Cal. Bus. & Prof. Code § 26001(o) and shall be closed to the public.
 4. All parking for the operation shall be provided onsite and shall meet the standards set forth in this Chapter.

5. A Microbusiness without Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
6. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

K. Permitting of Microbusiness with Storefront Retail Sales. Such facilities are allowed subject to approval of a Use Permit as defined in Section governing Use Permits of this Code and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Section including the following standards:

1. All cultivation, manufacturing, distribution, and retail activities shall occur on the same licensed premises.
2. Microbusiness shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and/or storefront retail sales) for all activities occurring onsite.
3. No cannabis or cannabis products shall be consumed onsite.
4. Operating days and hours for all Storefront Retail Sales activities shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
5. All parking for the operation shall be provided onsite and shall meet the standards set forth in this Chapter.
6. Any and all signages for advertisement of any Storefront Retail Sales related activities, products or services shall comply with Section Comprehensive Site Development Standards, Signs, in this Code.
7. Secondary Access shall be provided for locations that do not meet dead end road standards.
8. A Microbusiness with Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
9. Areas of the permitted premises for manufacturing, cultivation, and distribution shall be separated from the retail areas by a wall and all doors between the areas shall remain closed when not in use.
10. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six (6) months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

L. Annual Cannabis Permit (ACP). This permit may be issued to the individual/entity engaging in the Commercial Cannabis Activity and Non- Remuneration Cultivation.

1. Permit for Commercial Cannabis Activities:

- a. Applicant must submit the following information as part of the application process:
 - i. A complete application.
 - ii. The exact location of the proposed Cannabis Activity.
 - iii. A copy of all applications of licensure submitted to the State of California related to the proposed Cannabis Activities.
 - iv. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
 - v. Tax identification information.
 - vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Activities.
 - vii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
 - viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended Cannabis Activities, setbacks, descriptions of existing and proposed structures and any other aspects required to show compliance with this Section.
 - ix. Irrigation water service verification.
 - x. Sewer/septic service verification.
 - xi. Electrical service verification.
 - xii. A security plan.
 - xiii. Notarized landlord authorization to engage in activity or deed of ownership.
 - xiv. Acknowledgement of standards and requirements set forth in this Section.
 - xv. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).

xvi. Lease information.

xvii. Payment of applicable fees as may be established and amended by the County.

xviii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.

b. Non-Remunerative ACP applicants must submit the following:

i. A complete application.

ii. The exact location of the proposed Cultivation.

iii. Sufficient proof that the applicant is a Qualified Caregiver.

iv. Copies of valid recommendations from qualified physicians for each Qualified Individual for whom Cannabis is being Cultivated.

v. Background information, including but not limited to a statement that the applicant and owner have submitted to a LiveScan background check no earlier than thirty (30) days prior to the date of application.

vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Cultivation.

vii. Copy of approved identification.

viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section.

ix. Irrigation water service verification.

x. Sewer/septic service verification.

xi. Electrical service verification.

xii. A security plan.

xiii. Notarized landlord authorization to engage in activity or deed of ownership.

xiv. Acknowledgement of standards and requirements set forth in this Section.

- xv. Lease information.
- xvi. Payment of applicable fees as may be established and amended by the County.
- xvii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
- xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
- c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
- d. Secondary Access and Dead End Road Requirement Exemption:

Secondary access may be mitigated at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises, that the general public will not have access to the Premises, that no more than ten (10) employees will be on the Premises at any given time, and that Fire Authority approves the exemption. This exemption does not apply to Microbusinesses with Storefront Retail.

- e. ACPs must be renewed annually.
- 2. In the event that the proposed site plan does not meet the setback requirements of this Section, the applicant may propose use of an easement agreement with an adjacent property owner or obtain a setback variance in order to satisfy the setback requirements (a "Setback Easement" or "Setback Variance"). Setback Easements and/or Setback Variances relating to Indoor, Mixed-Light and Outdoor Cultivation and Support Areas will be granted and issued at the discretion of the Permitting Authority, and only as follows:
 - a. Setback Variances shall follow the requirements of Sections of this Code governing Variances. Setback Variances shall be limited to a minimum setback of sixty (60') feet to property lines; provided, however, existing structures permitted prior to May 1, 2019 shall be limited to a minimum setback of thirty (30') feet to property lines. Except as set forth in Subsections below, no Setback Variance will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation. The findings required for approval of a Setback Variance shall be those listed in this Code in addition to the following

finding:

- i. The Setback Variance will not result in any increased odor impacts to neighboring properties and all potential increases in odor impacts have been adequately mitigated.
- b. Setback Easements are intended to allow limited flexibility for purposes of compliance with setback requirements only. Except as set forth in Subsections below, no Setback Easement will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation.
- c. Setback Easements must comply with the following:
 - i. Setback Easement area cannot exceed forty (40%) percent of the required setback.
 - ii. The majority of the burden of the setback must remain with the applicant.
 - iii. The easement must contain the following language: “This easement may be used to meet the Nevada County setback requirements for the purpose of Cultivation Indoors, Mixed- Light, or Outdoors pursuant to the Nevada County Code.”
 - iv. All other legal and local requirements of a Setback Easement must be met.
- d. The Permitting Authority has the discretion to authorize a Cultivation Site or Support Area at a distance less than 1,000 feet from a state and/or federal Park if the following criteria are met:
 - i. The proposed site is at least 300 feet from the property line of the state or federal Park; and
 - ii. The portion of the state or federal Park that is adjacent to the Parcel or Premises upon which the Cultivation Site or Support Area is proposed to be constructed is inaccessible by the public and is unimproved.

The Permitting Authority has the authority to submit the application through the Planning Commission process for approval if, in their discretion, such approval is appropriate.

M. Change in Land Use. To the extent feasible, the County shall encourage any person proposing to construct or operate a new or relocated School, Sensitive Site, Church, Park, Daycare, or Child Care Center, or Youth-Oriented Facility to consider whether the

proposed location of such use is within 600 feet of a Premises upon which Cannabis Cultivation is permitted or where a Notice to Abate has been issued within the past year. Upon request, the Enforcing Officer shall inform any person proposing to construct or operate a new or relocated School, Church, Park, Daycare, Childcare Center, or Youth-Oriented Facility regarding whether there is such a Premises within 600 feet of the proposed location of such use, and, if so, shall also inform the person, owning, leasing, occupying, or having charge or possession of that Premises that such a use is being proposed within 600 feet of the Premises.

N. Denial, Suspension, and Revocation of Permits.

1. Denial – Initial Application for Any Permit. An application for any permit to be issued pursuant to this Section may be denied following review of the application if the Permitting Authority determines that the applicant has not complied with the requirements of this Section or makes any of the findings listed in Subsection (N)(5) below.
2. Denial – Renewal of ACP. Renewal of an existing Annual Cannabis Permit may be denied if the Permitting Authority makes any of the findings listed in Subsection (N)(5) below. The Permitting Authority’s decision to deny the renewal of an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section of this Chapter.
3. Suspension of ACP. Prior to or instead of pursuing revocation of an ACP, the Permitting Authority may suspend an ACP for thirty (30) days if the Permitting Authority makes any of the findings listed in Subsection I.5 below. The Permitting Authority shall issue a Notice of Suspension to the holder of the ACP by any of the methods listed in Section governing Administrative Enforcement of this Chapter. Such Notice of Suspension shall state the reason for suspension and identify what needs to be cured and corrected during the suspension period. Suspension is effective upon service of Notice as described in Administrative Enforcement section of this Chapter. All Cannabis Activities must cease upon suspension. Nothing in this provision shall be construed to limit the Permitting Authority’s ability to revoke an ACP without first issuing a suspension. The Permitting Authority’s decision to suspend an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section.
4. Revocation – ACP. An ACP may be revoked if the Permitting Authority makes any of the findings listed in Subsection I.5, below. The Permitting Authority shall issue a Notice of Revocation to the holder of the ACP by any of the methods listed in the Administrative Enforcement Section of this Chapter. The Permitting Authority’s decision to revoke an ACP may be appealed to the Hearing Body as described in the Administrative Enforcement Section of this Chapter.

5. Revocation – ADP. Any ADP may be revoked in accordance with the procedure set forth in Section governing Permit Revocation of this Chapter. An ADP may be revoked based on a finding that any of the following have occurred:
- a. Discovery of untrue statements submitted on a permit application.
 - b. Revocation or suspension of any State license required to engage in Commercial Cannabis Activities.
 - c. Current or previous violation by the applicant or violation by the permittee, of any provision of the Nevada County Code or State law relating to cannabis cultivation, including any land use permit conditions associated with the permittee’s cannabis business operations.
 - d. Failure to meet any of the general eligibility requirements to obtain a permit as set forth in this Section.
 - e. Violation of, or the failure or inability to comply with, any of the restrictions or requirements for the issuance of a license or conducting cannabis business operations as set forth in this Section, including any administrative rules or regulations promulgated by the Permitting Authority or any conditions associated with the issuance of the permit or any associated land use permit or other associated permit.
 - f. Violation of, or failure to comply with, any land use or other permit requirements associated with the licensee’s Commercial Cannabis Activities, including but not limited to zoning, building, fire, and agricultural permits as may be required for the activity and the operations site.
 - g. Violation of, or failure to comply with, any State or local law in conducting business operations relating to cannabis cultivation, including any laws associated with the MAUCRSA.
 - h. With the exception of those employed at a Cultivation site, allowing any person between the ages of eighteen (18) and twenty-one (21) years of age to enter a Cultivation site, or allowing any person younger than eighteen (18) years of age to enter a Cultivation site without a parent or legal guardian.
 - i. Failure to contain all irrigation run-off, fertilizer, pesticides, and contaminants on Premises.
 - j. Failure to allow inspections of the Premises and business operations by the Permitting Authority, Building Official, Fire Authority, law enforcement, or

Enforcing Officer at any time, with or without notice.

- k. Failure to timely pay any local, State, or federal tax associated with or required by the licensee's Cannabis business activities, including any taxes required to be paid under the Nevada County Code, as may be established or amended.
 - l. Creation or maintenance of a public nuisance related to cannabis cultivation.
 - m. Conviction of a criminal offense by any permit holder that would justify denial of a state license.
 - n. Failure to post and maintain at the Cultivation site, in a prominent location, a copy of the local permit(s) issued pursuant to this Section and a copy of any State license(s) required for the Cannabis activity.
 - o. Failure to fully cooperate with a financial audit by the State or County of Nevada of any and all aspects of the permittee's business, including but not limited to on-site inspection and review of financial transactions, sales records, payroll and employee records, purchase orders, overhead expense records, shipping logs, receiving logs, waste disposal logs, bank statements, credit card processing statements, inventory records, tax records, lease agreements, supplier lists, supplier agreements, policies and procedures, and examination of all financial books and records held by the licensee in the normal course of business.
 - p. Intentional or negligent diversion of Cannabis to minors, failure to secure and safeguard Cannabis from minors, or Transport of Cannabis not authorized by this Section or State law.
- 6. If an initial application or renewal permit is denied, or if a permit is revoked, all Cultivation on the Premises shall cease immediately; provided, however, that the operations may be allowed to continue for a brief period of time to complete miscellaneous wind-down operations at the discretion of the Permitting Authority or other final decision.
 - 7. If an initial application or renewal permit is denied, or if a permit is revoked, the Permitting Authority may impose a probationary period during which an application to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two (2) years.
 - 8. Under no circumstances shall a cause of action for monetary damages be allowed against the County of Nevada, the Permitting Authority, Hearing Body, or any other County official or employee as a result of a denial or a revocation of a permit. By applying for a permit, the applicant and owners associated with a Commercial Cannabis Cultivation business waive any and all claims for monetary damages against

the County and all other aforementioned officials and employees of the County of Nevada that may be associated with the denial or revocation of a permit.

O. Enforcement.

1. Except as provided herein, this Section shall be enforced by the County's Administrative Enforcement Ordinance as provided in Section governing Administrative Enforcement, 12.05.010, contained in this Code.
2. Requests for appeals of a Notice to Abate shall be conducted as provided in Section governing Administrative Enforcement, 12.05.010 contained in this Code.
3. Administrative hearings will be conducted as provided in Section governing Administrative Enforcement, 12.05.010, contained in this Code.

P. Administrative Civil Penalties.

1. In addition to any other remedy prescribed in this Chapter, including liability for costs described in Section 12.05.010, governing Administrative Enforcement contained in this Code. The County may impose administrative civil penalties for any violation of this Section. Administrative civil penalties may be imposed via the administrative process set forth in this Section, in Section governing Administrative Enforcement contained in this Code of this Chapter, as provided by Cal. Gov't Code § 53069.4, or may be imposed by the court if the violation requires court enforcement.
2. Acts, omissions, or conditions in violation of this Section that continue to exist, or occur on more than one day, constitute separate violations on each day.
 - a. Violations of this Section are subject to the immediate imposition of administrative civil penalties shown below, including violations of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis.
 - b. An amount equal to three times the total of the permit fees per violation; or
 - c. An amount equal to \$1,000 per violation per day, whichever is greater.
3. These amounts are separate and distinct from any administrative civil penalties that may be imposed by the County for other Code Violations, including building or safety code violations as described in in Section 12.05.010, governing Administrative Enforcement contained in this Code.
4. Abatement of unlawful Cannabis Cultivation prior to any hearing or appeal of a Notice to Abate Unlawful Cannabis Cultivation does not absolve the Violator of the obligation

to pay the administrative civil penalties.

Q. Summary Abatement. Notwithstanding any other provision of this Section, when any unlawful Cannabis Cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in this Section would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Enforcing Officer may direct any officer or employee of the County to summarily abate the nuisance as permitted by law. The Enforcing Officer shall make reasonable efforts to notify the owner(s) of the Parcel or Premises upon which the nuisance exists, as named in the records of the County Assessor; the occupant(s), if other than the owner(s), and if known or reasonably identifiable; and the holder(s) of any permit obtained pursuant to this Section, if applicable and different than the foregoing; however, the formal notice and hearing procedures set forth in this Section shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in this Section or Section governing Administrative Enforcement, 12.05.010 contained in this Code.

R. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Enforcing Officer or the County of Nevada any duty to issue a Notice to Abate Unlawful Cannabis Cultivation, nor to abate any unlawful Cannabis Cultivation, nor to take any other action with regard to any unlawful Cannabis Cultivation, and neither the Enforcing Officer nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Cannabis Cultivation, nor for failure to abate any unlawful Cannabis Cultivation, nor for failure to take any other action with regard to any unlawful Cannabis Cultivation.

S. Reporting of Violations. In addition to the remedies set forth in this Section or Section 12.05.010 governing Administrative Enforcement contained in this Code, a violation of

this Section, including operating any Commercial Cannabis Activity without a valid and appropriate license from the State of California or permit from the County of Nevada, shall be a misdemeanor and may result in permit revocation and/or denial of permit or denial of permit renewal. Any individual or entity found to be operating Commercial Cannabis Activities in violation of this Section, local permitting requirements, or without a valid and appropriate state license may be reported to the State of California licensing authorities, the District Attorney's Office, and any other local, state and/or federal enforcing and prosecuting agencies. (Ord. 2516. (01/10/2023); Ord. 2510. (06/28/2022); Ord. 2491. (04/27/2021); Ord. 2516. (06/28/2022); Ord. 2533. (12/05/2023))

CHAPTER 4: COMPREHENSIVE SITE DEVELOPMENT STANDARDS

Sections:

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Section 12.04.010 Purpose

The purpose of this Section is to provide regulations to guide the design, location, and development of new land uses and the alteration of existing uses. The standards of this section are consistent with and supplement those standards found in governing each zone district and specific land uses. They assist in furthering numerous County of Nevada General Plan goals, objectives, and policies that provide for the preservation and enhancement of the County of Nevada's rural quality and small-town character. They also assist in furthering General Plan provisions for maintaining the county's high-quality natural landscape and scenic resources, as well as protecting existing historic resources.

Section 12.04.020 Applicability

Site development standards shall apply to all projects, including Development Permits, Use Permits, subdivisions, and allowable uses subject to zoning compliance and building permit issuance, if required, unless otherwise stated in the sub-section.

Section 12.04.030 Boundary Line Adjustments

- A. Purpose. The purpose of this Section is to establish an administrative procedure and standards for reviewing boundary line adjustments, consistent with the State Government Code and County of Nevada ordinances.
- B. Definitions.
 - 1. Boundary Line Adjustment – The adjustment of property lines between four (4) or fewer adjoining parcels where land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. A boundary line adjustment may also combine two (2) or more adjacent parcels.
- C. Application Requirements. Applications for boundary line adjustment review shall be submitted to the Planning Department on forms provided by the Department. The application shall be accompanied by a filing fee as established by the most current Resolution adopted by the Board of Supervisors and shall include the following

information:

1. An exhibit map prepared and stamped by a licensed land surveyor or civil engineer licensed to practice land surveying. The exhibit shall be drawn to scale showing all boundaries of affected properties.
2. Current deeds describing all parcels.
3. For parcels not created by subdivision or parcel map, a copy of a deed recorded prior to March 4, 1972 that describes and conveys the parcels. If the parcels are presumed to be legally created, submit a Chain of Title issued by a title company and all other supporting documentation. If the County surveyor determines that insufficient evidence has been provided to document legally existing parcels, a Certificate of Compliance may be required.
4. A document prepared by a title company showing existing encumbrances, if any.

Upon receipt of a complete application, the Planning Director will distribute application documents to interested agencies for review and comment. Within 30 days of accepting a complete application, the Planning Director shall determine if the proposed boundary line adjustment complies with all applicable State laws and County ordinances. The Director may refer review of a proposed Boundary Line Adjustment to the Zoning Administrator pursuant to Section 12.05.050.E.4 of this Chapter or shall approve, conditionally approve or deny the application.

D. Procedure. Upon receipt of a complete application, the Planning Director will distribute application documents to interested agencies for review and comment.

1. Within thirty (30) days of accepting a complete application, the Planning Director shall determine if the proposed boundary line adjustment complies with all applicable State laws and County ordinances. The Director may refer review of a proposed Boundary Line Adjustment to the Zoning Administrator pursuant to Section 12.05.050.E.4 of this chapter or shall approve, conditionally approve, or deny the application.

E. Standards for Approval. In approving a boundary line adjustment, the Director shall determine that all of the following standards have been met:

1. Boundary line adjustments shall not result in conflicts with site development standards nor with any previous land division or land use approvals that require a minimum parcel size or density, including parcels that are smaller than the minimum parcels size but were created as a result of density averaging or

clustering unless excepted herein.

- a. Legally created parcels that do not meet minimum road frontage requirements required by the zone district may be eligible for a boundary adjustment where legal access is provided such that the minimum standards set forth in Fire Safety Regulations and Road Standards of this Code can be achieved. No parcel may be adjusted if the boundary line adjustment reduces existing road frontage beyond minimum road frontage requirements identified by the zone district.
2. A boundary line adjustment cannot result in additional parcels or additional density nor can it result in the potential for further division of parcels.
3. No parcel may be adjusted if the resulting parcel will be reduced in size and will not meet the minimum Environmental Health standards contained in Sewage Disposal or Water Supply and Resources Chapters of this Code.
4. All adjusted parcels shall conform to the minimum parcel sizes required by the zone district, except that:
 - a. Adjustments to parcels that conform to minimum parcel sizes, that are proposed in order to re-align a property line with a well-defined physical feature, such as a water course or recorded roadway, may be approved if the resulting nonconforming size parcel complies with all other size development standards, including the minimum parcel sizes established by Policy 3.19 of the Nevada County General Plan.
 - b. Adjustments to parcels that are nonconforming in size, and which do not meet the minimum parcel size established by Policy 3.19 of the General Plan, may be further reduced if the purpose of the adjustment is to re-align a property line with a well-defined physical feature, such as a water course or recorded roadway, or with a zoning district boundary, and if the parcel being reduced in size is developed with an allowable use and satisfies all applicable Environmental Health Standards for sewage disposal and water supply.
 - c. Parcels that are nonconforming in size may be further reduced in size if the resulting parcels conform with all required site development standards, including the following minimum parcel sizes established by Policy 3.19 of the Nevada County General Plan:
 - 1) Parcels served by public domestic water and a public sewage system shall maintain a minimum 10,000 square feet except for low/moderate income housing where the parcel size may be reduced;

- 2) Parcels served by public domestic treated water and an individual sewage disposal system shall maintain one and one-half (1.5) acres;
- 3) Parcels served by a groundwater well and public sewerage system shall maintain one and one-half (1.5) acres; and
- 4) Parcels served by a groundwater well and an individual sewage disposal system shall maintain three (3) acres.

The minimum parcel sizes established by Policy 3.19 may be increased where other considerations, including adverse soil, geologic or topographic conditions may warrant larger parcel sizes.

F. Conditions of Approval. Approval of a boundary line adjustment shall be conditioned as necessary to ensure compliance with the Nevada County General Plan, and all zoning and building regulations, to require prepayment of property taxes, and to facilitate the relocation of existing utilities, infrastructure or easements.

G. Expiration. An approved or conditionally approved boundary line adjustment shall be subject to the same time limits and extension provisions as provided for in Cal. Gov't Code § 66452.6 of the Subdivision Map Act.

H. Recording Boundary Line Adjustments. Boundary line adjustment approvals are not effective until recorded in the Office of the County Recorder. Upon recordation of a boundary line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record boundary line adjustments shall be submitted to the County Surveyor for review and recordation and shall include the transfer deeds that reflect the new property descriptions, executed by all affected owners of record. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust. Boundary line adjustments shall be reflected in recorded documents in one of the following ways:

1. Where required by Cal. Bus. & Prof. Code §8762, a record of survey shall be submitted to the Department of Planning for recordation. (Ord. 2239. (05/29/2007); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))
2. If a record of survey is not prepared for the boundary line adjustment, the document used to convey the property shall be submitted to the County Surveyor and shall be accompanied by a sketch map depicting the adjusted boundaries. The sketch map shall be signed and sealed by a licensed land surveyor or civil engineer, shall include the County file number approving the adjustment and shall include a statement that a record of survey is not required in conformance with Cal. Bus. &

Prof. Code § 8762. (Ord. 2090. (07/09/2002); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

Section 12.04.040 Building Sites

A. Purpose. The purpose of this section is to provide standards by which parcels may be subdivided and developed.

B. Definitions.

Building Site – An area within a parcel where structures may be constructed consistent with the standards of this Code.

C. Substandard Parcels. A parcel that has been legally created but contains less area than is required by the applicable district, shall be considered to include a building site provided all other current site development standards are met.

D. Divisions to Separate Pre-Existing Residences. Parcels containing more than one (1) legally constructed residence may be divided into substandard parcels, provided that no new building sites are created and that:

1. The residences were not established as guest quarters, senior citizen residences, employee housing or other secondary accessory residences or structures.
2. Each newly created parcel contains at least one (1) of the lawfully established residences.
3. Each new parcel shall have a minimum frontage and lot width of fifty (50') feet and shall comply with all side yard setback and impervious surface standards; provided however that if the separation between residences and accessory structures is such that the side yard setbacks required in the zoning district cannot be met, then the common parcel line shall be located an equal distance from the primary structures.
4. Each new parcel shall meet the current requirements for sewage disposal and water supply as established in this code; provided however, that if sewage disposal is provided by a private sewage disposal system, then the total area required for the disposal system and repair area shall be calculated based upon the size of the residential structures as they exist.

E. Compliance with Notes on Recorded Maps. No use of property shall be allowed, nor shall any subdivisions to property be allowed, which would conflict with any note attached to any map or record of survey which was recorded in the official records in order to create a division of real property into two (2) or more parcels, except

that notes on recorded maps which require water storage for fire protection purposes prior to residential construction, may be modified by the fire agency that established the condition of approval if the agency verifies in writing that the original condition is no longer applicable because substitute measures of fire protection are in place.

F. Utilization of Easements. It shall be unlawful to place any structure, as herein defined, on or over any easement unless specifically allowed by the terms of such easement.

G. Sewage Disposal Adjustment. Upon recommendation of the county Environmental Health Department, the Planning Agency may require a greater building site area where necessary for sewage disposal by septic tanks and leach lines.

Section 12.04.050 Clustering

Parcels smaller than the minimum allowed by zoning may be created by subdivision by averaging the density allowed for the entire subdivision, provided that:

1. The overall density of the parcels being created, and contributing to the density, does not exceed that density which would otherwise be allowed by the zoning district.
2. All parcels contributing to the density shall be precluded from exceeding the density allowed by the zoning district through a restrictive covenant, easement, dedication, irrevocable trust, use of the X or SP combining districts, or other similar mechanism.
3. All standards, including water supply, wastewater disposal and access, are met.

Section 12.04.060 Land Divisions for Public Uses and Environmental Protection Purposes

A. The minimum parcel size required by any zoning district shall not apply to parcels created for the following purposes:

1. For a governmental entity or public or private owned utility who occupies the newly created parcel.
2. For environmental protection purposes, provided that one of the following is applicable:
 - a. The parcel being created is restricted by a grant of conservation easement containing a covenant with the County of Nevada, a city or a nonprofit organization, running with the land in perpetuity, that ensures the

preservation of permanent open space by restricting construction of improvements, or, the parcel being created is only conveyed in fee to a governmental or non-profit organization for open space or conservation purposes;

- b. That the parcel being created satisfies the requirements for an environmental subdivision, consistent with the provisions of Cal. Gov't Code § 66418.2.

The remainder parcels from which such public use or environmental protection purpose parcels are created pursuant to this subsection, shall comply with the minimum parcel sizes.

Any parcel created pursuant to this subsection may not be used for any purpose other than that for which it was created; provided, however, that if any such parcel is legally merged with any contiguous parcel, such parcel/property may thereafter be used for any lawful purpose allowed under the zoning then in effect for the property to which it was merged. The document used to record the division shall contain a note advising that the use is so restricted.

Section 12.04.070 Noise

A. Purpose. The purpose of these regulations is to ensure that future development minimizes unnecessary and annoying noise, by establishing maximum noise levels and standards for evaluating potential noise impacts.

B. Applicability. Noise standards shall apply to all discretionary projects, including Development Permits and Use Permits, unless otherwise excepted in this section.

C. Definitions.

1. dBA – The “A-weighted” scale for measuring sound in decibels (a unit used to express the relative intensity of a sound as it is heard by the human ear). This logarithmic scale reduces the effects of low and high frequencies in order to simulate human hearing.
2. Leq – The energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). It is the level of constant sound which, in a given situation and time period, has the same sound energy as does a time varying sound.
3. Lmax – The maximum sound pressure level for a given period of time.

D. Noise Standards. All land use projects requiring a Development Permit, or a

Use Permit shall comply with the noise standards provided herein. Permitted residential land uses, including parcel and tentative maps, are not subject to these standards.

**Table Section 12.04.070
Exterior Noise Limits**

Land Use Category	Zoning Districts	Time Period		Noise Level, dBA	
		Start	End	L eq	L max
Rural	AG, TPZ, AE, OS, FR, IDR	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	40	55
Residential and Public	RA, R1, R2, R3, P	7 am	7 pm	55	75
		7 pm	10 pm	50	65
		10 pm	7 am	45	60
Commercial and Recreation	C1, CH, CS, C2, C3, OP, REC	7 am	7 pm	70	90
		7 pm	7 am	65	75
Business Park	BP	7 am	7 pm	65	85
		7 pm	7 am	60	70
Industrial	M1, M2	any time		80	90

1. A comprehensive noise study shall be prepared for all projects requiring a Development Permit or a Use Permit and which have a potential to create noise levels inconsistent with the standards contained herein. The study shall be prepared in accordance with the methodology identified in the Noise Element Manual contained in General Plan.
2. Projects with the potential for generating noise impacts shall incorporate design controls that assist in minimizing the impacts through the use of increased setbacks, landscaped earthen berms, solid fencing, placement of structures or other effective means.
3. Compliance with the above standards shall be determined by measuring the noise level based on the mean average of not less than three (3) twenty (20) minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient noise level is adequately determined. All measurements shall be conducted by a qualified person experienced in the field of environmental noise assessment and architectural acoustics.

4. Where 2 different zoning districts abut, the standard applicable to the lower, or more restrictive, district plus five (5) dBA shall apply.
5. The above standards shall be measured only on property containing a noise sensitive land use, including residences, schools, hospitals, nursing homes, churches, and libraries, and may be measured anywhere on the property containing said land use. However, this measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement or as determined in a recorded letter of agreement between all affected property owners and approved by the county.
6. If the measured ambient level exceeds that permitted, then the allowable noise exposure standard shall be set at five (5) dBA above the ambient.
7. Because of the unique nature of sound, the county reserves the right to provide for a more restrictive standard than shown in the Exterior Noise Limits Table. The maximum adjustment shall be limited to be not less than the current ambient noise level and shall not exceed the standards of this Section. Imposition of a noise level adjustment shall only be considered if one or more of the following conditions are found to exist:
 - a. Unique characteristics of the noise source:
 - 1) The noise contains a very high or low frequency, is of a pure tone (a steady, audible tone such as a whine, screech, or hum), or contains a wide divergence in frequency spectra between the noise source and ambient level;
 - 2) The noise is impulsive in nature (such as hammering, riveting, or explosions), or contains music or speech;
 - 3) The noise source is of a long duration, defined as a cumulative period of more than thirty minutes in any hour.
 - b. Unique characteristics of the noise receptor when the ambient noise level is determined to be 5 dBA or more below the standard of the Exterior Noise Limits Table for those projects requiring a General Plan amendment, rezoning, and/or Use Permit. In such instances, the new standard shall not exceed 10 dBA above the ambient or the Exterior Noise Limits Table standard, whichever is more restrictive.
8. The above standards shall not apply to those activities associated with the actual construction of a project or to those projects associated with the provision of emergency services or functions.

9. The standards of this Section shall be enforced through compliance inspections and/or complaints.
10. A legal nonconforming use inconsistent with the noise standards of this Section shall be required to comply with said standards in the event it upgrades, enlarges, intensifies, extends, moves, or recommences after abandonment or discontinuance of a period of 180 days or more. In the event such a use is changed or modified through the permit process, the noise standards in this section shall be applied only to that portion of the land use requiring approval, provided, however, that in no event shall the noise cumulatively generated from the entire use on the site after the change or modification exceed the pre-permit ambient noise level. All such projects that have a potential to create noise levels inconsistent with the standards in this Section will require a noise study consistent with this Section.

Section 12.04.080 Pedestrian Pathways

- A. Purpose. To encourage the development of pedestrian walkways to, between, and within developments.
- B. Standards.
 1. All projects in Community Regions shall be designed to provide pedestrian paths, trails, sidewalks or other hard-surfacing that links the proposed site with adjacent properties.
 2. Discretionary projects in Rural Regions shall be evaluated, and where topography, sensitive resources or other site constraints do not preclude construction of pedestrian pathways, projects shall be designed to provide a link to adjacent properties.
 3. All projects shall provide interior linkages between uses, including distinct pedestrian access from parking areas.
 4. If a county-wide Pedestrian Master Plan has been adopted, the project shall be consistent with the goals and applicable policies of that Plan.

Section 12.04.100 Transportation Alternatives

Division 4.2 Community Design Standards

- A. Purpose. To consider methods for reducing dependence on the automobile by exploring alternative modes of transportation in all projects.

B. Standards. All land use applications requiring a development permit, or a use permit shall address alternative transportation opportunities for employees, residents and/or customers served by the project, as follows:

1. Applications for nonresidential Administrative Development Permits and all discretionary permits shall provide the following information:
 - a. An identification of the transportation needs generated by the proposed project, including the estimated number of employees or residents.
 - b. An identification of existing and potential alternatives to individual automobile use, including but not limited to, access to public transportation services, bicycle racks, or provisions for developer sponsored carpooling or bussing.
 - c. The developer's proposal to incorporate one or more measures into the project to ensure use of viable alternatives.
2. Projects employing fifty (50) or more persons shall submit a detailed analysis of transportation alternatives, documenting feasible measures for reducing auto dependence.

Section 12.04.101 Purpose

Community design standards are intended as a framework to assist in understanding the County of Nevada's goals and objectives for high quality development. They provide design interpretations for commercial, industrial and residential development.

Section 12.04.102 Applicability

Design standards shall apply to all projects, including Development Permits, Use Permits, subdivisions, and allowable uses subject to zoning compliance and building permit issuance, if required, unless otherwise provided for in this Chapter.

Unless otherwise provided for in this Section, exceptions to site development standards may be approved subject to the granting of a variance pursuant to 12.05.070 in this Chapter.

Section 12.04.103 Design Guidelines

Design Guidelines supplement and refine the Comprehensive Design Standards of this

chapter; they implement General Plan policies; they are intended to encourage the maintenance of community identity, and the preservation of historical and cultural sites, buildings, features and artifacts; they provide guidance to developers and decision makers to ensure consistent review of the design related components of development in a specific area.

Any Design Guidelines that have been adopted by Resolution as Design Guidelines, including adoption of county-wide Design Guidelines, Area or Community Plans, or by ordinance through adoption of a Specific Plan, shall be applicable to all projects that are subject to design review. Approval of such projects shall include a determination that the project is consistent with any adopted Guidelines applicable to the project site. The following area-specific guidelines have been adopted:

1. The Eastern Nevada County Design Guidelines adopted on April 28, 1992, by Resolution 92-236, and as may be amended, which shall be considered in the review of all applicable development projects in Eastern Nevada County located east of the Range 13/14 East boundary line, Mount Diablo Meridian, including applicable projects within the SC Scenic Corridor Combining District. These guidelines shall not be applicable within the HP Historic Preservation, Combining District if specific Historic District Guidelines have been adopted.
2. The Higgins Area Plan, adopted on October 24, 2000, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the Higgins Corner-Lake of the Pines Village Center, as mapped on the Nevada County General Plan. (Subsection Amend. Ord. 2040. (12/05/2000); Ord. 2520. (03/14/2023); Ord. 2533. (12/05/2023))
3. The Penn Valley Area Plan, as may be amended, shall be considered in the review of all applicable development projects within the Area Plan boundaries.
4. The Loma Rica Drive Industrial Area Plan, adopted on May 27, 2008, which shall be considered in the review of all applicable development projects within the Loma Rica Drive industrial area, identified by the “SP” zoning adopted by County of Nevada Ordinance No. 2266. The adopted Area Plan Design Guidelines identify applicable Western Nevada County Design Guidelines as well as additional area-specific design guidelines that are applicable for both new and re-use development projects.
5. The North San Juan Rural Center Area Plan, adopted on April 27, 2010, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the North San Juan Rural Center, as mapped on the Nevada County General Plan.

6. The Soda Springs Area Plan, adopted on October 25, 2016, and as may be amended, which shall be considered in the review of all applicable development projects within the boundaries of the Soda Springs Rural Center, as mapped on the Nevada County General Plan. (Ord. 2481. (08/25/2020); Ord. 2423. (10/25/2016); Ord. 2311. (04/27/2010); Ord. 2520. (03/14/2023); Ord. 2533. (12/05/2023))

Section 12.04.104 Building Height

- A. Purpose. To assure the height and scale of new development is compatible with that of surrounding development, and that it minimizes the obstruction of both the public view of surrounding natural features and of views from nearby structures.
- B. Measurement. The height limit for buildings shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade.
- C. Maximum Heights. Maximum heights shall be as found in the base districts of zoning ordinances, 12.02.
- D. Exceptions to Height Limits. Architectural features not intended for human occupancy, such as spires, chimneys, vents, skylights, or solar equipment, and non-habitable structures such as private water tanks, antennas, windmills, and other alternative energy structures, may exceed the allowable building height by no more than twenty (20%) percent. Height increases of more than twenty (20%) percent shall be subject to a use permit.

Section 12.04.105 Building Setbacks

- A. Purpose. Building setbacks are intended to provide open areas around structures for visibility and traffic safety, access to and around structures for safety and convenience purposes, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, space for privacy and landscaping, protection of natural resources, and defensible space against encroaching wildland fire.
- B. Definitions.
 1. Setback – The distance by which a structure or an addition to a structure must be separated from a parcel line, natural feature, other structure, road, right-of-way, or easement.
 2. Yard – An unoccupied space on a parcel on which a structure is situated, or for which a structure is intended, which is open from the ground upward, except as otherwise provided in this Chapter.
 3. Yard, Front – A yard measured from the edge of the easement or right-of- way

across the front of the parcel between side parcel lines and to a width required by the district in which said parcel is located.

4. Yard, Exterior Side – A yard along the edge of a side street, right-of-way or easement to a width required by the district in which said parcel is located.
5. Yard, Interior Side – A yard along the interior side parcel line of the parcel to a width required by the district in which said parcel is located.
6. Yard, Rear – A yard extending along the rear parcel line of the parcel, or edge of easement or right-of-way on a through parcel, and to a width required by the district in which said parcel is located.

C. Standard. Unless otherwise delineated on the zoning district map or otherwise provided in this Chapter, the space within a required setback as established for the base districts in Zoning Ordinances, 12.02, shall be unoccupied space open from the ground upward and no structure or addition to an existing structure of any kind shall be permitted within a required setback.

D. Natural Resources. Additional setbacks are required for selected natural resources as provided in the Chapter governing Resource Standards in this Section.

E. Determining the Front Yard.

1. Interior Parcels. The front yard shall be on the side containing the road right-of-way or easement.
2. Corner Parcels. The front yard shall be the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line).
3. Flagpole Parcels. The front yard shall be the parcel line nearest and perpendicular to the driveway or flagpole portion.
4. Through Parcels. Shall maintain front yard setbacks on both the front and rear parcel lines.

F. Measurement.

1. Front and Exterior Side. Setbacks from local and fire standard (or emergency) access roads shall be measured from the edge of the right-of-way, or from the centerline of the right-of-way, whichever setback standard is greater, to any portion of the structure.

Setbacks from arterial and collector roads shall be measured from the edge of the existing right-of-way, or ultimate right-of-way as provided in code sections governing Road Standards, Title 16, Table 2 or as determined by resolution of the Board of Supervisors, whichever setback standard is greater, to any portion of the structure.

2. Interior Side and Rear. Setbacks shall be measured from the side or rear property line to any portion of the structure.

G. Exceptions to Building Setbacks. Building setbacks must be maximized wherever possible, however, exceptions to setback standards are as follows:

1. Parcels that are less than three (3) acres in size. Such parcels may reduce setbacks as follows:

R1, R2, and R3 districts shall provide a 5-foot interior side yard setback and a twenty (20')-foot rear yard setback; RA, AG, AE, & FR districts shall provide a ten (10')-foot interior side yard setback and a twenty (20')-foot rear yard setback; Provided all of the following are satisfied:

- a. The site is served by a community or public water supply pursuant to code sections governing Sewage Disposal and Resource Standards, Title 15, or, if approved by the California Department of Forestry, & Fire Protection, 2,500 gallons of storage available at 500 gallons per minute.
- b. The underfloor (subdeck) space of structures, including decks, of combustible construction shall be feet from grade.
- c. One of the following features is incorporated into that portion the structure proposed within that area between the standard setback and the reduced setback:
 - 1) The undersides of projections beyond the exterior wall including eaves, cantilever balconies and similar overhangs, shall be enclosed with solid sheathing or equivalent material. The undersides of attached decks eight (8') feet or taller must similarly be enclosed.
Venting of covered areas shall be allowed consistent with the Uniform Building Code.
 - 2) The sum of the area of unprotected openings in the exterior wall(s) shall not exceed twenty-five (25%) percent of the total area of the exterior wall(s).

- 3) Non-combustible materials or materials approved for one- hour fire-resistive construction shall be installed on the exterior side of the wall. The location of the wall shall be approved by the County Fire Marshal or their appointed designee.
 - 4) If the proposed construction is located on the uphill side of a slope in excess of twenty (20%) percent, a four (4')-foot high, non-combustible wall may be constructed along the length of the exposed side of the structure.
 - 5) If a setback easement is recorded on the adjacent parcel, providing the required sixty (60') feet of defensible space between structures, which allows for modification and maintenance of vegetative fuels.
2. Architectural Features/Aboveground Utilities. Such features, including but not limited to cornices, eaves, roof overhangs, canopies, decks and unenclosed porches not more than eighteen (18") inches in height, bay windows, steps, stairways, fire escapes, landing places, fireplaces, propane tanks and heating or air conditioning units, may extend into front and rear yard setbacks by not more than five (5') feet.
3. Site Design Features. The following features are exempt from the setback requirements of this Section:
 - a. Fences or walls that meet the height limits established in Community Design Standards of this Chapter.
 - b. Retaining walls less than four (4') feet in height above the finished grade.
 - c. Signs consistent with community Design Standards .Underground utilities and septic tanks/leachlines.
4. Open-Air Structures Abutting Water. Notwithstanding any other provision of Zoning and Floodplain Management contained in this Code, the following water-use related structures that do not include walls or roofs, may be constructed without complying with the rear and side property line setback requirements as established in this Code for any parcel of real property that abuts a lake, watercourse, or floodplain:
 - a. Docks & Piers
 - b. Boat Hoists and Canopies
 - c. Private boat launch facilities

- d. Directional hazard or warning, marina and gasoline signs. See floodplain-related setback requirements, 12.04.320.
5. Clustered Parcel Development, Dwelling Groups, and Planned Developments. Clustered parcels, dwelling groups, and planned developments (within both the base and combining districts) are exempt from the setback standards, provided that:
- a. The modified setback standards are a part of a conditional use permit and/or subdivision map.
 - b. Findings for approval ensure consistency with and furthers the purpose of all Resource Standards contained herein.
 - c. The modified standard is recorded as a part of the subdivision map, deed restriction, or other enforceable restriction.
6. Dwellings in Commercial/Industrial. Dwellings proposed in any commercial or industrial district shall provide setbacks as required in the R3 Districts, except when located within a commercial or industrial structure.
7. Swimming Pools. Shall maintain a minimum setback of ten (10') feet from any side or rear property line and shall not be permitted within any required front yard setback. Fencing standards for swimming pools are contained in this Code.
8. Ground-Mounted Solar Arrays. Ground-Mounted Solar Arrays shall maintain a minimum setback of ten (10') feet from any property line.
9. Properties East of the 10E Range Line. Attached or detached garages and/or carports may be constructed within one (1') foot of the front property line if twenty (20') feet is maintained from the edge of pavement or traveled way if unpaved.
10. Setback Easements. In order to provide required side and rear building setbacks on properties that cannot otherwise provide those setbacks, a building setback easement may be recorded and recognized on adjacent properties, pursuant to the following standards:
- a. Applications for setback easements shall include the written consent of the grantor and grantee property owners.
 - b. Applications shall include a site plan exhibit for all affected properties, pursuant to this Chapter, including a clear delineation of the proposed easement, reflecting the required setbacks for both grantor and grantee

properties.

- c. Applications for setback easements shall provide clear justification for the need of the easement, providing supporting documentation that other alternatives, including a variance, are not feasible.
- d. Setback Easements shall be recognized only after review and approval by the Planning Director who shall make findings that the recording of such easement will not jeopardize the integrity of the neighborhood nor will it conflict with any recorded Conditions, Covenant and Restrictions for all properties.
- e. A deed restriction shall be recorded concurrently with said easement in the Nevada County Recorder's Office, noting the purpose and intent of the setback easement and noting that building setbacks shall be measured from the setback easement.
- f. Reconveyance or other abandonment of a setback easement without the express approval of the County of Nevada shall constitute grounds for revocation of any permit issued pursuant to this Section.

Section 12.04.106 Fencing and Hedges

A. Purpose. The purpose of these regulations is to protect the visual quality and to minimize sight distance impairment on roadways by establishing height limits for fencing and hedges located within yard setbacks.

B. Definitions.

1. Fencing – A barrier constructed of wood, metal, wire, fabric, boards, or other materials and which is intended to demarcate a boundary, separate land uses, secure animals, enclose property, and/or exclude people and animals from a designated area. Solid fencing is fencing that impairs through vision and conflicts with vehicle sight distance. Walls constructed of concrete, stone, brick, tile, or similar type of solid material are included in the definition of fencing.
2. Hedges – Compact evergreen plants forming a solid screen that impairs sight distance.

C. Height Measurement. Fencing shall be measured from the base at finished grade to the highest point. Hedges shall be measured from their base at finished grade to their highest point.

Table Section 12.04.150.D

Height Limits within Setback Area

Zoning District	Setback Area ⁽¹⁾	Open Fence ⁽²⁾ & Hedge Standards	Solid Fence Standards
Residential	Front and street side	4'	3'
Residential ⁽³⁾	Rear and interior side	6'	6'
Rural	Front and street side	no limit	3'
Rural	Rear and interior side	no limit	6'
All Others	Front and street side	4'	3'
All Others	Rear and interior side	6'	6'

- (1) Rear yard setbacks for through parcels where the rear yard is adjacent to a street shall meet the front yard setback standards.
- (2) Open fence type refers to an open board, split rail, wire, chain link, and similar type of fencing that does not impair through vision or conflict with vehicle sight distance.
- (3) Open fencing within the RA district shall meet Rural District standards for side and rear yard setbacks.

Where solid and open fence materials are combined, the most restrictive standard shall apply.

D. Height Exceptions. Table standards may be exceeded as follows:

1. If submitted as part of the review of a discretionary land use permit, the Planning Agency may allow an increased height for project that requires a higher fence, hedge, or wall for security, visual, or noise attenuation purposes.
2. Subject to the granting of a Use Permit, fencing may exceed the height maximums established by this chapter if findings can be made that such an exception is needed for protection of the public health and safety or to shield unsightly areas or uses.

E. UBC Compliance. Solid fence and wall construction are subject to the requirements of the Uniform Building Code.

Section 12.04.107 Landscaping

A. Purpose. Landscaping is of considerable importance to both existing and proposed development in the County of Nevada, contributing to the overall quality and character of our communities, especially when native vegetation is used or retained. Properly designed and maintained, landscaping provides visual interest and variety, complements structures, provides a transitional area between competing land uses, and aids in reducing air pollution, heat and glare. This Section encourages flexibility to achieve the purpose of the Site Development Standards. It also ensures the efficient use of water used for landscaping by establishing standards for the design, installation and management of landscapes that avoid excessive water demand.

B. Applicability. Landscaping standards shall apply to Development Permits, Use Permits, and subdivisions, unless otherwise excepted in this Section.

C. Definitions.

1. Landscaping – The use of suitable vegetation in conformity with the requirements of this Chapter and the continued maintenance thereof.

D. Native Vegetation Retention. The County of Nevada strongly encourages the retention of on-site native vegetation where it does not pose a fire hazard. Where native oaks are retained, plant materials within the dripline of the oaks shall be drought-tolerant to minimize the application of water at the base of oaks. Existing, on-site native vegetation may serve as alternative landscaping to that landscaping required below where the Planning Agency finds that the existing vegetation has the same practical effect and furthers the intent of this Section.

E. Standards.

1. Plans. A Landscape Plan shall be submitted for each applicable project and all discretionary projects shall require said plans be prepared by a licensed Landscape Contractor, Landscape Architect, Landscape Designer or Horticulturist.

a. Preliminary Plans. Preliminary plans, drawn to scale, shall be submitted at the time of project application and shall include the following:

- 1) The location of planting areas, consistent with the requirements of this section;
- 2) The size, number and type of plants existing and proposed, including the location of shade trees, required to provide forty (40%) percent parking lot coverage within fifteen (15) years, as required by this section;
- 3) The type(s) of irrigation to be used;

- 4) The amount of area devoted to turf, drought-tolerant plants, and native plants;
 - 5) Planting symbols shall be clearly drawn and plants labeled by botanical name, common names, container size, spacing and quantities of plants indicated.
- b. Final Plans. Final plans shall be approved by the Planning Department prior to the start of any on-site construction or soil disturbance and prior to the issuance of a building permit. Final plans shall include:
- 1) All details depicted on the Preliminary Plans and any modifications or additions included by conditions of approval;
 - 2) The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping, street buffer yards, and residential buffer yards);
 - 3) Provide a legend listing the type, number and size of plant materials, indicating both the required number and the provided number, of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs and ground cover plants. Show both common names and botanical names of plants;
 - 4) Irrigation plan;
 - 5) Evidence that a licensed landscape contractor will be responsible for plant and irrigation installation;
 - 6) If existing landscaping, including native vegetation, is to be retained, a note shall be provided on the plan stating that “any existing landscaping or native vegetation shown on the approved plan for retention, that is damaged or removed during construction, shall be repaired or replaced in kind with equivalent size”;
 - 7) A Note on the Plan, certified by a Licensed Landscape Architect, Landscape Designer or Horticulturist, that trees are located on the Plan so as to cover forty (40%) percent of the parking area with tree canopies within fifteen (15) years, consistent with this Section;
 - 8) Assurance that the property owner will be responsible for the

replacement of landscaping that does not survive or that deteriorates due to neglect.

2. Required Landscaping. Landscaping shall be installed along street frontages, within parking lot interiors, along property lines of commercial or industrial sites abutting residential properties, and between multi-family parking areas containing six (6) or more parking stalls, and properties zoned for single-family residential use. Modifications may be approved by the Planning Agency, where a finding can be made that alternatives to the project design, or site constraints, will result in the same overall effect. Site constraints may include sensitive resources, historic features, or parcel size. Project design features that may warrant a modification include: a plan that provides parking at the rear of the building, additional landscaping against the base of the building, increased landscaping in other areas of the site where it will provide a more effective buffer, or any other treatment that enhances the visual environment of the site. In no case shall landmark or heritage trees be removed in order to provide alternatives to the requirements of this Section.
 - a. All required trees shall be a minimum fifteen (15)-gallon container size, with the trunk diameter no less than one and one-half (1.5") inches for canopy trees, and one (1") to one and one-half (1.5") inches for understory trees. Shrubs shall be a minimum five (5)-gallon (5 gal.) container size, and live groundcover plants shall cover bare ground.
 - b. Varied tree and plant materials shall be used throughout the parking lot. No one species shall comprise more than seventy-five (75%) percent of the plantings within each of the following categories: canopy tree, understory tree and shrubs. Native vegetation shall be included in all required plantings unless confirmed by a licensed Landscape Architect that a native species will not satisfy a specific requirement.
 - c. Planting areas within paved parking lots shall be separated from vehicular areas and street right-of-way by a permanently installed concrete or wooden perimeter curb at least six (6") inches high.
 - d. Where required, earthen berms shall be a minimum three (3') feet in height.
 - e. Street Buffer Landscaping: A landscaped strip shall be provided along all street frontages, as follows:
 - 1) A minimum fifteen (15')-foot bufferyard shall be established adjacent to state highways.

- 2) A minimum ten (10')-foot bufferyard shall be established adjacent to all roads within Community boundaries as mapped on the General Plan land use maps.
- 3) A minimum five-foot (5') bufferyard shall be established adjacent to all roads within Rural Regions as mapped on the General Plan land use maps.

Shrub heights in street buffer yards shall not impair sight distance for each five (5') feet of buffer yard width, each 100 lineal feet of street frontage shall include at least five (5) trees and five (5) shrubs. Trees shall include a mix of conifers, understory and canopy trees.

f. Residential Buffers: nonresidential development and associated parking that abuts residentially-zoned property shall provide for sufficient landscaping, fencing, walls, berms, or any combination of screening techniques to ensure visual screening of said development to the maximum extent possible. Where fencing is used, a minimum five (5')-foot wide landscaped area shall be located on the residential side. If the non-commercial side of the fence is visible from any street or adjacent property, a five-foot (5') wide landscaped area shall be provided adjacent to the fence. If adjacent to parking, that area may be counted towards required interior parking lot requirements. Trees shall include a mix of conifers, understory and canopy trees.

g. Interior Parking Lot Landscaping: Shall be evenly dispersed throughout the parking lot at a ratio of forty-five (45 sq. ft) square feet of landscaped area for each provided parking stall. Each 450 square foot unit of landscaping for every ten (10) parking stalls shall include at least four (4) trees and five (5) shrubs. Landscaped islands shall be designed and installed to separate at least every ten (10) linear parking spaces. Planter islands shall be surrounded by six (6") inch wide curbing that is rounded at island ends. Parking lot landscaping shall include shade trees placed so as to cover forty (40%) percent of the total parking area with tree canopies within fifteen (15) years of securing a building permit. Issuance of a certificate of occupancy for the use requiring landscaping improvements.

Tree coverage shall be determined by the approximate crown diameter of each tree at fifteen (15) years, as estimated on the approved tree list. The percentage of area required to be shaded shall be based on the number of uncovered, above ground parking spaces provided.

This subsection shall not apply to expansions of nonconforming structures that otherwise satisfy all requirements for expansion, provided the proposed expansion does not exceed twenty (20%) percent of the gross floor area at the time of the expansion and is consistent with chapter.

h. Maintenance: All landscaping and irrigation shall be maintained by the developer and any subsequent owners of such real property. Landscaped areas shall be kept free of weeds, litter and debris. All pruning and maintenance shall be pursuant to acceptable horticultural practices and in any case where a required planting has not survived, said planting shall be replaced with new material within thirty (30) days unless a licensed landscape architect verifies that, due to weather or season conditions, planting should be delayed for a specified time. Project owners shall be required to maintain all landscaping included in the plans. If the appearance of the property deteriorates due to neglect, a citation shall be issued. Trimming and maintenance of on-site vegetation shall ensure visibility of parking areas, building entrances and other areas accessible to the public, adequate to provide for public safety.

i. No trees that will grow to more than twenty (20') feet in height may be planted, or allowed to grow within, twenty (20') feet of any high voltage power line.

j. Brush Management/Fuel Modification: Brush management and fuel modification are provided for in state law and in local fire safety regulations, codified in Fire Safety Regulations in this code, adopted pursuant to California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard. Said provisions shall prevail in the

event of conflict with any provisions of this Section. (Ord. 2474. (01/14/2020); Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.108 Lighting

A. Purpose. This section establishes standards to provide for efficient, safe and attractive outdoor lighting while minimizing nighttime light pollution and energy waste.

B. Applicability. Lighting standards shall apply to Development Permits, Use Permits, and subdivisions, unless otherwise excepted in this Section.

C. Definitions.

1. Fully Shielded – A technique or method of construction and/or manufacture which does not allow any light dispersion to shine above the horizontal plane from the lowest light emitting point of the light fixture and which precludes visibility of the light source.
2. Glare – Artificial light that causes annoyance, discomfort or loss of visual performance and visibility.
3. Light Pollution – Artificial light which, through uplighting, detrimentally affects the clarity of the night sky, or causes undesirable glare, skyglow, or light trespass.
4. Light Trespass – Artificial light that produces an unnecessary and unwanted illumination of an adjacent property.
5. Skyglow – The glow above brightly lit developed areas, visible in the night sky, that occurs when light shines into the sky and is reflected off clouds, particles of moisture or dust suspended in the atmosphere.
6. Strip Light – A continuous band of light not necessary for public safety.

D. Standards. All outdoor lighting shall meet the following standards:

1. A lighting plan shall be submitted with all discretionary projects that propose to install outdoor lighting. Plans shall depict the location, height and positioning of all light fixtures and shall provide a description of the type and style of lighting proposed, including pole or building mounted area lights and sign lights.
2. All outdoor light fixtures shall be fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways, except for the following:

- a. Airport lighting required for the safe and efficient movement of aircraft during flight, take-off and landing.
 - b. Outdoor light fixtures used for outdoor recreational facilities when such shielding would cause an impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and directional lighting methods shall be utilized to limit light pollution, glare and light trespass, without diminishing the performance standards of the intended recreational activity.
3. Externally illuminated signs and building identification shall use top-mounted light fixtures which shine light downward.
4. The use of façade, or “wash” lighting is limited to public buildings, or buildings with historic importance. Façade lighting may be approved only when it is determined that it is compatible with the level of lighting in the immediate area and where it will not generate excessive illumination, skyglow or glare.
5. Light fixtures mounted on the canopies of service stations, on convenience stores, restaurants, or other similar businesses, shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical. As an alternative or supplement to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated.
6. Use fixtures with high efficiency lamps. High pressure sodium, and mercury vapor light fixtures are prohibited.
7. Light poles shall be restricted to a maximum of twenty (20') feet in height except that on parcels adjacent to residential or rural zoning districts, the maximum height shall be restricted to fifteen (15') feet.
8. All exterior lighting shall be maintained as installed.
9. Lighting shall be turned off between 11 p.m. and sunrise, except for those businesses operating during these hours or where a safety or security need is clearly demonstrated.
10. Lighting systems, other than signs, shall include dimmers, occupancy sensors, time controls or separate circuits, to allow sections of the lighting to be turned off as needed.

11. Security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. The use of motion or heat sensors may provide greater security than continuous lighting and are the preferred alternative to continuous nighttime lighting.
12. The use of searchlights, lasers, strip lights, flood or spotlights is prohibited.

Section 12.04.109 Parking

A. Purpose. Parking standards are intended to minimize street congestion and traffic hazards, to provide safe, convenient access to business, public services and places of public assembly, to minimize impervious surfacing, and to visually improve parking area appearances.

B. On-Site Parking Required. At the time of construction of any structure, or at the time any such structure is enlarged, increased in capacity by adding floor area or seats, or at such time that a higher usage is applied, there shall be provided for such new construction, enlargement or increased capacity and use of land, the following minimum off-street parking, including adequate provisions for safe ingress and egress. Said parking shall thereafter be maintained in connection with such structure and use of land

C. Parking Lot Design Standards.

1. Access Driveway Location. Access driveways to parking areas containing three (3) or more spaces shall be located and designed as follows:
 - a. Distance from Street Corner. Parking area ingress and egress driveways shall be located a minimum of 150 feet from the nearest street intersection, measured from the driveway centerline to the intersection centerline.
 - b. Number of Driveways. Ingress and egress driveways crossing the street property line for a single site shall be limited to two (2) driveways along the frontage of any single street on parcels two (2) acres or less in size. The centerline of double driveways along the same property line shall be separated by a minimum of thirty (30') feet.
 - c. Abutting Parcel. Parking area ingress and egress driveways shall be located a minimum of 150 feet from any driveway on the same parcel or adjacent parcel as measured from centerline to centerline, provided, however, that each parcel shall be provided with a driveway.
2. Driveway Encroachment Standards. Driveways shall conform to the County's

commercial approach in Road Standards.

3. Controlled Access. Parking areas, except for single-family residences, shall be designed to not allow vehicles to back out into any public right-of-way or pedestrian walk in order to egress the parcel or to maneuver out of the parking space. Parking lots shall be designed and improved to prevent ingress and egress at any point other than designated entrances or exit drives.
 4. Parking Lot Aisle Widths.
 - a. One-way forty-five (45)-degree parking aisles shall have a minimum width of sixteen (16') feet and sixty (60) degree parking aisles shall have a minimum width of eighteen (18') feet. One-way ninety (90)-degree parking aisles are not permitted.
 - b. All two-way aisles shall have a minimum width of twenty-four (24') feet.
 5. Drop Off Points Required. Public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility. Drop-off points shall consist of vehicle turnout lanes located outside of normal traveled lanes. Drop-off points shall be provided for hotels and motels, schools with fifty (50) or more students, churches and restaurants with a capacity for fifty (50) or more, public transportation terminals, public structures, and general retail uses and offices larger than 10,000 square feet.
 6. Bicycle Racks Required. Parking lots with twenty (20) or more vehicle spaces shall provide one bicycle rack for each twenty (20) spaces required by this section. Bicycle racks shall be designed to provide a minimum four (4) bicycle spaces in each rack, and so that a bicycle can be locked to the rack. The number of required bicycle racks may be reduced if the Planning Agency determines that the use of the site does not warrant one bicycle rack for each twenty (20) stalls.
 7. Shopping Cart Areas Required. Commercial parking lots with twenty (20) or more vehicle spaces shall provide shopping cart storage areas within the parking lot, outside of parking spaces, driving aisles and fire lanes.
- D. Parking Space Standards. All required parking shall be designed to comply with the following space dimensions and standards:
1. Parking Space Sizes.
 - a. Standard spaces shall be a minimum nine (9') feet in width and eighteen (18') feet in length, except that retail commercial uses shall provide spaces that are

nine (9') feet in width and twenty (20') in length.

- b. Compact spaces shall be a minimum eight (8') feet in width and fourteen (14') feet in length and are allowed at a maximum forty (40%) percent of the required spaces. All compact spaces shall be clearly marked.
- c. Parallel spaces shall be a minimum nine (9') feet in width and twenty- two (22') feet in length. Parallel spaces may only be used when a through traffic flow is designed into the parking lot circulation pattern.
- d. Accessibility and Usability. All required parking spaces shall be designed, located, constructed, and maintained to be fully and independently accessible and usable during hours of operation, except when the closure of such spaces is authorized by the Planning Director to provide for the security of the property in question or for public safety purposes. Required spaces and driveways shall not be used for any purpose that at any time would preclude the parking of motor vehicles. No owner or tenant shall lease, rent, or otherwise make a space unavailable to the intended users of the space. (Subsection amended by Ord. 2057. (05/08/2001); Ord. 2533. (12/05/2023))

E. Wheelchair Accessible Parking.

- 1. General. All parking facilities required by this Section for uses other than a single-family dwelling shall provide accessible parking. Accessible parking shall be provided in accordance with Title 24 of the California Code of Regulations, as amended, including the number of parking spaces, dimensions and location, signage at the entrance, at the space and on the ground, vertical clearance, loading zones, curb ramps and slopes. Accessible parking spaces shall be located as near as practical to a primary entrance. When there are multiple entrances to structures adjacent to parking areas, accessible spaces shall be located closest to accessible entrances. Unless amended by Title 24, the required number of accessible spaces shall be in accordance with Table 12.04.180.E:

Table 12.04.180.E
Required Wheelchair Accessible Parking Spaces

Number of Parking Spaces*	Number of Required Accessible Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6

201 – 300	7
301 – 400	8
401 – 500	9
501 – 1000	2% of total
Over 1,000	20 + 1 for each 100, or fraction thereof over 1,001

*Accessible parking for multi-family residential uses shall meet the requirements established by the State of California Department of Housing and Community Development.

Required number of Parking Spaces per use

Table 12.04.180.b – Parking Required Number of Parking Spaces by Use

Use	Required Number Of Spaces ⁽¹⁾⁽³⁾
Agricultural, Resource, and Open Space	
General	1 space per 1,000 sf of use area
Resource Extraction	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
Commercial	
Offices	
General	1 space per 200 sf of gfa
Financial	1 space per 300 gfa
Post Offices	5 spaces per service window plus 1 space per office
Medical/Dental	1 space per 175 sf of gfa
Hospitals	1.5 spaces per bed
Skilled Nursing/Intermediate Care Facilities/Convalescent Hospitals	1 space per 4 beds
Restaurants	
Restaurants	1 space per 150 sf of gfa including outdoor seating and eating areas
Fast Food	1 space per 100 sf of gfa
Bars	1 space per 100 sf of gfa plus 1 space per 35 sf of dance floor area if Provided
Retail	
General	1 space per 200 sf of gfa plus 1 space per 600 sf of outdoor use area
Building Materials	1 space per 250 sf of gfa plus 1 space per 10,000 sf of outdoor use area

Plant Nursery	1 space per 500 sf of gfa, plus 1 space per 2500 sf of outdoor use area
Vehicle Sales	1 space per 400 sf of gfa plus 1 space per 2000 sf of outdoor use area plus repair uses
Service Uses	
General	1 space per 400 sf of gfa plus 1 space per 1000 sf of outdoor use area
Laundromat	1 space per 200 sf of gfa
Barber/Beauty Salons	2 spaces per chair but not less than 1 space per 400 sf of gfa
Veterinarian	1 space per 300 sf of gfa
Mortuaries	1 space per each 4 fixed seats in each assembly room plus 1 space for each 200 sf of gfa
Vehicle Repair	1 space per 800 sf of gfa plus 2 spaces per service bay
Lodging	
Bed & Breakfast Inns	1 space per each guest room plus 1 space for the residential use
Hotels/Motels	1.1 spaces per room plus 1 space per 50 sf of assembly area
Industrial	
General	1 space per 600 sf of gfa plus 1 space per 1000 sf of outdoor use area
Research & Development	1 space per 500 sf gfa
Manufacturing/Fabricating	1 space per 800 sf of gfa, plus 1 space per 1,000 sf of outdoor use area
Wholesaling/Distribution	1 space per 1,000 sf of gfa
Warehousing	1 space per 2,000 sf of gfa
Mini-Storage	3 spaces plus 2 spaces for residential use if provided
Vehicle/Freight Terminals	2 per loading bay plus office uses
Recreational, Institutional, and Public	
Recreational Uses – Indoor	
General	1 space per 300 sf of gfa
Bowling Alley	4 spaces per lane plus incidental uses
Fitness Centers/Health Clubs	1 space per 200 sf of gfa
Recreational, Institutional, and Public (cont'd)	
Recreational Uses – Indoor (cont'd)	
Video Arcade	1 space per 3 persons at maximum capacity
Dance Clubs/Studios	1 space per 35 sf of dance floor

Recreational Uses – Outdoor	
General	As determined by the Planning Agency
Golf Course	4 spaces per hole plus incidental uses
Use	Required Number Of Spaces⁽¹⁾⁽³⁾
Driving Range	1 space per tee plus 1 space for every 20 tees
Miniature Golf	3 spaces per hole plus incidental uses
Tennis/Racquetball Courts	3 spaces per court plus 1 space per 300 sf of use area
Ski Lifts	80% times (number of people per hour times vertical rise of lift facility in feet, divided by 4,000)
Cultural	
Libraries, Museums, Galleries	1 space for each 300 sf of gfa
Theaters	1 space for each 4 seats
Institutional Uses	
Daycare	1 space per 8 children ⁽¹⁾
Elementary/Junior High Schools	1 space per classroom and office plus 1 space per 200 sf of assembly area
High Schools	7 spaces per classroom and 1 space per office plus 1 space per 100 sf of assembly area
Community College	10 spaces per classroom and 1 space per office plus 10 spaces per 100 sf of assembly area
Trade Schools	1 space per 1.5 students
Churches/Auditoriums	1 space per each 4 fixed seats or 35 sf of use area, plus any incidental uses
Service Organizations	1 space per 60 sf of use area plus incidental uses
Community Care Facilities	1 space per every 2 persons cared for plus 2 spaces for the residence
Public	
Communication Towers and Transmission Facilities	No improved parking is required, provided that sufficient area is available to accommodate all employee and visitor vehicles entirely on the site.
Public Uses	Required parking for public agencies shall be determined by the Planning Agency in conjunction with a land use permit, consistent with the most similar use provided for by this Section.
Residential (may be modified by Sections 12.03.160 and 12.03.200 of this Title)	
Single-Room Occupancies (SROs)	1 space per 1 SRO unit ⁽¹⁾⁽²⁾
Single-family	1 space per unit. Tandem parking is allowed ⁽²⁾
Multi-Family and Dwelling	1 space per 1 bedroom unit ⁽¹⁾⁽²⁾

Groups	1.5 spaces for 2 or 3 bedroom units. Tandem parking is allowed. (1)(2) 2 spaces for 4 or more bedroom units, plus 1 guest space per each 2 units. Tandem parking is allowed. (1)(2)
Transitional and Supportive Housing	0.5 space per unit (see Section 2.7.4) (1)(2)
Mobilehome Parks	1 space per each dwelling ⁽¹⁾
Boardinghouses	0.5 spaces per bed (1)(2)
Emergency Shelter Housing	1 space per space. (1)(2)
Transitional/Supportive Housing	0.5 space per bedroom unit ⁽¹⁾⁽²⁾
Accessory Dwelling Unit	No additional parking is required.
Junior Accessory Dwelling Unit	No additional parking is required.

Footnote:

(1) Reduction in the number of parking spaces may be allowed pursuant to Section 12.04.180.F

(2) No parking is required if the proposed dwelling unit is:

- a. Within an architecturally or historically significant historic district;
- b. Within the existing single-family dwelling or an existing accessory structure;
- c. In an area where on-street parking permits are required but not offered to the occupant of the accessory dwelling unit;
- d. Within one block of a car share vehicle pick-up location;
- e. Converted from a garage, carport, or other covered parking space, or if a garage, carport, or other covered parking space is demolished in conjunction with the accessory dwelling unit or junior accessory dwelling unit construction.

(3) No parking is required if the proposed development is within one-half mile of a public transit stop.

Section 12.04.110 Permanent Open Space / Maximum Impervious Surface

A. Purpose. To conserve and maintain the natural and historic beauty of the County of Nevada, promote soil conservation, surface water quality and groundwater recharge, to enhance residential and commercial areas, and to ensure permanent open space and maximum impervious surfaces for all development.

B. Definitions.

1. Open Space Land. Any parcel or area of land or water which is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.
2. Impervious Surface. Surface through which water cannot penetrate, such as a roof, road, sidewalk, or paved parking lot.

C. Standards.

1. Permanent Open Space. There shall be provided permanent open space in all commercial, industrial, multiple-family, public, and recreational zoning districts. The minimum amount of open space shall be as follows:

Table 12.04.190.C.1

Elevation	0 - 1 acre	1.01 + acres
< 4,000 ft.	10%	15%
> 4,000 ft.	15%	20%

Section 12.04.111 Screening

A. Purpose. To provide visual relief to equipment or areas needed for storage or mechanical equipment in commercial, public, industrial and multi-family residential development.

B. Applicability. Screening standards shall apply to all projects requiring a Development Permit, a Use Permit, and to subdivisions if applicable.

C. Standards.

1. Outdoor storage, solid waste disposal areas, mechanical equipment and utilities shall be screened from public view. Walls used for screening purposes shall be

buffered from view by landscaping.

2. All outdoor solid waste receptacles, and /or recycling storage areas, shall be placed within a solid screen enclosure constructed of materials and colors compatible with building style, at least one (1') foot higher than the receptacle. Locations should be conveniently accessible for trash collection and maintenance, should not block access drives during loading operations, and should be oriented away from public view. The consolidation of trash areas between businesses is encouraged. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.112 Signs

A. Purpose. These regulations are intended to allow for a reasonable display of signage necessary to provide identification of buildings and building occupants, and to prevent clutter while providing for the display of information. This Section is intended to complement the land use objectives set forth in the Nevada County General Plan and this Chapter by:

1. Encouraging signs that are pleasing in appearance by providing for good design with a minimum of clutter;
2. Enhancing the economic value of visible areas through the regulation of size, location and illumination;
3. Attracting and directing people to various activities and enterprises and providing the maximum public convenience;
4. Reducing or eliminating traffic and safety-hazards through proper sign location and design.

B. Definitions.

1. Above-Roof Sign – A sign any part of which is displayed above the peak or parapet of a building.
2. Billboard – A sign directing attention to a business, service, product, or entertainment not sold or offered on the site where the sign is located, not including directional signs.
3. Cabinet Sign – A wall sign contained completely within a box, frame or similar enclosure. Cabinet signs are typically backlit with a plastic or plexiglass face. Also called “can” or “box” signs.

4. Channel, or Wall-Mounted, Letter Sign – Signage composed of letters individually mounted or painted on a structure wall, without a border or decorative enclosure.
5. Directional Sign – A sign serving the needs of the traveling motorist where on-site advertising for the business is not visible from the main access road. Said sign may bear the name of the business and/or service provided but may not contain commercial advertising material.
 - 5.a Directional Signs, Agricultural Operation Associations – Similar to the directional signs for individual businesses, except that the sign references the product, the name of the individual business with distance from the sign and a directional indicator, if needed.
 - 5.b Directional Signs, Public Information (such as trail signs) – These signs provide for a common design to direct the traveling public to areas of interest.
6. Freestanding Sign – A sign that is not attached to a structure. Includes monument, pole, portable and readerboard signs.
7. Human Sign – A graphic utilizing a person to hold/move the sign.
8. Monument Sign – A low-profile sign usually placed upon a foundation or a slab with a solid base, and not normally supported by uprights, braces, poles or other similar structural components.
9. Pole Sign – A permanent sign supported on a pole or poles placed into the ground and detached from any structure.
10. Portable Sign – Freestanding signs not permanently attached nor designed to be permanently attached (includes items such as sandwich boards, A- frames, or temporary posts with a sign attached).
11. Readerboard Sign – A sign that accommodates changeable copy and which displays present or future activities and events.
12. Roof Sign – A sign that is displayed above the eaves and under the peak of a building: these signs are displayed, erected, constructed, or maintained on the roof of a building. (See also “Sign, Above Roof”).
13. Sign – Any device capable of visual communication or attraction, display, illustration, insignia or symbol used to advertise, or promote the interest of any

person, partnership, association, corporation or other business entity. "Sign" shall not include any official notice issued by any court or public body or officer; directional, warning, or information signs or structures required by or authorized by law or by federal, state, county or municipal authority.

14. Sign Area – The entire area within a geometric pattern enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.
15. Wall Sign – A sign attached parallel to or painted on any exterior wall of a structure.
16. Window Sign – A sign permanently painted or mounted on the interior or exterior of windows.

C. Limitations. The regulations of this Section establish minimum standards for signs that directly relate to the use of the property upon which a sign is to be located and to the intensity of the development of each particular land use. All signs shall be limited to the identification of the business and service provided on-site unless otherwise specifically provided in this section. No product or price advertising is allowed under the provisions of this section unless the product is incorporated into the name of the business or logo or is otherwise required by law.

D. Applicability of Sign Regulation. The provisions of this Section are applicable to all signs constructed or altered after the effective date of this section except as otherwise provided for in this Section. If an adopted Area Plan has stricter signage requirements than this Section, the Area Plan shall apply.

E. Sign Code Adopted. That certain sign code published by the International Conference of building Officials, entitled the Uniform Sign Code, 1997 edition, or subsequent edition which may be adopted by the Board of Supervisors of the County of Nevada, as adopted by the Building Codes, is incorporated into this Section by reference as though it were fully set forth herein.

F. Construction and Maintenance. Each sign and all its components shall be manufactured, assembled and erected in compliance with all applicable state, federal and county regulations, and the Uniform Sign Code. Each sign, including those exempted from this Section, shall be maintained in a safe, clean and legible condition at all times.

G. Nonconforming Signs. Any sign or billboard lawfully in existence upon the adoption of this Section, but not in conformance with the provisions of this Section, may not be replaced or reconstructed unless it is brought into conformity with the provisions of this Section. All billboards and any nonconforming signs not brought into conformity

with this Section shall be removed five (5) years after the adoption of this Section unless not fully amortized within such period pursuant to state law. Billboards and nonconforming signs not fully amortized within such period shall be removed at the end of the amortization period applicable thereto in an amortization program adopted pursuant to the California Outdoor Advertising Act contained in Cal. Bus. & Prof. Code §§ 5200 – 5486 or, if no shorter period is applicable, within (fifteen) 15 years after the adoption of this Section. It is the intent of this Section that all billboards and any nonconforming signs not brought into conformity with this Section shall be removed as soon as practical under state law without imposing any obligation upon the county to pay compensation for such removal. Pursuant to Cal. Bus. & Prof. Code § 5499, the removal requirements of this Section shall not apply to the removal of legally existing on-premises signs, if special topographic circumstances would result in a material impairment of visibility of the display or the owner's or user's ability to adequately and effectively continue to communicate with the public through use of the sign.

Exception. If a nonconforming sign has historical significance apart from its main purpose of advertising, the sign may be granted a Use Permit for continued use.

H. Signs Exempt from Sign Standards. The following signs are exempt from the standards of this Section, provided they meet the requirements stated herein. Nothing in this section shall exempt a sign from a building permit if required by the Uniform Sign Code.

1. Construction Signs. Two (2) signs with a combined total sign area of thirty- two (32 sq. ft.) square feet and not exceeding eight (8') feet in height, identifying parties involved in construction on the premises and future sales or activities for which the construction is intended. Signs shall not be installed earlier than sixty (60) days from the date of construction and shall be removed prior to the issuance of a certificate of occupancy.
2. Hazard Signs. Public Utility Company and other signs indicating danger, the location of underground utilities, or of construction, excavation, or similar hazards so long as the hazard exists.
3. Prohibition Signs. "No Trespassing", "No Parking" and similar warning signs.
4. Official Signs and Flags. Official federal, state or local government flags, historical markers, and official traffic, directional guide and other informational signs, and official and legal notices issued by any court, person or officer in performance of a public duty. Flag poles are subject to the height limits established for the applicable zoning district and shall not be used for commercial advertising. Illumination of the American flag shall be for the flag only and shall not be used for advertisement.

5. On-Site Directional Signs. Parking lot and other private traffic directional signs, including disabled access and parking signs, each not exceeding six (6 sq. ft.) square feet in area. Such signs shall be limited to the guidance of pedestrian and/or vehicular traffic on the premises, and shall not display any logo, product name, establishment, service or any other advertising.
6. Hospital Emergency Room Signs.
7. Historic Structures. The repainting or restoration of historic structure names or advertising, if not advertising a current business or product, and if the historic sign can be verified.
8. Human Signs. Individuals holding portable graphics are exempt, provided they do not interfere with visibility or passage of foot or vehicular traffic, or otherwise create a public nuisance or safety issue.
9. Temporary Events. Temporary signs or banners displaying information or advertising for community events provided the aggregate sign area does not exceed 100 square feet and are posted no more than ten (10) days preceding the event and are removed within three (3) days following the event. Such signs are subject to an encroachment permit from the Dept. of Public Works when proposed in the county right-of-way. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))
10. Temporary Sales Advertising. Banners, balloons, or decorative materials used for temporary sales advertising or events may be allowed three (3) times a year with each time not to exceed seven (7) days, except that new businesses may utilize temporary signage for ninety (90) days from opening. Planning Department shall be advised of business opening date. Permitted times shall not run in consecutive order and shall be pre-approved by the Planning Department.
11. Miscellaneous Information Signs. Miscellaneous information signs containing no advertising copy, in office, commercial, business park and industrial districts, with sign area not to exceed four (4 sq. ft.) square feet at each public entrance nor twelve (12 sq. ft.) square feet total, indicating addresses, hours and days of operation, whether a business is open or closed, credit card information, emergency addresses and telephone numbers and names and copy applied to fuel pumps or dispensers.
12. Interior Signs. Signs not visible from public streets or adjacent properties, such as signs in interior areas of shopping centers, commercial structures, ball parks, stadiums and similar recreational or entertainment uses.

13. Residential Identification Signs. Individual signs identifying the names of the occupants, and a street address, if limited to a total sign area of four (4 sq. ft.) square feet.
14. Real Estate Signs.
 - a. Temporary signs indicating only that property on which the sign is located is for Sale, Rent or Lease. Only one (1) sign per street frontage is permitted and said signs shall not exceed a maximum aggregate area of sixteen (16 sq. ft.) square feet on residential parcels and thirty-two (32 sq. ft.) square feet on nonresidential properties. Such signs may not be located within a county or state right-of-way without an encroachment permit from the appropriate authority.
 - b. Open House On-Site and Off-Site Directional Signs. One off-site portable sign for a maximum of one (1)-hour before and removed a maximum of one (1) hour after the open house, plus one on-site "Open House" sign (to include open house hours). Additional off-site signs are allowed in rural areas where roads or driveways are not adequately marked for drivers to know which way to turn when a directional choice is required. Maximum sign area per sign is eight (8 sq. ft.) square feet. When located on private property, such signs must be sited with permission of the property owner.
 - c. Property for Sale, Off-Site Directional Signs. Limited to property for sale in rural areas where roads or driveways are not adequately marked for drivers to know which way to turn when a directional choice is required. Maximum sign face size is two (2') feet wide by six (6") inches high. Sign(s) may be placed for directional purposes throughout the time period that the property is for sale. May not be located within a county or state right-of-way without an encroachment permit from the appropriate authority. When located on private property, such signs must be sited with permission of the property owner.
15. Political Signs. Temporary signs not exceeding thirty-two (32 sq. ft.) square feet per sign, providing that such signs are not posted more than ninety (90) days preceding the election and are removed within ten (10) days following the election.
16. Temporary Window Signs, including, but not limited to, seasonal decorations or special events.
17. Vehicular Signs. Signs on self-propelled public or private transportation vehicles, provided such vehicles are not used or intended for use as portable or temporary on-site advertising. Such vehicles must have a current registration.
- I. Prohibited Signs and Sign Materials. In addition to any sign or sign material

not specifically in accordance with the provisions of this Section, the following signs are expressly prohibited:

1. Signs that impair sight distance at the point of parking lot egress.
2. Signs that simulate or imitate any traffic control sign or signal or which make use of words, symbols or characters so as to interfere with, mislead or confuse pedestrian or vehicular traffic.
3. Internally illuminated cabinet signs outside Community Regions.
4. Readerboard signs unless otherwise specifically permitted herein.
5. Signs consisting of any moving, rotating or otherwise animated light or component except for time and temperature displays and barber poles.
6. The use of flags, pennants, streamers or other wind activated devices unless otherwise provided for within this section.
7. Vinyl banners, except as permitted for temporary events.
8. Roof and above-roof signs, except as expressly permitted in this Section.
9. Signs that are placed, relocated or maintained so as to prevent free egress from or ingress to any door, window, fire escape, or occupy space in a public right- of-way including sidewalks, boardwalks, alleys, streets, or public or private easements, unless necessary for traffic safety purposes.
10. No sign of any kind shall be attached to a standpipe or fire escape.
11. Billboards or off-site advertising signs unless otherwise permitted by this Section.
12. Signs on vehicles, including trailers, when a vehicle is parked or stored on property for purpose of identifying a business or advertising a product, unless the sign is permanently affixed on the side or rear of the vehicle body, and the vehicle is used by the business on a regular basis.

J. Approval Required. No sign shall be constructed, displayed, altered or changed without first obtaining approval from the Planning Agency unless exempted from the standards of this Section. All signs shall conform to the design standards of this Section unless otherwise specified by this Section.

1. Building Permit Required. Unless otherwise exempted by the Uniform Building Code or Uniform Sign Code, a building permit shall be obtained for a sign from the

Building Department, if applicable.

2. **Sign Permit Required.** Signs or sign alterations that do not require a building permit shall file an application for a sign permit with the Planning Department, using Planning Department forms, together with all information and materials specified on the forms, and the filing fee required by the latest fee schedule adopted by the county. Where a comprehensive sign program has been approved by the county for overall development of a site, separate sign permits shall not be required for individual signs on the site, provided that such signs are consistent with the approved program.
3. **Design Review.** All signs shall conform to the community design standards of this Section, applicable Eastern or Western Nevada County Design Guidelines, any applicable specific community design guidelines and any conforming approved Comprehensive Sign Program for the subject property unless otherwise specified by this Chapter. Design review shall be required for new or replacement signs that are not part of a land use permit but review thereof shall be by the Planning Director rather than as provided in Table 12.05.020 of this Chapter. New or replacement signage on a site that has been previously reviewed for design compatibility through a discretionary permit, or that has been approved as part of a comprehensive sign program, shall not require new design review if replacement signage is consistent with the previously approved signage or comprehensive sign program, and with current standards. New or replacement signs that are part of a land use permit, and which are not consistent with the previously approved signage, shall be reviewed by the original approval body.

Replacement of signs covered by a previously approved Comprehensive Sign Plan, which no longer conforms to existing standards, may be approved consistent with the previously approved Sign Plan in order to maintain sign consistency within the development. At such time as the development plans to change multiple signs or, in order to provide a conforming sign plan for sign replacement purposes, a new comprehensive sign plan shall be approved.

4. **Comprehensive Sign Plan.** A comprehensive sign plan is required for all multi-tenant developments that require a Development Permit or a Use Permit. The sign plan shall provide for the use of a consistent sign design style, and the same or complementary types of materials, colors, and illumination in all signs on the site. The sign plan shall be submitted and approved as part of the land use permit application for the overall site development.

K. **Sign Standards.** Unless otherwise exempted from the requirements of this Section, all signs are subject to the following standards:

1. Wall Signs.

- a. One wall sign for each street or parking lot frontage may be placed on any building with a maximum of two (2) wall signs for each business or tenant. No signs shall be placed facing the restricted access portions of highways, including the restricted access portions of State Highways 20 and 49, except as part of an approved Development Permit or Use Permit.
- b. Wall signs shall not extend beyond the edge of any wall on which they are mounted nor shall the sign project more than twelve (12") inches from the wall.
- c. Wall signs shall be separated from each other by a distance of three (3) times the average height of the sign face and/or letters of the proposed sign and adjacent sign.
- d. Wall signs shall not cover more fifteen (15%) percent of a building I or tenant storefront.

2. Window Signs.

- a. Window signs shall not occupy more than fifty (50%) percent of the window area of any one window, including permanent and temporary signs. Permanent window signage counts toward total signage square footage allowed for the business.
- b. The text of a window sign should be limited to the business name and a brief message identifying the type of product or service available.

3. Roof Signs.

- a. Roof signs are prohibited on buildings constructed after January 1, 2006, unless approved for historical reasons. New or replacement roof signs shall only be approved for structures existing as of January 1, 2006, when the approval body determines that no alternative to a roof sign is available, or for historical reasons.
- b. When roof signs are approved as an alternative to wall signs, standards 1.a-d above under wall signs shall apply.

4. Freestanding Signs. All freestanding signs shall be located in a landscaped area to integrate the sign with the ground plane and to screen out any low-level lights, unless winter snow or remote location of site makes landscaping impractical. Monument-type signs are preferred over pole signs.

- a. Pole Signs. Pole signs are limited to a maximum ten (10') feet in height,

except that the maximum sign height for businesses that are located in Community Regions, and that are freeway or state highway related, including restaurants, gasoline stations, and overnight lodging, may be increased to a maximum twenty-five (25') foot height if it is determined that the additional height is the minimum necessary to provide visibility from the highway or freeway, subject to design review approval. Greater sign height may be authorized due to snow plowing, natural topography or other special circumstances.

- b. Monument Signs. Developments in the Commercial, Industrial, and Multi-Family Residential zoning districts may have one monument sign per parcel except that development on corner parcels, with access to a second road, may also have a second monument sign visible from the secondary road. Solid architectural bases of native rock or field stone or other natural materials are strongly encouraged. Internally illuminated monument signs can be approved within Community Regions. The maximum size for monument signs shall be as follows:
 - 1) For single tenant structures or center identification, monument signs shall not exceed twenty-five (25 sq. ft.) square feet in area and a height of five (5') feet. Secondary signs allowed for corner lots are limited to a maximum fifteen (15 sq. ft.) square feet in area.
 - 2) For multiple tenant structures, monument signs shall not exceed fifty (50 sq. ft.) square feet and a height of six (6') feet, except that a ten (10') foot height is allowed in Industrial Districts.
 - 3) Monument signs located east of the Range 10 East line may be increased in height an additional five (5') feet to accommodate snow storage.
- c. Menu Boards. Signs displaying products and pricing for drive-through restaurants shall not exceed fifty (50 sq. ft.) square feet in area and a height of six (6') feet. Such signs shall be subject to the location and size criteria of this Section. No more than one such sign shall be allowed if the signage is visible from a public roadway. All Menu Board signage shall require design review and a determination that adequate area is provided for vehicles to queue outside of driving aisles.
- d. Directory Signs. wall-mounted or free-standing, building directory signs, listing the tenants or occupants of a structure or center, provided that such directories do not exceed twenty (20 sq. ft.) square feet on any single building wall or a height of eight (8') feet. Letter height shall not exceed

two (2”) inches. The placement of directory signs shall be oriented to pedestrian traffic.

- e. Readerboards. Readerboards are allowed for theaters, auditoriums, fairgrounds, institutional signs, schools, museums or motels/hotels offering conference facilities, if the readerboard is established on-site, and for community identification signs or event purposes.
- f. Community Identification Signs. One (1) community identification monument sign shall be allowed on each arterial street entering a community, a maximum sign area size of 100 square feet and a maximum height of ten (10’) feet. Such signing may include the name of the community, and the names of community civic or religious organizations, but shall not include the names of businesses and/or commercial products.
- g. Signs in Agricultural Districts. Attached or freestanding signs identifying activities, services, products or occupants are permitted at a maximum two (2) signs per parcel, not exceeding twenty-five (25 sq. ft.) square feet each in sign area.
- h. Institutional Signs. Churches, schools, community centers or other public or institutional uses are allowed a maximum of two (2) signs, not exceeding a combined sign area of forty (40 sq. ft.) square feet. Freestanding signs shall have a maximum height of eight (8’) feet.
- i. Neighborhood or Residential Development/Subdivision Identification. A maximum of two (2) monument signs, one (1) per street frontage, are allowed, not to exceed twenty-five (25 sq. ft.) square feet per sign.
- j. Multiple Family Identification. A maximum of two (2) monument signs, one per street frontage, are allowed, not to exceed twenty (20 sq. ft.) square feet in sign area per sign.
- k. Portable Signs.
 - 1) If business related, must be approved as part of the sign plan.
 - 2) If business related, limited to one in addition to other permanent signs allowed for the business.
 - 3) Maximum sign area of eight (8 sq. ft.) square feet.
 - 4) Must be located outside the road right-of-way and not encroach into

required off-street parking areas.

- 5) If business related, may be utilized only during regular hours of operation, and shall be removed during non-business hours.

5. Other Signs.

- a. Time and Temperature Signs. Public service information signs that display time and temperature, etc., may be approved provided that the display contains no more than twenty (20%) percent of the allowable sign area devoted to advertising a business or service.
- b. Gas Prices. Pricing signs required by the State of California Business and Professions Code, shall not be counted as part of the allowable sign area, provided that the signs do not exceed the state minimum requirements for wording, size and height. This restriction is not applicable to signs within the “HP” Combining District.
- c. Suspended or Projecting Signs. One suspended or projecting sign with a maximum area of eight (8 sq. ft.) square feet for each business or tenant. No sign shall extend beyond the eave line or covered walkway, unless located within the HP Combining District or if approved as part of a design theme for a commercial/industrial center.
- d. Directory Signs. Wall-mounted or free-standing, building directory signs, listing the tenants or occupants of a structure or center, provided that such directories do not exceed twenty (20 sq. ft.) square feet on any single building wall or a height of eight (8') feet. Letter height shall not exceed two (2") inches. The placement of directory signs shall be oriented to pedestrian traffic.
- e. Readerboards. Readerboards are allowed for theaters, auditoriums, fairgrounds, schools, museums or motels/hotels offering conference facilities, if the readerboard is established on-site, and for community identification signs.
- f. Community Identification Signs. One (1) community identification sign shall be allowed on each arterial street entering a community, a maximum sign area size of 100 square feet and a maximum height of ten (10') feet. Such signing may include the name of the community, and the names of community civic or religious organizations, but shall not include the names of businesses and/or commercial products.

- g. Signs in Agricultural Districts. Attached or freestanding signs identifying activities, services, products or occupants are permitted at a maximum two (2) signs per parcel, not exceeding twenty-five (25 sq. ft.) square feet each in sign area.
 - h. Institutional Signs. Churches, schools, community centers or other public or institutional uses are allowed a maximum of two (2) signs, not exceeding a combined sign area of forty (40 sq. ft.) square feet. One such sign may be freestanding, with a maximum height of eight (8') feet.
 - i. Neighborhood or Tract Identification. A maximum of two (2) signs are allowed, not to exceed a combined sign area of fifty (50 sq. ft.) square feet. A monument sign is allowed, however, no more than one per street frontage is allowed.
 - j. Multiple Family Identification. A maximum two (2) signs are allowed for each parcel containing a multi-family development or dwelling group. The maximum size of each sign shall not exceed twenty (20 sq. ft.) square feet in sign area. Allowed signage may include one monument sign for each road frontage that provides access to the site.
- 6. Location and Size. The location and size of all signs shall be in accordance with the following:
 - a. Setbacks. All signs shall be setback a minimum two (2') feet from property lines, as measured to the nearest edge of the sign.
 - b. Location. Freestanding signs shall be placed so that vehicular sight distances are not blocked.
 - c. Size. Size of allowable sign area shall not exceed two (2 sq. ft.) square feet for each lineal foot of structure frontage measured on only one (1) frontage facing a street or parking lot unless otherwise specified by this Section. Individual buildings occupied by multiple tenants shall measure sign area by the amount of frontage provided for each tenant space. Corner structures on a corner parcels, providing street frontage to more than one street, will be allowed an additional one (1 sq. ft.) square foot of aggregate area for each lineal foot of frontage, measured on the side-street structure side.
 - d. Measurement of Sign Area. The area of a sign and/or sign structure shall be measured as the number of square feet within the area of the sign face, as follows:
 - 1) Sign Faces Counted. Where a sign has two (2) faces containing sign

copy, which are oriented back-to-back and separated by not more than thirty-six (36") inches at any point, the area of the sign shall be measured using one sign face only.

- 2) Wall Mounted Letters. Where a sign is composed of letters individually mounted or painted on a structure wall, without a border or decorative enclosure, the sign area shall be measured as the number of square feet of the smallest rectangles or combination of rectangles within which all letters can be enclosed.
 - 3) Three-Dimensional Signs. Signs consisting of one or more three-dimensional objects, such as balls, cubes, clusters of objects, or statue-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed when viewed from a point where the largest area of the object(s) can be viewed.
 - 4) Cabinet Signs. Where a sign has borders, a decorative enclosure or cabinet, the area of the sign shall be measured as the area in square feet of the smallest rectangle within which the borders, decorative enclosure or cabinet can be contained.
7. Lighting. When lighted, all signs shall be illuminated by continuous, non-pulsating, shielded and stationary light sources, using light fixtures, which direct external light sources at the sign so as to illuminate only the sign face. Any external spot or flood lighting shall be arranged so that the light source is screened from direct view. Internally illuminated "cabinet" signs are prohibited. Internally illuminated signage shall be allowed only in Community Regions and limited to individually lit channel letters. Internally illuminated monument signs may also be approved within Community Regions. Signs may be lit only during those hours that the business being advertised is open for business.
8. Conflicts. In the event of conflicting standards, the more restrictive standard shall apply.
- L. Abandoned Signs. When a business ceases to operate for a period of 180 days or more, all signs advertising that business shall be removed by the owner or lessee of the business on which premises the sign is located. If the owner or lessee fails to remove such signage, the Code Enforcement Officer for the County of Nevada shall provide the owner with a thirty-day (30) written notice to remove the signage. Upon failure to comply with such notice the county or its duly authorized representative, may remove the sign at cost to the owner.

M. Removal of Signs. The county may order the removal of any sign erected or maintained in violation of this Section. The county shall give thirty-day (30) written notice to the owner of any such sign, structure or premises on which the sign is located, to remove the sign or to bring it into compliance with applicable county ordinances. Upon failure to comply with such notice, the county or its duly authorized representative may remove the sign at cost to the owner. The county may remove the sign(s) immediately and without notice, if, in the opinion of the County Building Inspector, the condition of the sign presents an immediate safety threat to the public.

N. Off-Site Directional Signs. Where a business is not located on a county road or state highway so that permitted on-site advertising is not visible from their primary access road, an Administrative Development Permit may be issued pursuant to the sign permit requirements, for a directional sign if the following standards are met:

1. The sign shall only be allowed for services the traveling motorist requires (i.e., motels, service stations, resorts, restaurants, and campgrounds), which are located off the main thoroughfare.
2. The directional sign shall bear the name of the business and/or service provided (i.e., gas, food, lodging etc.). No sign or its support shall bear any commercial advertising material but may provide the street address and hours of operation.
3. Directional signs shall be placed on private property and may not be located within any road right-of-way.
4. No more than two (2) directional signs may be allowed for any one (1) property unless the Zoning Administrator, or other approval body, determines that unusual circumstances justify additional signage.
5. No more than two (2) sign structures shall be allowed at any intersection.
6. Directional signs shall meet the following design standards:
 - a. Shall not exceed twenty (20 sq. ft.) square feet in overall size, with a maximum width of six (6') feet.
 - b. Shall bear the name of the business.
 - c. May bear the street address and hours of operation.
 - d. May bear a commonly recognized logo.

- e. May bear the service provided, i.e. food, gas, lodging, etc.
- f. Colors shall be a solid color or white background with contrasting reflective lettering.
- g. The maximum height for highway directional signs shall not exceed eight (8') feet from grade.

O. Off-Site Directional Signs – Board of Supervisors Approved Comprehensive Sign Plans. To facilitate visits by the traveling public to County of Nevada agricultural operation associations or users of public services such as trails, the Board of Supervisors may adopt, by Resolution, Comprehensive Sign Plans. Signs shall be attached to signposts so that the sign face is perpendicular or parallel to the traveled way. Posts located within the County of Nevada road right-of-way shall be provided and placed by the Department of Public Works on an at-cost basis. After approval of the sign plan, individual signs and posts may be added or deleted, consistent with the approved plan, without returning to the Board of Supervisors for approval. Maximum number of signs per operation and maximum number of signposts to be determined in conjunction with comprehensive sign plan approval. Multiple agricultural associations may be listed on one signpost. (Ord. 2239. (05/29/2007); Ord. 2533. (12/05/2023))

P. Temporary Directional Subdivision Signs. Are allowed in all residential and rural districts subject to the following:

1. Directional Sign Defined. A directional sign as used in this Section shall mean a sign intended for temporary use in advertising and directing people to a subdivision duly recorded and identified by a tract name assigned or approved by the county and as shown on the final map.
2. Permit Required. No directional sign shall be erected or maintained in any district, defined and established pursuant to this Section, unless an application shall have been made and a permit issued for its erection and maintenance pursuant to the provisions of this Section. No such sign shall be approved unless the following findings can be made:
 - a. That the proposed site will not adversely affect other signs located pursuant to this Section.
 - b. That the proposed site is not detrimental to the property of other properties in the vicinity.
 - c. That the proposed site is in keeping with the character of the surrounding neighborhood.

- d. That the proposed site will not obstruct pedestrian or vehicular traffic vision.
3. Application Procedures. Each application to erect a temporary directional sign shall comply with the sign permit requirements. Applications shall bear the signature of the owner of the sign and the owner of the land on which the sign is to be placed, and shall grant the county right to enter upon the land to inspect or to move said sign on termination of the permit.
4. Cash Bond. A cash bond in an amount equal to the total cost of removing the sign shall be posted with the County of Nevada. An agreement executed between the owner or developer of said land and the County of Nevada shall set forth the owner or developers consent to the county to enter upon the land, without liability, to remove said sign as may be necessary. The bond shall remain in effect for the life of the sign and a condition of such bond shall be that upon termination, revocation or expiration of the permit, if the sign for which the permit is granted is not completely removed and the site restored to its original condition within five (5) days thereafter, the full amount of the bond shall be forthwith and summarily forfeited and paid over to the county. The cash bond shall be returned to the owner/developer if the directional sign is completely removed and the site restored to its original condition within said five (5) day period.
5. Size. Such signs shall maintain an unobstructed open space of ten (10') feet between the finish grade and the sign. The sign shall not exceed ten (10') feet in horizontal length nor more than five (5') feet in vertical height (excluding ten-foot (10') ground clearance) and shall not exceed a total area of fifty (50 sq. ft.) square feet.
6. Location. Such signs may be established along, but not within road rights- of-way except that no such sign shall be established within 660 feet of any freeway right-of-way line or 500 feet of any freeway offramp, unless the proposed development is adjacent to said freeway or the area adjacent to said freeway is zoned commercial or industrial. Signs located within a commercial or industrial district adjacent to a freeway shall be spaced 500 feet apart on each side of the freeway.
7. Number of Signs. No more than two (2) directional sign permits may be issued for any one (1) land development project. Where contiguous land development projects are under common ownership and are advertised under the identical name, not more than two (2) directional signs may be in existence at any one time for such contiguous land development projects. For purposes of this section, land development projects shall be considered contiguous even though separated by streets, water channels or any area less than 500 in width.
8. Additions to Signs. There shall be no additions, tags, signs, streamers, devices,

display boards or appurtenances added to the signs as originally approved or which cause the sign to exceed the dimensions or area herein specified.

9. Time Limits. Each permit for a directional sign shall be valid for not more than one year from the date of issuance, provided however, the Zoning Administrator may renew the permit for one (1) year if it is determined that no adverse findings will result from such renewal.
10. Permit Revocation. Any land use or building code violation of the land upon which the approved sign is located shall constitute grounds for the revocation of said sign permit. Upon receipt of notice of said violation, the owner of the land upon which said sign is located shall immediately dismantle said sign and restore the property to its original condition. (Ord. 2210. (06/20/2006); Ord. 2533. (12/05/2023))

Section 12.04.200 Solid Waste and Recycling Storage Areas

Division 4.3 Resource Standards

All Development Permits and Use Permits within the multiple-family, commercial, industrial, and public districts, shall include adequate, accessible, and convenient areas for the storage of solid waste and for the collection and loading of recyclable materials, as follows:

1. Solid waste and recycling areas, or the bins or containers placed therein, shall provide protections from adverse weather conditions, which might render the collected materials unmarketable.
2. Solid Waste and recycling areas shall be sufficient in capacity, number, and distribution to serve the development project.
3. Solid Waste and recycling areas shall not be located within required parking areas or within areas constructed and maintained for vehicle and/or emergency access. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.201 Purpose

The primary purpose of site development resource standards is to avoid the impact of development projects on sensitive environmental resources and natural site constraints. Where avoidance is not possible, development should minimize impacts in a reasonable fashion that strikes a balance between allowing development of the project site and protecting the resource or avoiding the constraint. Standards shall ensure protection of the County's unique character, environmentally sensitive resources, and important agricultural, mineral, and timber resources. Standards shall also assist in preventing and reducing public health and safety hazards associated with wildland fires, floods,

avalanches, and earthquakes. Standards are not in lieu of, but are in addition to, the requirements of the California Environmental Quality Act.

In addition, standards shall be used to assist in proper community design, provide transitions between various land uses, reduce potential land use conflicts, enhance native vegetation and landscaping, and provide for open space.

Section 12.04.202 Applicability

Resource standards shall apply to all Development Permits, Use Permits, and subdivisions. The following standards shall also apply to allowable uses subject to zoning compliance, and building permit issuance, unless otherwise provided:

1. Section 12.4.310 Floodplains.
2. Section 12.4.311.C.3 Significant Mineral Areas, as required.
3. Section 12.4.313 Steep Slopes and Erosion Potential.
4. Section 12.4.317 Watercourses, Wetlands and Riparian Areas
5. Section 12.4.318 Wildland Fire Hazard. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.203 General Provisions

A. Resource and Constraint Information.

1. Where required within each subsection of this Section, project applications shall provide for the professional site-specific inventory and analysis of the resources and constraints identified in this Section. Inventories and analyses shall be funded by the applicant but prepared by independent consultants approved by, or under the direction of, County staff. This evaluation shall include recommended mitigation and/or alternatives necessary to avoid or lessen impacts. Based on this evaluation, the County shall determine the acceptable level of resource impact and constraint avoidance of the project. All of the following resources and constraints shall be reviewed:
 - a. Important agricultural lands.
 - b. Avalanche hazard.

- c. Significant cultural resources.
 - d. Major deer habitat.
 - e. Earthquake faults and seismically sensitive areas.
 - f. Energy conservation.
 - g. Floodplains.
 - h. Significant mineral areas.
 - i. Rare and endangered species and their habitat.
 - j. Steep slopes/high erosion potential.
 - k. Important timber resources.
 - l. Trees.
 - m. Visually important ridgelines and viewsheds.
 - n. Watercourses, wetlands and riparian areas.
 - o. Wildland fire hazard areas.
2. To the extent said resources or constraints are impacted, mitigation measures and alternatives shall be incorporated into the project design to avoid, minimize, or compensate for such impacts. To assist in the professional inventory and analysis, the following maps and other sources shall be used as a foundation for identifying resources and constraints:
- a. Fish and Wildlife Service National Wetlands Inventory.
 - b. State Department of Fish and Game Migratory Deer Range Maps.
 - c. State Department of Forestry and Fire Protection Hardwood Rangeland Maps.
 - d. California Natural Diversity Data Base.
 - e. California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California.

- f. United States Geological Survey Quadrangle Topographic Maps.
- g. Federal Emergency Management Agency Flood Insurance Rate Maps.
- h. State Department of Conservation Important Farmland Maps.
- i. State Division of Mines and Geology Mineral Classification Maps.
- j. Soil Conservation Service Soil Survey of Nevada County.
- k. Department of Agriculture Soil Survey of the Tahoe National Forest.
- l. Landslide Activity Map.
- m. State Division of Mines and Geology Geologic Map of the Chico Quadrangle.
- n. State Division of Mines and Geology Fault Map of California.
- o. Bureau of Reclamation Seismotectonic Study of the Truckee/Lake Tahoe Area.
- p. Norman Wilson Avalanche Hazard Study.
- q. State Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps.

Inventory and analysis shall be prepared for the entire site or parcel. However, no inventory or analysis shall be required for those portions of the site or parcel where non-disturbance is ensured through conditions of approval, mitigation measures, and/or permanent private restrictions running with the land.

B. Standard. The intent of these site development standards is to avoid resource impacts and natural constraints to the maximum possible. To that end, such standards will be applied successively as follows (an applicant cannot descend to the succeeding methods until they have shown to the satisfaction of the County that the preceding methods are infeasible):

1. Avoiding the impact by designing or re-designing the project so that the resource or constraint is fully protected and not disturbed. Avoidance is the preferred standard unless the Planning Agency determines that implementation of this standard effectively removes the potential for the reasonable development of the parcel. Avoidance may be attained through clustering, transfer of development rights,

buffering, screening, identification of building envelopes, the provision of open space, or other techniques that permanently protect the resource or avoid the constraint. Permanence shall be ensured through dedication, easements, irrevocable trusts, deed restrictions, covenants, or similar techniques running with the land. In addition, zoning techniques (i.e., “Open Space” District, setbacks, etc.) may also be used to ensure permanence. Provisions to avoid the resource or constraint shall become conditions of approval or mitigation measures of the project.

2. Minimizing the impact through preparation and implementation of a County-approved Management Plan prepared by an independent consultant approved by, or under the direction of, County staff, that limits the degree of impact to the maximum extent possible. Where the Planning Agency determines that avoidance is not acceptable or adversely affects another environmentally-sensitive resource, minimization shall be the preferred standard unless the County determines that the standard will not effectively protect the resource or avoid the constraint to an acceptable level. In such instances the County shall deny the project. Minimization may be attained through clustering, buffering, screening, identification of building envelopes, the provision of open space, or other techniques that permanently protect the resource or avoid the constraint. Permanence shall be ensured through dedication, easements, irrevocable trusts, deed restrictions, covenants, or similar techniques running with the land. In addition, zoning techniques (i.e., “Open Space” District, setbacks, etc.) may also be used to ensure permanence. Management Plan provisions to minimize impacts shall become conditions of approval or mitigation measures of the project.
3. Compensating for the impact by replacing or providing a substitute resource or environments. Compensation is appropriate where the Planning Agency determines that avoiding or minimizing the impact is not acceptable. Compensation may include the on-site or off-site provision or creation, protection, and maintenance of a resource or habitat. Management Plan provisions to compensate for impacts shall become conditions of approval of the project. Lands used as compensation for unavoidable project impacts shall be acquired through fee title or conservation easements with the express purpose of maintenance as compensation for impacts to wildlife in perpetuity. Holders of title or easements shall be restricted to mutually agreed upon agencies or private, non-profit conservation entities approved by the Planning Agency.

Realistic and effective avoidance of impacts and then minimization of impacts must first precede the use of compensatory mitigation.

C. Management Plan. Management Plans are a tool that can be used to minimize the impacts of development on environmentally sensitive environmental resources and/or constraints. Where avoidance is not a feasible alternative, a Management Plan may be

prepared, consistent with the provisions of this subsection.

1. **Process.** Management plans are subject to approval by the Planning Agency. Application shall be made to the Planning Department on forms provided by the Planning Department. Management Plans that are associated with an allowable use shall be reviewed by the Planning Director unless environmental review is required pursuant to the California Environmental Quality Act (CEQA). If the Management Plan is not exempt from CEQA, an initial Study is required, and a public hearing will be held before the Zoning Administrator. Management Plans proposed in conjunction with a discretionary project shall be considered by the hearing body reviewing the project.
2. **Implementation.** Management Plan conclusions and recommendations for provisions to minimize or compensate for impacts, and the time frame for implementation of such provisions, shall be incorporated into the conditions of approval of the project.
3. **Content and Form of Management Plan.** Management Plans shall be prepared by independent consultants approved by, or under the direction of, County staff, as required in each subsection of these Resource Standards. Management Plans shall normally include the following information:
 - a. Identification of the resource or constraint.
 - b. A discussion supporting the proposed design as the preferred alternative, rather than avoidance of the resource or constraint altogether.
 - c. Description of the mitigation or compensation measures and the extent to which they will offset or minimize the impact to the resource or the risk.
 - d. Time frame for implementation.
 - e. Success standards.
 - f. Monitoring of mitigation and compensation measures, and other conditions of approval, to assess effectiveness.
 - g. Remediation measures in the event of failure of mitigation or compensation, or other conditions of approval.
 - h. A performance bond.

The scope and level of detail associated with each Plan shall depend upon the

scale and type of project, size and quality of resource or level of constraint, and the degree to which the project affects the resource or constraint. Plans prepared for smaller projects only affecting a resource or constraint to a limited degree should be concise, with mitigation measures commensurate with the anticipated level of impact. Plans prepared for larger projects seriously affecting a high quality resource or major constraint should be of such a detail and level of comprehensiveness to ensure effective mitigation. They shall reflect the requirements of any management plan encompassing the project area which have been adopted by the County.

D. Monetary Deposit. All project conditions of approval and mitigation measures shall be fully enforced to ensure that the resources are protected, and constraints avoided consistent with the findings of the Planning Agency and Management Plan, if applicable. For discretionary projects, a monetary deposit may be required to be posted and maintained to insure the protection of the resource or avoidance of the constraint during construction. In determining whether a deposit is required, the Planning Agency shall consider the level of risk to the resource as identified in the Management Plan, the projected cost of implementing measures recommended in the Plan, and whether there is evidence that disturbance of the resource has occurred without required permits. The amount of the deposit shall be determined by the Planning Agency based upon the size and scale of the project, and the level of resource sensitivity identified in the Management Plan. The deposit shall be in the form of a Certificate of Deposit, Cash Deposit, or Letter of Credit from a bank, and shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any condition of approval or mitigation measure regarding resource protection or constraint avoidance shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the Planning Agency, in addition to other applicable penalties. Appeals may be made to the Nevada County Board of Supervisors.

E. Exceptions to Inventory and Analysis. Applicable projects shall not be required to prepare an inventory and analysis when the Planning Director determines the project will create little or no land disturbance or there is virtually no possibility of impacts to sensitive environmental features or natural constraints.

F. Vegetation Restoration. Where the County determines that vegetation identified as an environmentally sensitive resource as defined by General Plan Policy 1.17, has been removed from the site in anticipation of development, or, within one year prior to submittal of a land use application, the following shall be required:

Prior to issuance of any development permits (i.e., grading or building permits), the developer shall fund a native plant restoration program to return the site to a naturally-functioning habitat. If on-site restoration is not feasible, the restoration program shall include the identification of a suitable replacement site to be reviewed and approved of

by the Nevada County Planning Agency. The restoration program shall include the hiring of a specialist, selected and contracted by the County, to (1) identify a suitable location or replacement site for the vegetation that has been removed, with the preferred location being the project site or within the vicinity of the site, (2) prepare a restoration, monitoring, and maintenance plan, (3) initiate the restoration, and (4) conduct a five-year maintenance and monitoring program. The developer shall record or cause to record, a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for incurring all costs associated with the restoration project. The restoration shall represent a three to one (3:1) ratio of habitat restored to habitat lost. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.204 Agricultural Lands, Important

A. Purpose. To minimize the conversion of important agricultural areas to non-agricultural uses, the adverse impact of potentially incompatible land uses upon important agricultural land and operations, and the impairment of agricultural productivity of important agricultural land.

B. Definitions.

1. Farmland of Local Importance – Farmland that does not meet the criteria of Prime Farmland, Statewide Importance or Unique Farmland, zoned Residential Agricultural (RA), General Agricultural (AG), Agricultural Exclusive (AE), Forest (FR) or Timberland Production Zone (TPZ) and delineated by the following soil types: Ahwahnee sandy loam, fifteen (15%) percent to thirty (30%) percent slopes (AdD); Argonaut gravelly loam, two (2%) percent to fifteen (15%) percent slopes (ArC); Hoda sandy loam, nine (9%) percent to fifteen (15%) percent slopes (HnC); Sobrante loam, fifteen (15%) percent to thirty (30%) percent slopes (SoD); or Trabuco loam, five (5%) percent to fifteen (15%) percent slopes (TrC).
2. Important Agricultural Lands – Prime farmland, farmland of Statewide importance, unique farmland, and farmland of local importance as defined by the State Department of Conservation’s Important Farmland Map.
3. Non-Agricultural Project – For the purpose of this Section shall be any use of land, except for a single-family residence and garage that does not meet the definition of “Agricultural Operation” in this Chapter.

C. Standards.

1. Non-agricultural projects shall be approved only when they are not within or adjacent to Important Agricultural Lands unless a Management Plan is prepared consistent with #2 below.

2. If the above standard effectively precludes development of the project, or adversely affects another environmentally sensitive resource, a Management Plan that avoids or minimizes impacts to the important agricultural lands may be prepared consistent with the provisions of Section 12.04.303.C. of this Section, and the following standards:
 - a. The Management Plan shall be prepared by one of the following agricultural professionals: a Registered Professional Forester, a certified rangeland manager, or an USDA/NRCS-certified conservation planner.
 - b. If the entire project site is mapped within or adjacent to important agricultural lands, the Management Plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the agricultural resource.
 - c. Management Plans shall be reviewed by the Nevada County Agricultural Commissioner.
3. Non-agricultural projects adjacent to important agricultural lands shall be designed to minimize impacts and shall be subject to the following standards:
 - a. Subdivisions within or adjacent to important agricultural lands shall provide a 100-foot building setback from the property line(s) within or adjacent to the important agricultural land, limiting the use of the land to agricultural or open space uses compatible with adjacent agricultural land.
 - b. Require the recordation of a declaration acknowledging proximity to agricultural resources and the potential for conflict, which may be in the form of the Nevada County Right to Farm Notice provided in Nevada County Code Section governing Resolution of Disputes in Agricultural Lands and Operations. (Ord. 2427. (01/24/2017); Ord. 2286. (05/12 2009); Ord. 2533. (12/05/2023))

Section 12.04.205 Avalanche Hazard

- A. Purpose. To minimize the impact on development associated with avalanches.
- B. Definitions.
 1. Avalanche Hazard Zones – Areas where avalanches that could damage standard wood-frame structures and/or bury automobiles are expected to occur with a probability of one (1) chance in twenty (20) per year (red zone), less than one (1) chance in twenty (20) per year but more than one (1) chance in 100 per year (blue

zone), or less than one (1) chance in 100 per year (yellow zone).

C. Standards.

1. When the County determines that any proposed project may be within the defined area, an Avalanche Hazard Study shall be prepared by a recognized and qualified avalanche hazard expert. The Study shall delineate what zones, if any, are associated with the project.
2. Defined areas shall be zoned within the PSAA Potential Snow Avalanche Area Combining District. All projects shall comply with the provisions of this District, Section 12.02.076.

Section 12.04.206 Cultural Resources, Significant

A. Purpose. Cultural resources are fragile and irreplaceable and vital to the public education, economic prosperity, and cultural enrichment of all citizens and serve to preserve and enhance the historical character of the County. Site development standards shall be used in the preservation, protection and management of the County's unique natural, paleontological, archaeological, historical, architectural, cultural, traditional cultural resources.

B. Definitions.

1. Alteration – Any act or process, through private or public action, that directly or indirectly changes the specified character-defining or physical features or architectural appearance of a significant cultural resource.
2. Cultural Resources – Archaeological and historical sites, structures, features, artifacts, and other historically important places, and Native American spiritual sites, as may be defined by the County of Nevada based upon recommendations by the Native American Heritage Commission or recognized Native American group, Nevada County Landmarks Commission, or the Nevada County Historical Society.
3. Historic District – Any area containing historic structures representing one (1) or more architectural periods or styles typical of the history of the County.
4. Historic Structure – Any structure that is at least fifty (50) years old and that has special historical, architectural, engineering, cultural, or aesthetic value, consistent with the National Register of Historic Places standards. This definition includes those structures determined to be historic by the Nevada County Historical Society and State Lands Commission. Structures that have achieved significance within the past fifty (50) years are generally not considered significant and eligible to the

National register unless such properties are integral parts of districts that do meet the standards and/or if they are of exceptional importance.

5. North Central Information Center – The California State University, Sacramento center that maintains the cultural resource inventory for the County, including a collection and maintenance of site records, and historic resources inventory forms. This inventory includes the full Historic Resources Inventory, the California Archaeological Site Inventory, the National Register for the State of California, the California State Historic Landmarks, the State Points of Historic Interest, and the California Register of Historic Places.
6. Preservation – The identification, study, protection, restoration, rehabilitation, conservation, or enhancement of cultural resources.
7. Qualified Native American Consultant – Native American individuals or organizations recognized by the Native American Heritage Commission, the Washoe Tribe of Nevada/California, or other Native American group or individual recognized as representative of the interests of local Native Americans.
8. Qualified Professional – Meets the standards as set by the Register of Professional Archaeologists (ROPA) and has demonstrated a familiarity with the archaeology and history of County of Nevada and/or adjoining regions of the north- central Sierra Nevada.
9. Records Search – The review of records on relevant cultural resource sensitivity by the NCIC.
10. Secretary of The Interior’s Standards for Rehabilitation – Guidelines prepared by the National Park Service for rehabilitating historic structures and the standards for historic preservation projects prepared by the National Park Service, with guidelines for applying the standards.
11. Significance – Noteworthy cultural resources in terms of integrity, research potential and public benefit as defined by the Nevada County General Plan, the National Register of Historic Places, the California Register of Historical Resources, CEQA, local standards, or as determined by the lead agency to be significant based on substantial evidence in the record.
12. Traditional Cultural Property – An important cultural property associated with the cultural practices or beliefs of a living community that are rooted in that community’s history, and are important in maintaining the continuing cultural identity of the community. Of special mention is the fact that Nevada County’s jurisdiction is overlaid upon aboriginal and historical lands of Native Americans. These and inherent resources, as part of the Native American cultures, possess

meaning and value to Native Americans living today. The federal Native American Religious Freedom Act of 1979 provides protection for sites of Native American sacred significance.

13. State Historic Building Code – Requirements set by the State, pursuant to the Cal. Health & Safety Code §§ 18950 – 18962, regarding any alteration made to a cultural resource or structure within a historic district.

C. Standards.

1. For all applicable projects, the County shall direct the project applicant to initiate a North Central Information Center (NCIC) records search to provide the most current information about the sensitivity of the property to contain cultural resources and to assess the need for a cultural resource study. If the NCIC does not recommend a cultural resource study and if there are no recorded or known cultural properties or traditional cultural areas, the project applicant shall submit NCIC correspondence documenting such to the County, with the land use application.

Should the NCIC recommend a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. This study shall document the presence or likelihood of potentially significant cultural resources. When the NCIC or the qualified professional decides that there is a high likelihood that Native American archaeological sites and/or spiritual and non-physical sites may be encountered during the inventory phase, a qualified Native American Consultant shall be consulted to incorporate their views regarding the potential importance of Native American sites in the project area. The study shall be submitted to the County with the land use application.

If no cultural resources are inventoried, or if no potentially significant cultural resources will be impacted by the project, the qualified professional will prepare a report documenting these findings to be submitted to the County of Nevada.

2. Projects shall only be approved when they do not remove or disturb cultural resources, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 4 below. Preservation and avoidance are the first priority.
3. If the above standard effectively precludes development of the project or adversely affects another environmentally-sensitive resource, a Cultural Resource Management Plan shall be prepared by a qualified professional. The Plan shall provide for the analysis and determination of the significance of the cultural resource according to the importance standards listed in CEQA. It shall describe the results of a cultural resource investigation, illustrate potential conflicts with project design, assess impacts to resources, evaluate their significance, and attempt to

design measures to mitigate impacts to insignificant levels. Plans shall follow the guidelines established in the State Office of Historic Preservation “Archaeological Resource Management Reports: Recommended Contents and Format.” The Plan shall document the results of work performed during the inventory, evaluation and/or mitigation phases of study. Research designs shall follow the guidelines established in the State Historic Preservation Office “Guidelines for Archaeological Research Designs.” Alterations made to a cultural resource or structure for its rehabilitation, preservation, restoration, or relocation shall be in accordance with the “Secretary of the Interior’s Standards for Rehabilitation,” prepared by the National Park Service, and the “State Historic Building Code.”

If the cultural resource is determined not significant, or if the resource’s potentially important information is recovered at the evaluation phase of research, the qualified professional’s report documenting these findings shall be submitted to the County.

When sufficient planning flexibility, including density reduction or a revised project, does not permit avoidance of impacts to potentially significant cultural resources, measures for mitigating impacts to the resource, which allow maximum protection of the resource and/or maximum preservation of knowledge contained within the resource, shall be further developed by the qualified professional and implemented prior to the onset of project activities and as part of the condition of project approval.

Where Native American resources are involved, a qualified Native American Consultant shall be consulted to determine the potential importance of Native American resources in the project area and the appropriateness of mitigation measures. A report from the Native American Consultant, summarizing their findings should be a component of the final report. Upon completion of mitigation, the qualified professional will prepare a report documenting these findings to be submitted to the County.

4. If preservation of a significant cultural resource is not possible, data recovery of an appropriate sample of the cultural resource, as determined by the qualified professional, shall be accomplished. Scientific data recovery may include: collection of surface artifacts, archaeological excavation, intensive recordation, photo/video documentation, etc. For traditional cultural properties, other specialized means of mitigation may need to be implemented in consultation with the affected parties. Artifacts generated out of data recovery shall be permanently housed at an institution operating in accordance with the State guidelines for the curation of archaeological collections and in cooperation with local Native American entities.
5. A condition of approval shall include a provision for cultural resources discovered during development construction. Any person who, in the process of project

activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.

6. The locations of cultural resources are confidential and are not circulated as part of public documents but are used for planning purposes only. This class of information is exempted from public access by the California Public Records Act (Cal. Gov't Code § 7920.000). It is unlawful, prohibited and a misdemeanor for any person to willfully disclose, sell or furnish to any person any map or record describing the nature of location of cultural resources, any copy thereof, or any information pertaining thereto, which has been prepared or maintained by the NCIC of the County of Nevada.

Section 12.04.207 Deer Habitat, Major

A. Purpose. To mitigate the impact of development on major deer migration corridors, critical winter and summer ranges, and critical fawning areas, to retain critical deer habitat as non-disturbance open space, and ensure clustering of larger parcels in the western Rural Region to minimize impacts on deer habitat.

B. Definitions.

1. Major Deer Habitat – Major deer migration corridors, critical winter and summer ranges, and critical fawning areas as defined by the State Department of Fish and Game staff or Migratory Deer Range Maps, or as determined by a qualified biologist.

C. Standards.

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Projects shall be approved only when they are not within the defined area, unless a Management Plan is prepared consistent with paragraph 3 below.

3. If the above standard effectively precludes development of the project or a revised project, a Management Plan shall be prepared by a qualified biologist, that avoids or minimizes impacts to deer and their habitat. If the entire site is within or adjacent to a habitat area, the plan shall provide for the development of the project on the least sensitive portion of the site.
4. Clustering of development shall be required for all projects on parcels of twenty (20) acres or more within the North San Juan and Penn Valley areas where existing parcelization within two square miles of the project site averages twenty (20) acres or more in size. The North San Juan area is defined as that area bounded by the South Yuba River, the Middle Yuba River, and the easterly Range 9 East boundary. The Penn Valley area is that area bounded by the South Yuba River, the northerly Township 14 North line and the westerly Range 8 East line.
5. Clustering of development shall be required for all projects on parcels of forty (40) acres or more that are within a critical migratory deer winter range in Rural Regions west of Range 12 East line, where existing parcelization within two square miles of the project site averages forty (40) acres or more in size.

Section 12.04.208 Earthquake Faults & Seismically Sensitive Areas

- A. Purpose. To minimize the impact of earthquakes and seismic hazard on people and development.
- B. Definitions.
 1. Seismically Active Areas – Areas determined to be within a seismic hazard zone or to have the potential to suffer ground rupture from active faults by the State Division of Mines and Geology.
- C. Standards.
 1. Projects shall be approved only when they are not within the defined area, unless the resource can be protected consistent with paragraph 2 below.
 2. If the above standard effectively precludes development of the project, a Management Plan shall be prepared by a certified engineering geologist or civil engineer that minimizes safety impacts associated with the project. The Management Plan shall include a Geotechnical Report that includes the following:
 - a. Existing soils and geologic conditions, including location and chronology of local faults and epicenters, relationship of the site to said faults and epicenters, and other environmental factors, including rainfall, slopes, water table,

vegetation, etc. that might affect soils and geologic conditions.

- b. Conclusions of potential seismic hazards relative to the specific intended land use.
- c. Recommended construction and/or land use restrictions that will avoid the hazard or lessen the hazard to an acceptable level, including construction techniques, building heights, site preparation measures, building setbacks, etc.

Where the Report determines that a seismic hazard does exist, conclusions and recommendations to lessen the seismic hazard shall be incorporated into the conditions of approval of the project. Where the Report determines that the seismic hazard cannot be lessened to an acceptable level, the project shall be denied.

Section 12.04.309 Energy Conservation

A. Purpose. To conserve energy resources without significantly increasing the cost of housing.

B. Standards. All projects shall be designed to incorporate passive heating and cooling opportunities in the following manner:

1. Development shall be designed to allow the retention or planting of deciduous shade trees along the south and west sides of structures and along access streets.
2. Development, including landscaping, shall be designed to minimize obstruction of any developed solar access on an adjoining parcel.
3. Subdivision design shall include building envelopes that are oriented for maximum solar access opportunities for future residences.
4. Site planning for multi-family residential development shall incorporate techniques designed to maximize solar access, such as clustering development in areas with good solar orientation, east/west street orientation, uniform setbacks that increase south-wall exposure, height limitations for multi-structured developments, siting accessory structures so as not to shade the south walls of structures and siting parking areas to break shade or shadows.
5. All subdivisions and multi-family housing projects shall be submitted to the Northern Sierra Air Quality Management District for review to determine compliance with Federal and State EPA emission standards.

Section 12.04.210 Floodplains

A. Purpose. To mitigate the impact of development on floodplains and to protect development and downstream users from the potential for hazards associated with flooding.

B. Definitions.

1. Floodway – The channel of any water course and adjacent lands that must be reserved in order to discharge the base flood without increasing the water surface elevation more than one (1') foot.
2. Floodplain – Areas adjacent to a watercourse or other body of water that are subject to inundation by floodwaters. Additional floodplain-related definitions can be found in the Flood Plain Management Regulations in this Code.
3. 100-Year Floodplain – Any area of normally dry land with a one (1%) percent annual probability of being inundated by water.

C. Standards. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect any of the following resources:

1. Due to its extremely hazardous nature, projects within the floodway shall not be approved. Exceptions shall include utilities and public structures necessary to serve existing uses where there is no other feasible location and construction will not increase hazards to life or property within or adjacent to the floodplain.
2. Within 100 feet of the 100-year floodplain.
3. If standard 2 above effectively precludes development of the project or a revised project, a Management Plan, prepared by a registered professional engineer and consistent with Federal Emergency Management Agency (FEMA) standards, shall be prepared that minimizes impacts to the floodplain.
4. Development, including the placement of fill, within the 100-year floodplain shall require a Use Permit and shall comply with the standards of Title 18, Floodplain Management Regulations. Development within the 100-year floodplain will also require confirmation that applicable State Department Fish and Game stream alteration regulations have been satisfied.
5. New utilities, critical facilities, and non-essential public structures shall be located outside the 100-year floodplain unless such facilities serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards

to life or property within or adjacent to the floodplain. Facilities within the 100-year floodplain shall require a Use Permit consistent with paragraph 4 above.

6. Projects that may result in flood damage to downstream land uses shall not be allowed. Where determined necessary, retention/detention facilities shall be designed to protect downstream users and ensure that the water surface returns to its base elevation within twenty-four (24) hours after the storm event.

Section 12.04.211 Mineral Areas, Significant

A. Purpose. To protect significant mineral areas from incompatible land uses and to minimize land use conflicts between surface mineral extraction and processing and neighboring incompatible land uses.

B. Definitions.

1. Compatible General Plan Designations – Those Nevada County General Plan designations compatible for surface mining, subject to approval of a Use Permit, including the Rural, Forest, Industrial, Public, Water, and Planned Development designations. All other designations are considered to be incompatible for, and do not allow, surface mining.
2. Significant Mineral Areas – Areas where information indicates that significant mineral deposits are likely present based on State Division of Mines and Geology's Nevada County Mineral Classification Report Maps, referred to as Mineral Resource Zones – 2 (MRZ-2).

C. Standards.

1. The clearing, cultivating, preparing or tilling of land to raise crops or livestock for commercial purposes, shall be allowed in Significant Mineral Areas. All other projects that are not associated with mineral extraction shall be approved only when they are not within both Compatible General Plan Designations and Significant Mineral Areas, unless a Management Plan is prepared consistent with paragraph 2 below or the project is within the Industrial General Plan designation.
2. If the above standard effectively precludes development of the project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a professional registered engineer, a registered geologist or a land use planner, that avoids or minimizes impacts to the significant mineral area. If the entire site is within or adjacent to such an area, the plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the mineral resource.

3. All land divisions and dwelling unit construction within 1,000 feet of an area zoned within the ME District shall be developed to ensure that said development is located as far removed from the area zoned ME as is reasonably possible. In determining the most appropriate location for proposed parcels and/or dwelling units, the applicant shall clearly demonstrate that there is no other site more suitable to minimize potential land use conflicts with existing or future mining operations.

Section 12.04.212 Rare, Threatened and Endangered Species and Their Habitat

A. Purpose. To avoid the impact of development on rare, threatened, endangered, and special-status species and their habitat, or where avoidance is not possible, to minimize or compensate for such impacts, and to retain their habitat as non-disturbance open space.

B. Definitions.

1. Rare, Threatened and Endangered Species – Animals and plants listed in Federal and State codes and regulations as rare, threatened or endangered.
2. Special Status Species – Animal and plant species that are listed, proposed, or candidates for listing as threatened, rare, endangered, fully protected, or species of concern by the Federal and/or California State governments, and plants considered by the California Native Plant Society as rare, threatened, or endangered.

C. Standards.

1. All project applicants are required to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA).
2. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
3. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect the defined species or their habitat, and that it will result in no net loss of habitat function or value for the defined species. Project applicants shall obtain appropriate authorizations from the U.S. Fish and Wildlife Service and State Department of Fish and Game prior to County approval. Any provisions to avoid, mitigate, or compensate for impacts to the defined species contained in such authorizations shall become conditions of approval of the project.

4. When it is determined that a project will adversely affect the defined species or their habitat, a site-specific Habitat Management Plan shall be prepared. The Plan shall be prepared by a qualified biologist to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA) and shall also include special status species. The Plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development. The objectives of the Plan shall be to avoid and minimize impacts to the defined species to the fullest extent feasible and to provide for no net loss of species, including species population area and number of individuals.

The Habitat Management Plan to protect rare, threatened, endangered, or special status species and their habitat, may include mitigation measures such as avoiding, minimizing, and compensating as defined in Section governing General Provisions of Resource Standards. Habitat restoration may also be required. The ratio of habitat protected to habitat altered due to development activities and related edge effects may be determined by staff, based on recommendations from the project biologist in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The Habitat Management Plan shall describe and provide a mechanism for permanent protection and maintenance of any non-disturbance area or off-site compensation areas to achieve long-term habitat goals. Funding mechanisms for long-term maintenance shall also be described.

Section 12.04.213 Steep Slopes/High Erosion Potential

A. Purpose. To preserve the natural, topographic, and aesthetic characteristics of steep slopes, and to minimize soil erosion, water quality impacts, earth movement and disturbance, and the adverse impact of grading activities, while providing for reasonable use of private property. (Ord. 2152. (05/25/2004); Ord. 2529. 09/12/2023); Ord. 2533. (12/05/2023))

B. Definitions.

1. Steep Slopes – Slopes of (30+) %.
2. High Erosion Hazard Areas – Areas determined to have highly-erodible soils based on soils surveys prepared by the U.S. Soil Conservation Service and U.S. Forest Service.

C. Standards.

1. Development, including access, shall be approved only when not within the defined areas, except as provided in this Section.
2. Limited development is allowed on steep slopes, subject to a grading permit pursuant to this Code (Grading Ordinance). If the amount of disturbance does not require a grading permit, limited development shall be subject to an Erosion and Sediment Control Plan, approved by the Building Department. Limited development shall mean the following:
 - a. Utility trenching, including, but not limited to, water, electric, gas, sewer and phone lines.
 - b. Crop and tree planting.
 - c. Water wells and sewage disposal systems for allowed on-site uses.
 - d. Ground-mount solar arrays for permitted residential uses, utilizing screw pile or driven pile foundations.
 - e. No more than one single-family residence, including driveway access to the residence, is allowed within steep slopes, on a parcel legally created, or approved by the Nevada County Planning Agency, prior to October 12, 1981, subject to the issuance of a grading permit pursuant Grading Standards of this Code, and the following standards:
 - 1) Lot pad grading shall be limited in size to a maximum 5,000 square feet, to allow for the construction of the primary single-family residence, a garage, a yard, and parking area.
 - 2) Cut or fill slopes shall be designed and constructed to not exceed a vertical height of ten (10') feet.
 - 3) Slopes created by grading shall not exceed a ratio of 2:1 (horizontal to vertical), unless a steeper slope is certified by a geo-technical engineer to be stable.
 - 4) Structures are designed to "fit" or step up the natural slope by using split pads, stepped footings and grade separations.
 - 5) All outdoor light fixtures on steep slopes shall be fully shielded to prevent the light source of lens from being visible from adjacent properties and roadways. Mercury vapor light fixtures, floodlights and spotlights shall be prohibited.

- 6) Driveway access shall comply with Driveway Regulations in Fire Safety Regulations of this Code.
3. If standard #1 effectively precludes development of the project or a revised project, disturbance within the defined area is allowed subject to the approval of a Management Plan, pursuant to Section 12.04.303.C of this Chapter, and the following:
 - a. The Management Plan shall consist of an Erosion and Sediment Control Plan, prepared by a licensed geotechnical or civil engineer, engineering geologist, or certified soil erosion control specialist. The Plan shall comply with the erosion control standards of Buildings Regulations, Article 3: Uniform Building Code Amendments, and shall provide for, at a minimum, the structural control of flowing water and vegetative measures necessary to stabilize the soil surface. If the entire site is within a high erosion area, the Plan shall provide for the development of the project on the least sensitive portion of the site. Where seeding is deemed necessary in order to stabilize the soil surface, only native seed mixes shall be used. Where native seed mixtures are not available, then non-seed measures such as straw wattles, chips, erosion control blankets and weed-free straw shall be used.
 - b. The Management Plan shall be approved, provided the following findings can be made:
 - 1) That the proposed development ensures the preservation of the natural and topographic character of the slope; and
 - 2) The aesthetic quality of the slope is ensured, including the preservation of significant rock outcroppings and native plant materials; and
 - 3) That alternatives to development on steep slopes are not feasible; and
 - 4) That disturbance of steep slopes is minimized to the greatest extent possible; and
 - 5) That water quality problems created by sedimentation and/or excessive vegetation removal are minimized.
4. All grading within the defined area that requires a grading permit shall include an evaluation by a registered geotechnical engineer who shall provide a written determination as to whether a design level, geotechnical investigative report is recommended. If recommended by the geotechnical engineer, a design level geotechnical investigative report, prepared by a registered geotechnical engineer,

shall be included with the grading permit. The report shall include, but not be limited to, comments on slope stability, retaining wall design, foundation design, and other impacts associated with the disturbance of steep slopes. The report shall explain how the design of the project addresses those issues.

5. Fuel modification shall be provided and maintained around all structures developed on steep slopes, as follows:

Fuel Models

1-3*	Grasses	100'
4-6*	Brush	200'
8-13	Timber	200'

* Northern Forest Fire Lab Fuel Models

Section 12.04.214 Timber Resources, Important

- A. Purpose. To protect important timber resources, and to ensure that development does not adversely impact timber resource management.
- B. Definitions—Important Timber Resources. Parcels that are forty (40) acres or larger, and mapped within the Forest designation, that have ideal soil characteristics for timber production, identified as those soils having a high site class or index by the Soil Surveys of Nevada County, prepared by the Soil Conservation Service and the Tahoe National Forest.
- C. Standards.
 1. Projects shall be approved only when they are not within the defined area, unless a Management Plan is prepared consistent with paragraph 2 below.
 2. If the above standard effectively precludes development of the project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a registered forester, a certified arborist, or a qualified botanist or biologist, that avoids or minimizes impacts to the defined area. If the entire site is within or adjacent to such an area, the plan shall provide for the development of the project on that portion of the site determined to have the least impact on the long-term management of the timber resource.

Section 12.04.215 Trees

A. Purpose. To minimize removal of existing trees and protect existing trees during construction. To encourage protection of trees to provide suitable habitat for native wildlife. To preserve and minimize the disturbance of landmark and heritage trees and groves from development projects through on-site vegetation inventories, mandatory clustering, and other measures necessary to protect such habitat. To maximize the long-term preservation, protection, and integrity of their natural setting.

B. Definitions

1. Landmark Trees – Any oak (*Quercus* species) thirty-six or more (36”) inches at diameter breast height (dbh or four-foot six inches (4’ 6’’)), or any tree whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
2. Landmark Groves – Hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
3. Heritage Trees and Groves – A tree or a group of hardwood trees designated by the Board of Supervisors to be of historical or cultural value, outstanding specimens, unusual species, or of significant community benefit due to size, age, or any other unique characteristic and considered to be in good health.

C. Standards.

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 below. Exempted from this standard shall be trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (referred to herein as a qualified professional). In addition, exemption shall apply to those trees that must be removed to ensure fire safe access or provide adequate fuel reduction as determined by the California Department of Forestry or local fire district. Tree removal may also be allowed where necessary to provide for site access and public utilities or

public right-of-way.

3. If the above standard effectively precludes development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

Management Plans shall emphasize protection of two varieties of oak: Blue Oak (*Quercus Douglasii*) and Valley Oak (*Quercus Lobata*). Both are of very limited distribution in the County and considered to be sensitive plants worthy of special protection.

4. If impacts remain, or if the Planning Agency determines that the planting of replacement trees is infeasible or the project site is not capable of supporting all the replacement trees, the applicant shall pay to Nevada County the current market value of the tree removed and the value of the replacement trees (including the cost of planting and maintenance), as established by a qualified professional, to go into a Tree Preservation Fund. Fund monies received in lieu of replacement trees shall be used for the planting and maintenance of trees on publicly owned property, or for purchase of replacement habitat.
5. The above standards shall also apply in those instances in which it can be determined that a defined tree or grove has existed on site three (3) years prior to project application. In such instances, standards under paragraphs 1, 2, and 3 above shall be implemented as though the trees or groves were still on-site.
6. Alternative standards to those above may be applied where the Planning Agency finds that the alternative standards have the same practical effect, further the intent of this Section, and provide equal or greater mitigation.
7. Protection of all trees and groves to be retained during and after project construction shall occur consistent with a Tree Protection Plan prepared by a qualified professional, as listed in C.1 above. Said Plan shall specify pre- construction and post-construction protection measures. Pre-construction measures shall identify a tree protection zone and protection type (typically fencing), specify work required prior to construction (pruning, bracing systems, mulch, pest management, irrigation, fencing installation), and construction plans. Post-construction protection measures

and specifications shall detail specific protection requirements, i.e., water needs, monitoring, and maintenance to ensure long-term care.

8. Where the County determines that vegetation identified as an environmentally sensitive resource as defined by General Plan Policy 1.17, has been removed from the site in anticipation of development, or, within one (1) year prior to submittal of a land use application, the following shall be required:

Prior to issuance of any development permits (i.e., grading or building permits), the developer shall fund a native plant restoration program to return the site to a naturally-functioning habitat. If on-site restoration is not feasible, the restoration program shall include the identification of a suitable replacement site to be reviewed and approved of by the Nevada County Planning Agency. The restoration program shall include the hiring of a specialist, selected and contracted by the County, to (1) identify a suitable location or replacement site for the vegetation that has been removed, with the preferred location being the project site or within the vicinity of the site; (2) prepare a restoration, monitoring, and maintenance plan; (3) initiate the restoration; and (4) conduct a five-year (5 year) maintenance and monitoring program. The developer shall record or cause to record, a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for incurring all costs associated with the restoration project. The restoration shall represent a three to one (3:1) ratio of habitat restored to habitat lost.

9. Tree Removal Near Nevada City.

- a. No person, firm or corporation shall remove or cause to be removed any tree located outside a Timberland Preserve Zone (TPZ) and within the Nevada City Sphere of Influence as adopted by the Local Agency Formation Commission without first obtaining a tree removal permit from the Planning Director, except those:

- 1) That have been identified for removal as part of a Use Permit, Development Permit or Subdivision.
- 2) That are on developed residentially-zoned property.
- 3) That have been identified by a licensed forester as being in a hazardous condition presenting an immediate danger to health and property.
- 4) Where the trunks measure less than ten (10”) inches in diameter, measured four and one-half (4.5’) feet above

grade and where less than twenty (20%) percent of the trees over eight (8") inches in diameter are proposed to be removed every five (5) years.

5) Located on parcels aggregating three (3) acres or more in size, subject to pre-emptive State regulations identified for commercial tree removal pursuant to an approved Timber Harvest Plan.

6) Located within a public or public utility right-of-way when such trees are to be removed by a public agency or public utility.

b. Application Content. A tree removal application shall include, but is not limited to, the following:

1) An inventory of on-site trees, including the percentage of trees over ten (10") inches in diameter to be removed, and the size, species and condition of each tree to be removed.

2) Statement of fact stating the purpose of the removal.

3) Size and species of any trees proposed to replace removed trees.

c. Tagging Required. Trees proposed for removal shall be identified by flagging, staking, painting or other suitable means not detrimental to the health of the tree that is readily visible for field inspection.

d. Removal Standards. A tree may be removed only when:

1) Dead or diseased beyond reclamation.

2) Crowded beyond good forestry practices.

3) Interfering with existing utilities or structures.

4) Obstructing existing or proposed improvement that cannot be designed to avoid tree removal.

5) Inhibiting sunlight necessary for solar access.

6) Any other reason that may be identified by the Planning Director based on a consultation with the recognized expert in the field including, but not limited to, a licensed landscape architect, forester

or horticulturist. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.04.216 Visually Important Ridgelines and Viewsheds

A. Purpose. To protect the natural appearance and aesthetic quality of visually prominent ridgelines and large-scale viewsheds.

B. Definitions.

1. Visually Important Ridgelines and Viewsheds – Visibly prominent ridgelines, and large-scale viewsheds considered to be of high natural scenic quality and are highly visible from public roadways, parks and other public places.

C. Standards.

1. In no case shall the roofline or any portion of a structure extend above a visually important ridgeline.
2. Site grading shall not alter the existing silhouette of visually important ridgelines.
3. When the County determines that a project may impact a visually important ridgeline or viewshed, a Management Plan shall be prepared by a land use planner, an architect, or landscape architect. This determination may be based on a County-wide or area-wide inventory of visibly prominent ridgelines and large-scale viewsheds, or, in the absence of an inventory, upon a determination that the proposed project may be likely to impact a visually important ridgeline or viewshed.

The Management Plan shall include a Visual Analysis which shall normally include a determination of the geographical location and level of visual quality of the defined area. It shall normally include a determination of the number and type of existing and potential viewers, viewing distance, angle, focal point, and landscape and topographic variety and uniqueness. The Management Plan shall delineate specific protective measures and impact controls necessary to minimize visual impact to the maximum extent possible.

Section 12.04.217 Watercourses, Wetlands and Riparian Areas

A. Purpose. To preserve the integrity and minimize the disruption of watersheds and watercourses. To preserve stream corridors and riparian habitat, ensure adequate protection of stream values, and protect stream corridors for wildlife movement and foraging. To avoid the impact of development on wetlands, or where avoidance is not

possible, to minimize or compensate for such impacts, to provide for minimum setbacks to protect resources values, and to retain wetlands as non-disturbance open space.

B. Definitions.

1. Canal – Any man-made open watercourse designed to carry water for domestic or agricultural purposes.
2. Riparian Area – Vegetative and wildlife areas associated with and adjacent to streams and water bodies.
3. Watercourses, Perennial – Natural or once natural flowing bodies of water, including natural waterways that have been channelized, which flow continuously through a bed or channel having banks. All streams, creeks, lakes, ponds and reservoirs shown on the 7.5-minute USGS maps as perennial are included in this definition unless professional evaluation determines the watercourse to be intermittent or seasonal.
4. Watercourses, Intermittent, or Seasonal – A body of water which flows only at certain times of the year when it receives water from ground or surface sources.
5. Wetlands – An area inundated or saturated by surface or groundwater at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions.
6. Wetland and Riparian Mitigation Banking – The process of engaging in a transaction wherein mitigation bank credits are sold from a qualified wetland mitigation bank site to compensate for wetland and riparian impacts at the site of impact.

C. Standards. A project shall be approved only when not within the following non- disturbance buffers, unless a Management Plan is prepared, consistent with paragraph 7 below, or unless greater or lesser setbacks are delineated on the Zoning District Map, which shall be adhered to:

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.
2. Within 100 feet of the high water mark of perennial streams and watercourses.
3. Within fifty (50') feet from the highwater mark of intermittent watercourses.

4. Within 100 feet of all wetlands and riparian areas.
5. Within 100 feet of the canal water surface on the uphill side of a canal; and within twenty (20') feet on the of the water surface on the downhill side of a canal.
6. A project shall be approved only when it is determined by the Planning Agency that it will not adversely affect any wetlands over one acre, or riparian areas, and that it will result in no net loss of habitat functions or values of the wetlands or riparian area.
7. Project applicants shall obtain appropriate authorizations from the U.S. Fish and Wildlife Service, State Department of Fish and Game, and U.S. Army Corps of Engineers prior to project approval. Any provisions to avoid, mitigate, or compensate for impacts to the wetlands or riparian areas contained in such authorizations shall become conditions of project approval.
8. If the above standards effectively preclude development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan, prepared by a qualified biologist or botanist, shall be prepared that avoids or minimizes impacts to the resource.

An alternative is the on-site or off-site creation, restoration, replacement, enhancement, or preservation of wetlands or riparian areas. This alternative may be preferred where the remaining protected wetlands or riparian areas are small, isolated, and of low habitat value. Such areas shall take into account both site location and wetland or riparian type.

The following wetland or riparian area types shall be allowed as mitigation in descending order of general acceptability:

- a. In-kind, On-site.
- b. In-kind, Off-site.
- c. Out-of-kind, On-site.
- d. Out-of-kind, Off-site.

Such wetlands or riparian areas shall be maintained in perpetuity in order to compensate for the permanent effect of the project through recordation of a restrictive document. Such wetlands or riparian areas shall ensure full replacement of wetland or riparian areas lost at a minimum of not less than a 2:1 ratio.

Mitigation can involve the purchase of compensatory habitat acreage within Nevada County of comparable or superior quality within a qualified wetland or riparian area mitigation banking site in the County of Nevada ensuring full replacement consistent with the above standard. The bank developer shall provide assurance to the County that the created wetlands or riparian areas are permanently protected and maintained.

These standards shall not apply to open air structures, including docks, piers, boat hoists and canopies, as defined in Exceptions to Setbacks in this Code.

Section 12.04.218 Wildland Fire Hazard Areas

A. Purpose. To prevent or minimize the impact of wildland fire hazard associated with development.

B. Definitions.

1. Dead End Road – A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.
2. Wildland Fire Hazard Areas – Those areas within the unincorporated area of Nevada County that are mapped on the CAL FIRE “Fire Hazard Severity Zone” maps which are rated for wildland fire potential.

C. Standards.

1. All development shall comply with the applicable fire protection-related provisions of the following chapters of this Code:
 - a. Zoning Regulations, which establishes residential and rural base district side yard and rear yard setback standards.
 - b. Fire Safety Standards, which establish fire safe building codes relative to building construction.
 - c. Street Addressing and Naming, which requires the naming and posting of roads and the posting of street addresses.
 - d. Fire Safety Regulations, which establishes regulations for fuel modification, water storage, and driveway construction.
 - e. Road Standards, which establishes minimum standards for fire safe road construction and maintenance.

2. Unless otherwise exempted by this Chapter, all discretionary and Administrative Development Permit projects within a high or very high fire hazard zone shall comply with the following standards:
 - a. Create defensible space by removing and reducing brush, flammable vegetation or combustible growth consistent with the provisions of California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard and the Nevada County Defensible Space Standard described in General Plan Policy FP10.11.1.1. Defensible space treatment shall be completed, and inspected by the County Fire Marshal, or their designee, prior to the granting of any occupancy of new structures.
 - b. Provide secondary access where the project is served by a dead-end road that exceeds the maximum length established by County Road Standards. Secondary access roads shall be improved to the Fire Standard Access Road standard and consistent with the provisions of County Road Standards.
3. All driveways serving new residential units, and that are between 150 feet and 800 feet in length shall construct a turnout near the midpoint of the driveway. Driveways exceeding 800 feet in length shall provide turnouts no more than 400 feet apart.
4. All discretionary projects within the very high wildland fire hazard area severity zone shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or their designee. The approved original shall be kept on file at the County Planning Department and an approved copy shall be provided to and kept on file with the appropriate fire district. The plan shall be site specific to the project and shall include the following:
 - a. Identification of the proximity to emergency responders and estimated emergency response times;
 - b. Description of the primary and, if applicable, secondary, access road conditions;
 - c. Identification of the project's emergency water supply or emergency water storage facilities consistent with Fire Safety Regulations of this Code;
 - d. Identification of any proposed or required fire sprinkler system;

- e. Identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project;
- f. Identification and use of clustered buildings and/or building sites and where feasible, the use of common driveways and access roads; and
- g. A Fuels Management Plan that includes:
 - 1) Identification of the project's defensible space design, consistent with California Code of Regulations Title 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Fire Protection Subchapter 3, Fire Hazard;
 - 2) Identification of high fuel load areas;
 - 3) Provisions to ensure that adequate defensible space is provided including, but not limited to, the use of increased property line setbacks or fuel modification zones or easements around newly created lots;
 - 4) Identification of the mechanism proposed for maintaining defensible space; and
 - 5) Use of fire-resistant plantings for all landscaping required by County Ordinance using the most current Fire-Wise Plant Book prepared by the Fire Safe Council of Nevada County, or similar publication.

The above fire prevention measures shall be incorporated into the project unless specific findings can be made and supported by the responsible fire agency which demonstrate that one or more of the Fire Protection Plan components are not necessary because of the project's location, design and/or specific site features and because the project will not add to the cumulative fire hazard within the project area. (Ord. 2474. (01/14/2020); Ord. 2533. (12/05/2023))

CHAPTER 5: ADMINISTRATION AND ENFORCEMENT

Sections:

Section 12.05.010	Purpose
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Section 12.05.140	Filing Fees
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Section 12.05.170	Comprehensive Master Plans, Zoning Maps and Specific Plans
Section 12.05.180	Development Agreements
Section 12.05.190	Legal Nonconforming Uses and Structures
Section 12.05.200	Abatement and Removal of Inoperable Motor Vehicles
Section 12.05.210	Enforcement and Penalty for Violations
Section 12.05.220	Administrative Enforcement

Section 12.05.010 Purpose

A. This Chapter provides for administrative and enforcement procedures associated with the approval of specific land uses and development within the County. It specifies the level of review and determines the type of permit required, if any, for land uses listed in the Allowable Uses and Permit Requirements Tables found in “Zoning” sections of this Chapter. It also provides the appropriate permitting authority for each review or permit. All proposed land uses and development shall comply with one of the following reviews and/or require one of the following permits:

1. Zoning compliance and building permit issuance, if required
2. Administrative Development Permit
3. Development Permit
4. Use Permit

B. This Section also provides processing procedures associated with variances and amendments to the zoning ordinance, permit time limits, revocation, appeals, and fees, regulations associated with nonconforming uses and structures, and enforcement procedures.

Section 12.05.020 Permitting Authority Table

The following Table 12.05.020 Permitting Authority provides a summary of which County body reviews, recommends, and takes action on land use permits.

Table 12.05.020 Permitting Authority

Review/Permit	Staff	Zoning Administrator	Planning Commission(1)	Board of Supervisors	If Appealed, Goes To	CODE Section
Zoning Compliance	X				Board	12.05.040
Admin. Development Permit (4)	X				Board	12.05.051
Development Permit (4)		X(2)	X(2)		Board	12.05.052
Pre-Grading Development Permit	X(8)	X(8)			Board	12.03.028
Use Permit		X(3)	X(3)		Board	12.05.060
Design Review		X(4)	X(4)		Board	12.05.030

Variance		X			Board	12.05.0 70
General Plan/Zoning Amendment			X(5)	X	Board	12.05.0 90
Boundary Line Adjustment	X		X(6)		Board	12.04.0 16
Parcel Map Subdivisions		X	X(7)		Board	Title 13
Final Map Subdivisions			X		Board	Title 13

Footnotes:

- (1) Whenever multiple project applications are processed concurrently, such applications shall be considered by the Planning Commission, except as provided for in Zoning, Administration and Enforcement Development Permits.
- (2) The Planning Commission shall consider commercial, industrial, and other nonresidential Development Permits of 10,000 square feet or more.
- (3) The Planning Commission shall consider Use Permits for mining and reclamation plans, mobile home parks, campgrounds and camps, and commercial, industrial, and other nonresidential development of 10,000 square feet or more.
- (4) Design Review shall be conducted by the Planning Agency with permitting authority for the project as a whole; e.g., the Planning Commission shall conduct design review for all projects being considered by the Planning Commission, and the Zoning Administrator shall conduct design review for all projects being considered by the Zoning Administrator. Administrative permits subject to design review will also be reviewed by the Zoning Administrator.
- (5) The Planning Commission recommends amendments to the Board of Supervisors for final decision.
- (6) The Planning Commission shall consider Boundary Line Adjustment between five (5) or more parcels.
- (7) The Planning Commission shall consider Tentative Parcel Maps as required by the Subdivision Ordinance.
- (8) The Zoning Administrator shall consider pre-grading projects that exceed one (1) acre of disturbance and any pre-grading project not exempt from CEQA.

Section 12.05.030 Design Review

A. Purpose. To provide a procedure by which new development can be reviewed for compatibility with surrounding development, natural resources, and/or historic features within the project area. Consistent with numerous General Plan policies, Design Review is intended to determine that each project:

1. Reflects and retains the rural and historic, small-town character of the County;
2. Ensures each community's unique character, identity, and distinctiveness, and provides for interrelated design that encourages Village Centers as functional, cultural centers and creates a visual identity for the Community;
3. Encourages visual relief through varied forms, patterns, and styles unified through landscaping, screening, and selected architectural features;
4. Retains natural landforms and native landscaping, protects sensitive environmental resources, and encourages open space.

B. Applicability. Design Review shall be required for all Development Permits and Use Permits for commercial, industrial, and multi-family projects, for structural changes to the exterior of commercial or industrial buildings, and for exterior visual changes to a project approved by a previous land use permit, unless specifically exempted within a specific Section of this Chapter. Exempt from Design Review are Large Family Daycare Homes, Home Businesses, Temporary Recreational Vehicles, Guest Houses and Wineries.

C. Standards. All applicable projects shall be reviewed for consistency with any adopted Design Guidelines and for compatibility with the surrounding area. The following design features shall be considered in the review of applicable projects:

1. The location and treatment of the site as related to its natural setting, including proposed grading, cuts and fills, the preservation of trees and significant natural features.
2. Setbacks from property lines in relationship to other development in the project area.
3. The height, bulk and area of proposed buildings in relationship to other buildings on the site or in the project area.
4. The color, textures and materials of the exterior walls.

5. The type, pitch and material of roofs.
6. The architectural treatment of the proposed project as related to any historic structures in the project area.
7. Landscaping and parking lot layout.
8. The type, size, location of signs.
9. Energy efficiency, consistent with adopted Nevada County Design Guidelines.

D. Procedure. Design Review for all applicable projects shall be conducted by the permitting authority for the project, established in Permitting Authority of this Chapter. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.05.040 Zoning Compliance

A. Purpose. Uses associated with zoning compliance are those uses determined to be most clearly consistent with the purpose of the applicable zoning district. Such uses may involve little or no development and no formal permit approval is required. Examples include farming and ranching uses. Such uses involving construction of structures shall also require site plan review to ensure that all applicable zoning requirements, such as building setbacks, height limits, parking requirements, etc., will be met, as well as associated building permits. Examples include single-family dwellings and residential and agricultural accessory uses and structures.

Zoning compliance review shall ensure the mitigation of cumulative impacts of the construction of specific allowable land uses on public facilities and the environment and the protection of the public health, safety and welfare. It certifies that the land use will satisfy all applicable provisions of the County Code.

This review may authorize the issuance of a building permit under “Building” of this Code.

B. Procedure. A request for zoning compliance not requiring issuance of a building or other construction permit shall be filed with the Planning Department using forms provided. Upon determination by the Planning Director that the proposed use is consistent with the provisions of the applicable district(s), the request shall be granted.

Zoning compliance requiring issuance of a building or other construction permit shall occur through review and approval of a site plan. A site plan shall be filed with, and be a part of, the building permit application and shall be accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors. The Planning Director shall issue the zoning compliance after determining that the site plan complies

with all applicable provisions and standards of this Chapter, accompanied by written findings supporting the determination of zoning compliance.

C. Site Plans. Site plans required above shall consist of maps, diagrams, plans, elevations, etc., and/or written reports and other information as prescribed by the Planning Director necessary to adequately describe the project. Such description shall include where applicable:

1. Parcel dimensions.
2. The proposed location, use, size, and height of all existing and proposed structures.
3. The location, number of spaces, and dimensions of all parking.
4. Primary and Secondary access and internal circulation patterns.
5. The location and type of all existing and proposed landscaping.
6. The location, size, height, and type of all signs.
7. The location and general nature of all lighting.
8. All applicable resources listed in Sewage Disposal Standards of Title 13, and all designated open space areas.
9. Yards, fences, walls, and other site design features.
10. All existing and proposed public facilities and utilities.

D. Payment of Fees. The payment of fees established by the latest Resolution of the Board of Supervisors shall be payable pursuant to “Filing Fees” and to sections governing “Mitigation and Development fees” of this Chapter.

Section 12.05.050 Development Permits

A. Purpose. Uses requiring a Development Permit are those that are generally consistent with the purpose of the zoning district but require careful review to ensure compliance with all site development standards of the County Code. Administrative Development Permits provide for those smaller development projects where the review ensures consistency with Code standards. Larger development projects require either Zoning Administrator or Planning Commission review to allow an opportunity for public input.

B. Conformance to Chapter. Any Development Permit issued pursuant to this Code shall conform to the requirements of this Chapter.

1. Conformance to Regulations. Any Development Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district that provides regular service to the project has entered into a will-serve agreement with the developer off-setting the impacts to the District.
2. Compliance Required. No person shall fail to comply with any approved Development Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Development Permit and conditions for the parcel or parcels on which such structure or use is to be located.
3. Time Limits and Extensions. Permit time limits and extensions shall comply with sections governing Permit Time Limits.
4. Payment of Fees. The payment of fees established by the latest Resolution of the Board of Supervisors shall be payable pursuant to “Filing Fees)”and “Mitigation and Development Fees”.

C. Development Permit Required. A Development Permit application shall be filed by the owner of the property for which the Development Permit is sought or by the authorized representative of the owner. The application shall be filed with the Planning Department on forms provided by the Department, accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors. The permit application shall include submission of a site plan consistent with sections governing “Design Review” of this Chapter and shall consist of maps, diagrams, plans, elevations, etc., and/or written reports and other information as prescribed by the Planning Director in the application packet.

D. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to sections governing Appeals of this Chapter.

E. Level of Processing. The level of review and type of Development Permit required to authorize uses identified by this Chapter are as follows:

1. Review Level. Based on the level of review determined by Table Development Permit Level of Processing, each land use permit shall meet one of the following:
 - a. Administrative Development Permits shall meet the requirements of Section “Administrative Development Permit;”
 - b. Zoning Administrator/Planning Commission Development

Permits shall meet the requirements of a “Development Permit”.

2. **Most Restrictive Use.** When a project involves more than one use listed on the table or both a listed use and a development characteristic, the most restrictive permit requirement shall apply.
3. **Multiple Projects.** Whenever multiple project applications required by this Section are processed concurrently for the same project, including one or more Administrative Development Permits and one (1) or more Zoning Administrator Development/Planning Commission Development Permits, such applications shall be heard by the hearing body with authority for the permit requiring the higher level of review.
4. **Referral to the Zoning Administrator or Planning Commission.** The Planning Director may refer an Administrative Development Permit to the Zoning Administrator, and either the Planning Director or Zoning Administrator may refer a Development Permit to the Planning Commission for a public hearing, consideration, and approval or denial. Such referral may occur at the discretion of the Planning Director or Zoning Administrator when it is deemed necessary because of General Plan consistency issues, County policy implications, unique or unusual environmental, infrastructure, or land use incompatibility issues, the scale of the project, or other factors determined by the Planning Director or Zoning Administrator to be sufficiently significant to warrant Planning Commission review.

The Planning Commission shall automatically consider development permits involving commercial, industrial, or other nonresidential development of 10,000 square feet total gross floor area and outdoor storage, and development permits combined with any other application requiring Planning Commission consideration.

5. **Level of Processing Table.** To determine the required land use permit to establish an allowed use, and the level of planning agency review required, a proposed project must be compared with each Land Use/Activity and Standard listed in Table, Development Permit Level of Processing:

**Table 12.05.050 Development Permit Level of Processing:
Commercial / Industrial / Multi-Family Development Permits**

	Land Use / Activity	Standard	Administrative	ZA or PC Hearings Required

1	Multi-family dwelling units	Number of units	2-4 units if not in conjunction with 2 or more structures built during any 2-year period (1)	5-9 units if within a single structure (2)
2	New commercial, industrial, and all other nonresidential	Total gross floor area and outdoor storage/use area	Not applicable	<10,000 sq. ft. (3)
3	Conversion of an existing structure to a different use or occupancy consistent with zoning	Intensity of Use (4)	Greater intensity (1)	N/A
4	Additions to existing lawfully used structures (5)	Total gross floor area of existing structure and addition	No more than 50% of gross floor area or 2,500 sq. feet, whichever is less (1)	>50% or 2,500 sq. ft. (whichever is less), up to 10,000 sq. ft. (3)
5	Replacement of existing structure where the use is consistent with zoning	Size, use and, capacity	Same size, use, and capacity (1)	Any increase in size or capacity, or change in use up to 10,000 sq. ft. (3)
6	Pre-grading of commercial/ industrial sites	Total acreage of disturbed area	Less than 1 acre (6)	Greater than 1 acre and non-exempt CEQA (6)

Footnotes:

(1) If any of the following apply, the Zoning Administrator shall review the project:

(a) Two (2) or more multi-family dwelling units constructed in conjunction with two (2) or more structures built in a two-year (2) period.

(b) The site is within the Sphere of Influence of a city/town limit (except for 1.a. above)

- (c) There is evidence that the Level of Service standards found in General Plan policy 3.10 are currently being exceeded or will be exceeded with approval of the project.
- (d) Site disturbance is in excess of 10,000 cubic yards of soil and/or more than ten (10') feet in depth
- (2) The Planning Commission shall consider multi-family development of ten (10) or more units, or projects that include more than one structure.
- (3) The Planning Commission shall consider development of 10,000 square feet or more.
- (4) Shall be determined by the parking requirements in Parking in Community Design Standards and the Uniform Building Code occupancy loads. If the new use requires more parking or the occupancy increases by fifty (50%) percent or more for the new use, it shall be considered to be of a greater intensity.
- (5) One (1) or more additions totaling not more than 400 square feet during any one (1) year period shall be allowed subject only to zoning compliance and building permit issuance.
- (6) The Zoning Administrator shall consider pre-grading projects that exceed one (1) acre of disturbance and any pre-grading project not exempt from CEQA.

Section 12.05.051 Administrative Development Permit

A. Purpose. To provide a review process for low intensity land uses and development allowed by this Chapter. Those land uses that qualify under the provisions of this Section require the filing of an application for an Administrative Development Permit with the Planning Department to determine that all applicable development standards of the Code have been met.

B. Administrative Development Permit Processing. Administrative Development Permit applications shall be submitted to the Planning Department and shall be processed as follows:

1. Distribution. Upon receipt of a completed application, the Planning Director shall distribute the application to all affected County Departments and public agencies and shall allow such agencies and departments twenty-one (21) days to respond with their comments.
2. Design Review. Administrative Development Permits are subject to Design Review by the Zoning Administrator unless otherwise exempted from review by this Chapter.
3. Review and Approval. Upon receiving all agency and departmental requirements, the Planning Director shall, prior to the expiration of ten (10) days, approve or approve with conditions necessary to bring the project into compliance with the Code, all applicable State laws, and ordinance

requirements of any affected special districts, or deny the project if it is determined to be inconsistent with the Nevada County General Plan or does not comply with the provisions of this Code or other applicable laws.

Section 12.05.052 Development Permit

A. Purpose. To provide a review process for medium and high intensity land uses and development allowed by this Chapter. Because of the intensity of such uses, public review and input into the decision-making process is needed to provide the Zoning Administrator (ZA) or Planning Commission (PC) with adequate information necessary to mitigate any adverse effects such uses may have on their surroundings.

B. Notice and Hearing. Following acceptance of an application, the ZA/PC shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

C. Decision and Findings. The ZA/PC shall approve, approve subject to Development Permit requirements:

1. The proposed use is consistent with the General Plan and its goals, objectives, and policies, with the General Plan Land Use Maps and with any Area or Specific Plan or development agreements in effect within the project area;
2. The proposed use is allowed within and is consistent with the purpose of the zoning district within which it is located;
3. The proposed use and any facilities meet all applicable provisions of this Code, including, without limitation, design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources;
4. The design of any facilities for the proposed use are consistent with the intent of the design goals, standards, and elements of this Chapter and will be compatible with the design of existing and anticipated future on-site uses and the uses of the nearby surrounding area;
5. The site for the proposed use is adequate in size and shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards;

6. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area;
7. Adequate provisions have been made for water and sanitation for the proposed use, and if available, for transition to public water and/sewer;
8. Highways, streets, and roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use and adequate provision has been made for project specific impacts and the cumulative effect traffic generated by the proposed use so that it will not create or add to an identified problem before construction of needed improvements for which a development fee has been established and imposed upon the project;
9. Adequate provisions have been made for emergency access to the site;
10. Adequate public facilities and public services exist or have been provided for within the project area which will be available to serve the project without decreasing services levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
11. All feasible mitigation measures have been imposed upon the project.
12. The conditions provided in the decision are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include, but are not limited to:
 - a. Regulation of use, setbacks, buffers, fences, walls, vehicular ingress and egress, signs, noise, vibration, odors, the time of certain activities, duration of use, and time period within which the proposed use shall be established.
 - b. Require the surfacing of parking areas subject to County specifications, street, service road, or ally dedications and improvements or bonds, and landscaping and the maintenance thereof.
 - c. Such other conditions as will make possible the development of the County in an orderly and efficient manner and ensure conformity with the purpose of this Section.

D. Amendments to Permit or Conditions. Any ZA/PC Development Permit may be modified by an amendment to the Permit and shall be approved by the ZA

whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing Minor Changes to an Approved Project. An amendment is herein defined as any modification or expansion to the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Permit shall be limited to the effect of the proposed amendment as compared to the existing development plan, and findings shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Permit may not be approved which would extend the time limits for the development and use of the property.

E. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing Appeals. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.05.060 Use Permits

A. Purpose. To provide for those land uses that may be appropriate and compatible in a zoning district, depending on the design of the individual project and the characteristics of the proposed site and surrounding area. Such uses may either raise major land use policy issues or create serious problems for adjoining properties or the surrounding area if such uses are not properly designed and located. It is the intent of this Section to establish appropriate standards for permit processing and the location, design and operation of such land uses, to avoid their creating problems or hazards, to provide for the compatibility of such land uses with adjacent properties and the surrounding area, and to assure their consistency with the General Plan.

B. Conformance to Chapter. Any Use Permit issued pursuant to this Section shall conform to the definitions and requirements of this Chapter.

1. Conformance to Regulations. Any Use Permit issued pursuant to this Section shall conform to all other laws and requirements of the County Code. No building permit shall be issued for any structure until any special district which provides regular services to the project has entered into a will-serve agreement with a developer and has certified to the building official that such agreement has been fulfilled.

2. Compliance Required. No person shall fail to comply with any approved Use Permit or any conditions or provisions thereof. No building permit shall be issued for any structure which would violate or fail to comply with any approved Use Permit for the parcel or parcels on which such structure or use is to be located.
3. Permit Time Limits. See Section governing Permit Time Limits.

C. Use Permit Application Content. A Use Permit application shall be filed with the Planning Department, signed by the owner of the property for which the Use Permit is sought or by the authorized representative of the owner. Filing shall be on forms provided by the Planning Department, accompanied by appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors.

The application shall consist of maps, diagrams, plans, elevations, written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the project. Such information shall be adequate to evaluate the proposal and demonstrate compliance with the General Plan, zoning ordinance and other related Chapters of the County Code.

D. Scope of Review. Where the Planning Director considers the application for a Use Permit as incomplete, the applicant shall be so notified. Acceptance of an application does not constitute an indication of completeness or approval.

E. Notice and Hearing. Following the acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing Public Hearing Notice.

F. Planning Agency Level of Processing.

1. New construction, or additions to existing construction, for uses that have been established pursuant to a use permit, that do not exceed 400 square feet, shall be allowed subject only to zoning compliance and building permit issuance, providing that the addition or new construction does not conflict with the mitigation measures, conditions or findings of any previously granted use permit for the subject site, and that no more than one (1) such project can be so approved in any five-year (5) period.
2. The Zoning Administrator shall have the responsibility to make determinations on Use Permits as established by Table 5.2 of this Section, with the exception of those Use Permits listed below for which the Planning Commission shall have the responsibility to make determinations:

- a. Mining and reclamation plans.
- b. Mobile home parks.
- c. Campgrounds and camps.
- d. Commercial, industrial, and other nonresidential development of 10,000 square feet or more of total gross floor area and/or outdoor storage/use area.

G. Findings for Approval or Denial. The Planning Agency shall approve, approve with conditions or disapprove the application within thirty (30) days after the conclusion of a public hearing. Approval or conditional approval shall be granted only when findings can be made as found in Section governing “Development Permit”.

H. Amendments to Permit or Conditions. Any use may be modified by an amendment to the Use Permit approved by the Planning Agency body having original jurisdiction to hear the Use Permit application whenever the modification requested does not qualify for administrative approval as a minor change pursuant to Section governing “Minor Changes to an Approved Project”. An amendment is herein defined as any modification or expansion of the approved use or conditions of approval. The amendment shall be processed in a similar fashion to the original Permit. Any such application shall constitute a project requiring environmental review under CEQA.

It is the intent of this Section to recognize the rights of permittees to proceed with development and use of their property in conformity with approvals previously given by the County while allowing for minor modifications in the use and/or development of property as embodied in such approvals. Therefore, it is hereby declared and established that the scope of review for any amendment to a Use Permit shall be limited to the effect of the proposed amendment as compared to the existing Use Permit, and finding shall be required only as to matters which are affected by the amendment.

Notwithstanding the above, an amendment to a Use Permit may not be approved which would extend the time for the development and the use of the property.

I. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to “Appeals” Section.

Section 12.05.070 Variances

A. Purpose. To provide a procedure to allow a variation from the strict application of the provisions of this Chapter where special circumstances pertaining to the physical characteristics of the site are such that the literal enforcement of the requirements of this Chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

B. Definitions.

1. Variance - A departure from any provision of this Chapter for a specific parcel, except use, without changing the provisions of this Chapter or the zoning of the parcel. It may only be granted upon demonstration of a hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

C. Application and Filing. An application for a variance shall be filed by the owner of the property for which the variance is being sought or by their authorized representative. The application shall be filed with the Planning Department on forms provided by the Planning Department accompanied with the appropriate fees pursuant to the latest adopted resolution of the Board of Supervisors and shall consist of maps, diagrams, elevations, etc., and/or written reports, and other information as prescribed by the Planning Director, necessary to adequately describe the proposal. Such information shall be adequate to evaluate the proposal and demonstrate that findings necessary to approve a variance can be made as well as meet all other requirements of the General Plan, Zoning Ordinance and other relevant Chapters of the County Code.

D. Notice and Hearing. Following acceptance of an application, the Planning Agency shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section governing "Public Hearing Notice".

E. Decisions, Findings and Conditions. The Zoning Administrator shall approve, approve subject to conditions, or disapprove a variance as set forth hereinafter. Approval or conditional approval shall be granted only when the Zoning Administrator first determines that the variance satisfies the standards set forth in Cal. Gov't Code § 65906 by finding that:

1. The variance, if granted, does not constitute the granting of a special privilege inconsistent with the limitations placed on other properties in the vicinity and in the same zoning district in which the subject property is located; and
2. There are special circumstances applicable to the subject property including size, shape, topography, location or surroundings and because of these circumstances, the strict application of the provisions of this Chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and in the same zoning classification; and
3. The variance does not authorize a use not otherwise authorized by the zoning district in which the property is located, and
4. The granting of the variance does not, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, nor the utility and value of nearby property.
5. The variance is consistent with the Nevada County General Plan.
6. The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant.

F. Permit, Issuance. The Chief Building Inspector shall authorize construction only after the conditions upon which such permit was authorized to be issued, have been either fulfilled, or if he deems reasonable, adequate guarantees that such conditions will be fulfilled, have been given by the applicant.

G. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing "Appeals".

Section 12.05.080 Minor Changes to an Approved Project

An applicant may request minor changes to an approved land Use Permit, including uses within a Planned Development, but not including subdivisions, in writing, and shall furnish appropriate supporting materials and an explanation of the reasons for the request. Minor changes may be required either before or after construction, or establishment and operation of the approved use.

The Planning Director may authorize minor changes to an approved site plan, design, or the nature of the approved use, if the changes meet all of the following standards:

1. Are consistent with the applicable provisions of this Chapter.
2. Do not involve a feature of the project that was specifically addressed or was a:
 - a. Basis for findings in a negative declaration or environmental impact report for the project,
 - b. Basis for conditions of approval for the project,
 - c. Specific consideration by the granting authority in the approval of the permit.
3. Do not result in an expansion of the approved project, other than as necessitated by building code requirements. Expansion of a use precluded by this subsection may be defined to include increases in area square footage, or in a greater intensity of use, including uses that require increased parking and/or occupancy loads, or that require environmental review.
4. Do not allow revised access to existing and/or additional roads beyond that originally allowed.
5. Do not allow an increase in height above the ordinance standards or by more than ten (10%) percent of the approved project, whichever is less.

The Planning Director shall inform the granting authority in a timely manner of any such approvals. (Ord. 2139. (04/15/2004); Ord. 2533. (12/05/2023))

Section 12.05.090 Amendments to the Nevada County General Plan and Zoning Ordinance

A. Amendment Requests. An amendment to either the Nevada County General Plan and/or Zoning Ordinance may be initiated by the Board of Supervisors or by the Planning Commission. An amendment may also be requested by petition from a group or individual, provided that an amendment to change the Plan designation or rezone property must be petitioned by the property owner.

B. Application Content. An amendment request by a group or individual shall be on a form prescribed by the Planning Agency. The form shall set forth the request, shall identify the zone district proposed, shall include any related facts, circumstances or other information as needed, and shall be filed with the Planning Department with the appropriate filing fees. The form shall include a statement justifying the need for the amendment, why the amendment is in the public interest, and how the amendment will

ensure consistency with the Nevada County General Plan.

C. General Plan Amendment Economic Analysis. All General Plan amendment requests shall include an economic analysis. The analysis shall be prepared by a qualified professional and shall address the impact of the amendment on County economic policy and programs. It shall emphasize the impact of the amendment on the short-term and long-term jobs/housing balance, including the land use designations of the General Plan intended to achieve a jobs/housing balance.

D. Notice and Hearing. Following acceptance of an application, the Planning Commission shall hold a public hearing(s) on the application. Notice shall be given pursuant to Section Public Hearing Notice.

E. Review and Action by the Planning Commission. After the hearing, the Planning Commission shall render its decision in the form of a written report and recommendation to the Board of Supervisors. The Commission shall include the reasons for the recommendation and the relationship of the amendment to the Nevada County General Plan.

F. Review and Action by the Board of Supervisors. The Board of Supervisors may approve, modify, or disapprove any recommendation of the Planning Commission. If the Board proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearing, the proposed modification shall be referred back to the Commission for its recommendation in compliance with State law (Cal. Gov't Code § 65356 for General Plan amendments and Cal. Gov't Code § 65857 for zoning ordinance amendments).

G. Findings. An amendment to the General Plan or zoning ordinance may be approved only if all of the following findings are made:

1. The proposed amendment is consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and the provisions of this Code,
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County,
3. For General Plan land use map and zoning district map amendments, the site is physically suitable for the requested Plan designation(s) and zoning district(s) and anticipated land use development(s). Factors considered to evaluate suitability shall include access, provision of public facilities and utilities, compatibility with nearby land uses, and presence or absence of resources and constraints as found in the Resource Standards.

H. Concurrent Development Permits Filed for Processing. When other project applications required by this Chapter and the Chapter governing Comprehensive Site Development Standards are filed concurrent with a proposed Plan and/or rezoning amendment application, the legal time limits for processing pursuant to Cal. Gov't Code §§ 65950 - 65957.5. shall not commence until the Board of Supervisors' resolution and/or ordinance adopting the change becomes effective.

I. Appeals. Appeals from the decision of the Planning Agency shall be pursuant to Section governing "Appeals" of this Chapter.

Section 12.05.100 Permit Time Limits

A. Project Completion. Whenever the use of land, including but not limited to use of or right to construct any structure, is authorized, pursuant to any permit (including but not limited to Development Permits, and Use Permits, but not Variances) in accordance with this Chapter, construction shall be completed thereon within three years from the effective date of the approval of such permit by the Planning Agency; otherwise, the permit shall become null and void as to any portion of the use not completed unless an extension of time is granted pursuant to this Section.

It shall be the responsibility of the developer alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

B. Extensions of Time. For all land use permits, extensions of time may be granted by the Planning Agency body having original jurisdiction to consider the use permit/development permit application, as follows:

1. Requests for extensions of time shall be filed with the Planning Department prior to the expiration date of the original permit, accompanied by filing fees established by the most current Resolution of the Board of Supervisors.
2. The applicant must show reasonable cause for the extension. Reasonable cause is defined as circumstances beyond the applicant's control which have prevented the applicant from taking sufficient action in a timely manner.
3. No more than two (2) two-year (2) extensions of time may be granted. Notwithstanding subsection "Phased Projects" below, all land use permits in effect and not expired as of January 1, 2009, are granted an automatic two-year (2) extension of time to complete construction, whether or not commenced as of that date, and to commence the permitted use. This extension is in addition to any other extensions provided for by this section.

C. Phased Projects. For permits for which phased development or phased occupancy is approved, one of the following must occur:

1. The phasing, including appropriate conditions of approval as they apply to phasing, shall be established by the original permit conditions or as amended. Time limits for completion of construction shall be established by the permit conditions, but in no case shall exceed seven years from the date of land use permit approval.
2. The Planning Director may authorize phased temporary occupancy of the property and any structures and/or facilities developed thereon for permits not previously approved for phasing provided that:
 - a. No structure may be occupied unless it would separately (individually) qualify for the issuance of a Certificate of Occupancy under the applicable building and fire code authority.
 - b. The phased occupancy will not constitute an increase in fire hazard or safety above that contemplated for the completed development, as determined by the appropriate fire safety authority.
 - c. All on-site and off-site public improvements are completed, including, but not limited to roads, adequate sewage and water improvements.
 - d. If individual wells or septic systems are utilized, they shall be installed and shall meet all Health Department standards for the phased portion.
 - e. Adequate on-site parking and circulation is provided for the structures to be occupied, pursuant to the approved site plan and Section governing Parking in “Comprehensive Site Development Standards”.
 - f. A site improvement agreement with adequate surety or other guarantee, as provided in “Guarantee of Performance” may be required if needed to insure for the improvements to the site.

In no event shall the approval for phased temporary occupancy provide or otherwise extend the time limits for the project completion beyond those established in the permit or, absent same, established by this Chapter.

Any request for approval of a phased occupancy shall be accompanied by a fee as may be established by Resolution of the Board of Supervisors.

D. Construction Permits. Construction permits, including grading permits, shall not be issued for projects that are within sixty (60) days of the expiration of the land use

permit unless the applicant adequately demonstrates to the Planning Director that the project can satisfy the time limit provisions of this Chapter.

E. Mining Use Permits. For mining Use Permits, the permit shall specify a time limit specific to the operation. If no such time limit is specified, the permit shall expire after five (5) years.

F. Stay Periods.

1. The time limits for permits specified by this Section begin at the close of the appeal period following the Planning Agency's decision, unless the permit is stayed for one or more of the following reasons:
 - a. The decision of the Planning Agency is appealed to the Board of Supervisors.
 - b. A development moratorium is imposed after approval of the permit.
 - c. A lawsuit involving the permit is or was pending in a court of competent jurisdiction.
2. Upon decision by the Board of Supervisors, the development moratorium is lifted, or a final judgment in the litigation is entered or the litigation is dismissed, the permit shall be valid for the same period of time as was originally left to run on the permit, provided that if the remaining time is less than two years, the permit shall be valid for two (2) years. The length of stay under this subsection shall not exceed seven years.
3. No use of property shall occur pursuant to a Development Permit approved under this Section nor Use Permit issued pursuant to this Chapter, nor shall any building permit be issued pursuant to any such Development Permit or Use Permit for any construction at an elevation above 5,000 feet until the Chief Building Inspector of the County of Nevada or his authorized agent determines that the soil conditions for the project site are adequate to accommodate construction activities.

G. Applicability. No permit issued pursuant to this Chapter shall be affected by any change to the County's General Plan or any change to this Chapter so as to impair the right to develop any property in accordance with any permit issued pursuant to this Chapter. Nothing herein shall be deemed to constitute a waiver of any required condition of approval attached to any such permit, including but not limited to any condition relating to the sequence of development. (Ord. 2284. (03/24/2009); Ord. 2533. (12/05/2023))

Section 12.05.110 Permit Revocation

A. Purpose. To provide procedures for Securing revocation of previously approved land use permits.

B. Notice and Hearing. For those permits requiring a public hearing at the time of approval, the body considering revocation shall hold a public hearing(s) on the application. Notice shall be given pursuant to Cal. Gov't Code § 65900 and section governing Public Hearing Notice of this Chapter. Written notice of intention to revoke the permit shall be mailed to the applicant not less than ten (10) days before the public hearing.

C. Review Authority and Grounds. The body that originally approved the permit (including, but not limited to, Development Permits, Use Permits and Variances) may revoke the permit. Grounds for revocation include, but are not limited to:

1. Non-compliance with conditions of approval, mitigation measures or the approved site plan.
2. Violation of any law in connection with the permit.
3. Expansion of the use or structure without amending the existing permit or receiving a new permit.
4. Operating in a manner that threatens or is injurious to the public health or safety or constitutes a nuisance.
5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit.
6. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made and the public health, safety, and welfare require the revocation.

Section 12.05.120 Appeals

A. Purpose. To establish procedures to be used by the Board of Supervisors in conducting public hearings on appeals of land use matters. These procedures provide for a fair and orderly hearing process in which all interested parties are accorded an opportunity to be heard.

B. Application. The provisions of this Section apply to all appeals of land use applications and the action taken thereon by the Planning Agency. Additionally, the Board of Supervisors may use such provisions of this Section in conducting public hearings on other land use matters before them.

C. Standing to Appeal. Any applicant for a land use permit or other approval, including a petition for a General Plan amendment or rezoning, and any interested party in any such application or petition, shall have the right to file an appeal to the Board of Supervisors on any decision of the Planning Agency.

D. Appeal Periods. An appeal of any decision of the Planning Agency shall be filed with the Clerk of the Board of Supervisors, in the manner specified in this Section, within ten (10) calendar days from the date of the Planning Agency's action, except amendments to the General Plan or zoning ordinance which shall be filed within five (5) calendar days. Any such appeal shall be accompanied by the appropriate fee, which shall be paid to the Clerk of the Board of Supervisors.

E. Stay of the Planning of Agency's Action. The filing of such an appeal within the above stated time limits shall stay the effective date of the Planning Agency's action until the Board of Supervisors has acted upon the appeal.

F. Requirements for Statement on Appeal. An appeal shall only be filed on the official form provided by the Clerk of the Board of Supervisors together with such additional information as may be necessary. A statement of appeal shall include, but not limited to:

1. Identification of the project and the decision of the Planning Agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of the specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the applicant.
6. Identification of the appellant.

G. Review of Notice of Appeal by Board of Supervisors. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present such appeal to the Board of Supervisors at their next regular meeting. At that time the Board shall determine if the Appeal was filed within the applicable time limits and shall summarily reject any appeal

that is filed beyond the time limits prescribed herein. Further, the Board shall determine if the Appeal contains sufficient information as required by this Section. If the Board determines that the information as supplied in the Appeal is incomplete, it may:

1. Summarily reject the Appeal for any such insufficiency of statement on Appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time, the Board determines that the statement on Appeal is still insufficient, it shall summarily reject the Appeal.

H. Board's Authority to Summarily Reject or to Set Appeal for Hearing. Upon presentation of the Notice of Appeal, together with the required statement on Appeal, to the Board of Supervisors, the Board may summarily reject the Appeal if they find that the matter being appealed is a requirement of law, or if they by unanimous vote find the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

Board's Authority to Review Planning Agency Matters. The Board of Supervisors shall have the right, by majority vote within ten (10) calendar days from the date of the Planning Agency's action, to review any decision of the Planning Agency. Any such review as initiated by the Board shall be regarded as a full hearing de novo (new hearing), excepting that the provisions of Subsections E, J, and K of this Section shall apply.

I. Notice and Hearing. Following a determination by the Board to set the matter for public hearing, the Board shall hold such hearing pursuant to Section governing Public Hearing Notice.

J. Hearing Procedures. At the time and place set for any hearing as provided for herein, the Board of Supervisors shall conduct any such appeal hearing as a full hearing de novo on the project, without limitation as to the issues that may be raised, or as to the evidence that may be received. Any such hearing shall be conducted as follows:

1. Staff presentation.
2. Presentation by appellant which shall be limited to fifteen (15) minutes.
3. Presentation by project proponent (if different party than appellant) which shall be limited to fifteen (15) minutes.
4. Public hearing: The Board may limit any person's input to not less than three (3) minutes in which to give testimony.

5. Summation by project proponent – ten (10) minutes.
6. Summation by appellant – ten (10) minutes.
7. Rebuttal by members of the public – two (2) minutes.
8. Staff summation.

In the event that anyone desiring to testify before the Board of Supervisors desires to present more information to the Board than may be accomplished within the time limits set forth above, such person shall be permitted to present such information to the Board in writing, within five (5) working days prior to the date set for the appeal hearing. Any such information shall be submitted to the Clerk of the Board of Supervisors no later than the end of the fifth working day prior to the date of the hearing.

K. Action by the Board.

1. At the conclusion of the Appeal Hearing, the Board of Supervisors may sustain, overrule or modify any action of the Planning Agency. The power of the Board to modify shall include the authority to change, delete or add to the conditions of approval as set out by the Planning Agency. Any action by the Board shall be pursuant to Cal. Gov't Code § 25005, by not less than three (3) affirmative votes, provided, however, that in the event that the Board's action culminates in a two (2) to two (2) or two (2) to one (1) vote, such vote shall constitute action by the Board which shall be deemed to be a denial of the appeal and which shall result in a reinstatement of the Planning Agency's action on the project.
2. Any Appeal Hearing set before the Board pursuant to Cal. Gov't Code § 66452.5 shall be held within thirty (30) days from the date of filing the Appeal. Thereafter, within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall render its decision on the Appeal. The time limits set forth herein shall not be extended.

L. Statute of Limitations. The decision of the Board of Supervisors shall be final on all matters unless an appeal therefrom is filed with the Superior Court of the County of Nevada within ninety (90) days after the decision of the Board of Supervisors.

M. Refund of Appeal Fees.

1. Upon the conclusion of any appeal, where the Board of Supervisors upholds the appeal and overturns the decision of the Planning Agency, the Board

may also authorize the return of all Appeal Fees filed by the appellant. The Board shall not authorize the return of the Appeal Fees if it finds that the Board's decision was, in whole or in part, based upon new evidence submitted by the appellant at the Appeal Hearing and which evidence was not provided to the lower hearing body.

2. Upon the conclusion of any Appeal, where the Board denies the Appeal but finds that appellants raised issues of substantial merit causing some affirmative change in the decision of the Planning Agency, the Board may also authorize the return of any portion of the Appeal Fees it deems just. (Ord. 2370§ 1. (10/08/2013); Ord. 2533. (12/05/2023))

Section 12.05.130 Public Hearing Notice

When a Public Hearing is required by this Chapter, public notice shall be given consistent with Cal. Gov't Code §§ 65090 - 65096 and this Section. Whenever notice for a Public Hearing on a land use application is required to be given to owners within 300 feet of the real property that is the subject of the hearing pursuant to Cal. Gov't Code § 65091 (a) (3), this notice shall also be given to the owners of at least ten (10) parcels, in addition to the parcel which is the subject of the hearing. If the property that is subject to the hearing is located within an area that is designated with a minimum parcel size of five (5) acres or greater, additional noticing shall be given to extend to owners within 500 feet of the subject property.

Section 12.05.140 Filing Fees

A. Filing Fees Required. Applications filed under the provisions of this Chapter shall be accompanied by a fee in accordance with the latest fee schedule adopted by Resolution of the Board of Supervisors.

B. Refunds and Withdrawals. Filing fees are utilized to cover costs of public hearings, mailing, posting, transcripts and staff time involved in processing application. Refunds due to a denial are not permitted.

In case of a withdrawal, the Planning Director shall authorize a refund based upon pro-rated costs and determination of the status of the application at the time of withdrawal.

Section 12.05.150 Mitigation and Development Fees

A. Recreation Mitigation Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Recreation Mitigation Fees, in this Code.

B. Fire Protection Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Fire Protection Development Fees, in accordance with the latest fee schedule for the area adopted by Resolution by the Board of Supervisors.

C. Road Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid pursuant to Mitigation and Development Fees, Road Development Fees on New Developments, in accordance with the latest fee schedule for the area adopted by Resolution by the Board of Supervisors.

D. School Development Fees. As a condition to the issuance of a building permit, a fee for new development shall be paid in accordance with the latest fee adopted pursuant to Cal. Gov't Code § 53080.

Section 12.05.160 Guarantee of Performance

A. Security Required. Applicants with approved projects may commence operations prior to the issuance of a final certificate of occupancy if a Security guaranteeing the installation of the required improvements is provided. A condition providing for such Security shall be included in the approved land use permit.

B. Limitations and Findings. When any improvements are required as a condition of approval of any permit issued pursuant to this Chapter, compliance therewith may be gained and a temporary occupancy granted, limited to a maximum of one year, if:

1. A finding can be made that no adverse impacts (either interim or long-term) will result from the interim use of the property without full compliance with the conditions to be deferred; and if
2. A site improvement agreement is executed by and between the County and the developer specifying the terms and conditions for any such interim occupancy together with the posting of adequate Security all to be in the form acceptable to County Counsel and shall be approved by the Board of Supervisors.

C. Posting. The Guarantee shall be posted with the Planning Department, with the County of Nevada named as beneficiary.

D. Form of Security. A Security or other guarantee shall be in a form approved by the County Counsel, including default provisions, and shall provide that in the event suit is brought upon the surety by the County and judgment is recovered, the surety shall pay all costs incurred by the County in such suit including reasonable attorney's fees to

be fixed by the Court.

E. Amount of Security. The Guarantee shall be an amount based on an estimate of an engineer, architect or landscape architect which is equal to the actual cost of completing the specified improvements, restoration, or satisfying conditions of approval, plus twenty-five percent (25%) to compensate for increased cost in materials and labor; provided, however, that where a Guarantee is required by a land use permit, conditions of approval to preserve identified site features, the Guarantee shall be in such an amount as the Planning Agency deems necessary to assure compliance with applicable conditions.

F. Release of Security. At the request of an applicant, or prior to the expiration of a Security or Guarantee, the Planning Director will review the project, and issue a completion statement if all provisions of this Chapter and conditions of approval have been met. Upon issuance of the completion statement, the Guarantee, Security or cash deposit will be released. If the Planning Director determines that the project does not meet the applicable requirements, the applicant shall be notified in writing of such deficiencies. A time period for their corrections shall be mutually agreed upon by the applicant and the Planning Director, with the Security being held until all requirements have been met. In cases where no agreement is reached, following written notification by the Planning Director, or where an agreed time period for completion is exceeded, the Security shall be called and the County shall have the authority to contract for the work.

Nothing contained in this Section shall be construed to authorize the delay of complying with all sanitation and building laws and ordinances.

Section 12.05.170 Comprehensive Master Plans, Zoning Maps and Specific Plans

A. Purpose. A Comprehensive Master Plan is required for all properties within the BP, REC, and PD (base and combining Districts) Districts. It is intended to provide for the comprehensive planning of the entire area within districts. The Specific Plan is required for all properties designated as a Special Development Area in the General Plan and is intended, in part, to comply with the provisions of Cal. Gov't Code §§ 65450 - 65457, as well as other provisions as provided in the General Plan policy 1.5.u.

Plans shall ensure that the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan land use maps. Plans shall ensure that the total area dedicated to each specific land use must not exceed the acreage allowed by the General Plan land use maps. However, acreage other than open space may vary from that otherwise allowed by the General Plan maps to accommodate site-specific conditions provided the cumulative change does not exceed five percent (5%) of the total parcel(s) acreage.

Unless otherwise modified by an adopted Rural Center (RC) Combining District, the

processing and content of a Comprehensive Master Plan shall be required as provided herein.

B. Definitions—Analysis. For the purpose of this Section, analysis shall mean the compilation and evaluation of factual data on each of the component parts, sufficient to reach an informed decision, including but not limited to, an identification and description of the feature or facility listed, including the adequacy of each element to serve the proposed project.

C. Process. Plans shall be adopted through a Use Permit approved by the Planning Commission. They may also be implemented through the use of the SP Site Performance Combining District where warranted to ensure consistency in Plan implementation. Individual development projects implementing Plans shall be processed consistent with the provisions of this Chapter.

To encourage efficiency in the development review process, adoption of Plans shall be considered concurrently with a development project. However, the County may allow for the processing of a development project separate from Plans where specific economic, legal, social, technological, or other considerations make concurrent processing infeasible, and consistency with the purpose of the applicable General Plan designation is maintained.

D. Comprehensive Master Plan. The Comprehensive Master Plan shall provide for the analysis of the entire site and allocation of proposed mixed uses. The Plan shall reflect the following features:

1. An exhibit map/site plan that reflects the following:
 - a. Mapping that depicts topography and clearly identifies the important resources and constraints identified in the Resource Standards of this Chapter.
 - b. Zoning district boundaries, emphasizing the clustering of the most intensive zoning districts in those areas where resources and constraints are least prevalent.
 - c. Existing and proposed infrastructure including facilities for water, sewage disposal, utilities, fire protection, drainage, and similar facilities.
 - d. On- and off-site circulation features including existing and proposed roads, primary access points, emergency access, and pedestrian and bicycle pathways. Ensure a high degree of accessibility to the arterial and major collector road system on

internal vehicular and pedestrian circulation system designed to provide safe and convenient linkage between the various uses.

- e. Within each land use designation depict building envelopes, emphasizing the clustering of intensive land uses while minimizing impacts on the site's resources and aesthetic values. Building envelopes shall be defined as the expected maximum building and parking lot areas, conceptually defining the location of major parking areas which shall be located to reflect an orientation internal to the site, minimizing their visibility from major roadways (freeways, highways and major arterials).
 - f. Location and extent of major landscaping areas.
 - g. Location and extent of required open space areas, based on constraints and hazards delineated on the Constraints Map.
2. A Comprehensive Master Plan Text that includes a discussion of the Resources and Constraints Map and Master Plan as needed to tie in relevant General Plan issues and policies. The following specific items shall be included in the text:
- a. An analysis of existing and proposed infrastructure including facilities for water, sewage disposal, utilities, fire protection, drainage, and similar facilities.
 - b. An analysis of off-site and on-site circulation features, including existing and proposed roads, primary access, emergency access, and pedestrian and bicycle pathways.
 - c. Provisions for phasing of development, if applicable, and how each phase will provide for needed off-site circulation and other infrastructure improvements concurrent with development, in accordance with adopted mitigation measures or conditions of approval.
 - d. A management plan for permanent open space, including a mechanism for ongoing maintenance.
 - e. A visual assessment that includes an identification of important views, view corridors, and community design features. The assessment shall include both a written description and photographs that document surrounding natural or man-made features that define the setting and context for the project.

- f. Site and architectural design strategies to ensure both on-site and off-site compatibility of all existing and proposed land uses, including site development standards and architectural guidelines unique to the proposed property. Exhibits, pictures, and/or drawings that represent proposed design features shall be provided.

E. Zoning Map. The intent of the Zoning Map that accompanies a Comprehensive Master Plan is to provide for sufficient analysis to properly locate specific zoning district boundaries. The Zoning Map shall ensure that the total area dedicated to each specific land use does not exceed the acreage allowed by the General Plan land use maps. However, acreages (other than open space) may vary from that otherwise allowed by the General Plan maps to accommodate site-specific conditions, provided the cumulative change does not exceed five percent (5%) of the total parcel(s) acreage.

1. Processing. Adoption of a Zoning Map shall constitute a rezoning and shall be a legislative act. To ensure the site is comprehensively planned as a unit, the Zoning Map and Comprehensive Master Plan or Specific Plan shall be processed concurrently. However, the County will allow for the processing of the Zoning Map prior to and separate from the Comprehensive Master Plan or Specific Plan where specific economic, legal, social, technological, or other considerations make concurrent processing infeasible, and consistency with the purpose of the applicable General Plan designation is maintained.
2. Zoning Map Contents. The Zoning Map shall provide for the location of all proposed boundaries based on an analysis of those resources and constraints found in the Resource Standards of this Chapter. The Map shall include resource and constraint layering. The analysis shall include biological and cultural resource inventories consistent with the provisions of the Resource Standards.

The Map may utilize the SP Site Performance Combining District to address resource protection features associated with the rezoning.

F. Specific Plan. The Specific Plan shall provide for an integrated planned development ensuring employment generation and a variety of supporting land uses. It shall include:

1. Incorporation of the Zoning Map or its equivalent.
2. Provisions for the distribution, location, and extent of the uses of land

and major infrastructure on the site.

3. Site and architectural design unique to the proposed development, if applicable.
4. The Plan shall demonstrate sufficient land to establish a positive contribution to the County job-housing balance and to accommodate the housing needs of local wage earners.
5. A Transportation System Management and Demand Management Program designed to minimize impacts on the local road and State highway systems. The program shall ensure that implementation of the Plan will provide for consistency with adopted County level of service standards as found in General Plan policies 3.10, 4.1, and 4.3.
6. Implementation measures, including a financing program, necessary to implement the Plan.
7. Execution of development agreements to ensure conformance with the Plan, if applicable. (Ord. 2090. (07/09/2002); Ord. 2533. (12/05/2023))

Section 12.05.180 Development Agreements

A. Purpose. The purpose of this Section is to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development and the uncertainty of the development review process by providing an option to both the County and project applicants to enter into a development agreement which vests certain development rights. This Section is enacted pursuant to Cal. Gov't Code §§ 65864 – 65869.5.

A development agreement shall set forth the obligations of both the County and the applicant for the time period specified in the agreement. It shall also set forth the regulations to which the development will be subject. It shall not prevent the County, in subsequent actions applicable to the property, from applying regulations which do not conflict with those regulations applicable to the property as set forth in the agreement. A development agreement may be, but is not required to be, adopted in conjunction with the processing of a development project.

B. Process.

1. Application. A development agreement application shall be filed by the owner of the property for which the agreement is sought or by the authorized representative of the owner. Fees pursuant to Section governing

“Filing Fees” and shall accompany the application.

2. Environmental Review. The approval or conditional approval of a development agreement shall be deemed a discretionary act for purposes of the California Environmental Quality Act.
3. Planning Commission and Board Action. Following acceptance of the application, the Planning Commission shall hold a public hearing on the application. Notice shall be given pursuant to Section governing “Public Hearing Notice”. Following conclusion of the public hearing by the Commission, the Commission shall recommend to the Board of Supervisors that it approve, conditionally approve, or disapprove the application.

Upon receipt of the Commission’s recommendation, a public hearing will be held before the Board of Supervisors. Following conclusion of the hearing, the Board may approve the application by ordinance. The approval shall set forth findings, and the facts supporting them, consistent with the provisions of this Section.

4. Effectuation Date and Recordation. The agreement shall take effect upon the effective date of the ordinance. Within ten (10) days after the County enters into a development agreement, the County shall record agreement with the County Recorder.

C. Contents of Development Agreements.

1. Mandatory Contents. A development agreement entered into pursuant to this Chapter must contain provisions that:
 - a. Specify the duration of the agreement;
 - b. Specify the permitted uses of the property;
 - c. Specify the density or intensity of use(s);
 - d. Set forth the maximum height and size of proposed structures;
 - e. Specify the minimum size and dimensions of the proposed parcels;
 - f. Set forth provisions, if any, for reservation or dedication of land for public purposes;
 - g. Negotiate a level of protection from either a future growth control ordinance or a future increase in mitigation or development fees;

- h. Provide for the possibility of subsequent discovery of health and safety issues (e.g., “compelling public necessity” [i.e., a new environmental health hazard is discovered]), which would necessitate a reconsideration or amendment of the previously approved agreement;
 - i. Provisions for a tiered amendment review procedure such as:
 - 1) Director sign-off for minor changes;
 - 2) Commission sign-off for large changes; and
 - 3) Major amendments by the Board of Supervisors.
- 2. Permissible Contents. A development agreement entered into pursuant to this Chapter may contain provisions that:
 - a. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
 - b. Provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time;
 - c. Include terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
 - d. Include such other terms, conditions and requirements as the Board of Supervisors may deem necessary and proper, including but not limited to, a requirement for assuring to the satisfaction of the County performance of all provisions of the agreement in a timely fashion by the applicant.

D. Effect of Development Agreement. Unless otherwise provided by the development agreement, the rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the

time of execution of the agreement.

A development agreement does not prevent the County, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the development agreement, nor does a development agreement prevent the County from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

E. Findings. The Planning Commission may recommend approval and the Board of Supervisors may approve an application for a development agreement where it finds that the information presented by the applicant and/or obtained at a public hearing substantiates all of the following facts that the proposed development agreement:

1. Is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan;
2. Complies with all of the provisions of the Nevada County Code;
3. Is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant;
4. Will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area;
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site;
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
 - d. Adversely affect the orderly development of property or the preservation of property values.

F. Periodic Review. The Planning Commission shall review the development agreement every twelve (12) months after the date the agreement is entered into. It shall be the project proponent's responsibility to apply in a timely fashion for the annual review. The time for the review may be modified either by agreement between the parties, or by decision of the Commission.

Public notice shall be given that the Commission intends to undertake the review of the

agreement. The Commission shall conduct a noticed public hearing at which the property owner shall demonstrate good faith compliance with the terms of the agreement. The burden of proof on such issue shall be upon the property owner.

The Commission shall determine upon the basis of substantial evidence whether or not the property owner, for the period under review, has complied in good faith with the terms and conditions of the agreement.

1. If the Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for such period shall be concluded.
2. If the Commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission shall forward its recommendation to the Board of Supervisors, and the Board may propose to amend or cancel the agreement. Notice shall be given to the property owner that the Board intends to undertake the review of the development agreement.

G. Amendment/Cancellation. A development agreement may be amended, or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment or cancellation shall be the same as for entering into an agreement.

H. Violation of Agreement. Where the Planning Director notifies the Planning Commission that their findings indicate that a development agreement is being violated, a public hearing shall be scheduled before the Commission to consider the applicant's reported failure to comply and the action recommended by the Director. Procedures for conduct of such hearing shall be the same as provided in this Chapter for initiation and consideration of a development agreement. If as a result of such hearing, the Commission finds that the applicant or their successor in interest is in violation of a development agreement, it shall notify the Board of Supervisors of its findings, recommending such action as it deems appropriate. Where the Commission reports the violation of a development agreement, the Board may take one of the following actions:

1. Approve the recommendation of the Commission instructing that action be taken as indicated therein in cases other than a recommendation to terminate or modify an agreement; or
2. Refer the matter back to the Commission for further proceedings with instructions; or

3. Schedule the matter for a public hearing before itself where termination or modification of an agreement is recommended.

Section 12.05.190 Legal Nonconforming Uses and Structures

A. Purpose. Within the zoning districts established by this Chapter, there may be uses and structures which were lawful before the effective date of the applicable terms of the regulations, but which are prohibited, regulated or restricted under the terms of the regulations currently in effect or by future amendments. Relative to such uses and structures, it is the purpose of this Section to:

1. Reduce them to conformity or to eliminate them through abandonment, obsolescence, or destruction due to strict provisions against changes that could perpetuate them.
2. Provide for their regulation and to specify the circumstances and conditions under which they may continue to exist until brought into conformity, removed, or terminated.

B. Legal Nonconforming Uses. A legal nonconforming use is any use lawfully in existence at the time this Chapter or amendments thereto takes effect, although such use does not conform to the provisions of this Chapter. Such use may continue subject to the following:

1. No use shall be:
 - a. Enlarged or intensified,
 - b. Extended to occupy a greater area of land or a portion of a structure than that occupied at the time this Chapter or any amendment thereto takes effect, or
 - c. Moved in whole or in part to any other portion of the parcel of land occupied at the time this Chapter or any amendment thereto takes effect.
2. Any change in a use that provides for such use to become more conforming to the provisions of the applicable zoning district may be allowed subject to approval of a Use Permit by the Planning Agency.
3. Such use may be changed to a permitted use provided that all requirements of this Chapter are satisfied. In such instance there shall be no resumption of the nonconforming use.

4. If the use is discontinued for a period of one (1) year or more, any subsequent use shall be in conformity with all applicable requirements of this Chapter, except as follows: a) uses clearly seasonal in nature (i.e., ski facilities) shall have a time period of 365 days or more, b) surface mining operations shall comply with the provisions of Section governing Surface Mining Permits and Reclamation Plans providing for interim management plans.

C. Legal Nonconforming Structures. A legal nonconforming structure is any structure lawfully in existence at the time this Chapter or amendments thereto takes effect, although such structure does not conform to the site development standards of this Chapter. Such structures may continue to be used subject to the following:

1. If such structure is destroyed or partially destroyed by fire, explosion, accident or natural disaster, it may be repaired, provided the structure is not altered or expanded except as noted in 4 below, subject to the following limitations:
 - a. In cases where the destruction is less than fifty percent (50%) of the market value preceding destruction, the structure may be repaired.
 - b. In cases where the destruction is fifty percent (50%) or greater of the market value preceding destruction, such structure may be reconstructed only if in conformity with all applicable requirements of this Chapter.
2. Such a structure may be repaired, altered, or remodeled thereto not necessitated by a fire, explosion, accident or natural disaster, provided the structure is not expanded except as noted in 4 below, subject to the following limitations:
 - a. The total expenditure for labor and materials combined for such activity shall not exceed twenty-five (25%) of the fair market value of the structure.
 - b. Such alterations may occur only once every ten (10) years to any structure, except single-family residences may be altered as often as annually, subject to the limitation in subsection "a" above.
3. Historic structures consistent with the definition as found in Section

governing Resource Standards, Cultural Resources, Significant, or as otherwise defined by an adopted RC district, may be repaired, altered, or reconstructed where necessary for the preservation, restoration, rehabilitation, relocation, or continued use of a qualified structure or site, without limitation.

4. Structures devoted to a use allowed in the applicable zoning district may be expanded, subject to the following limitations:
 - a. The total expenditure for labor and materials for the expansion, combined with any repair or alteration work done concurrently or within the ten (10) preceding years, shall not exceed twenty-five percent (25%) of the fair market value of the structure, except for single-family residences, in which case the total expenditure limitation applies to all work done concurrently or within the preceding year,
 - b. The expansion shall be limited in any ten-year (10-year) period to an increase of not more than five percent (5%) of the gross square footage of the structure, and
 - c. The expansion shall otherwise comply with the use restrictions, site development standards and permit requirements of this Chapter (e.g., the expansion cannot be used to accommodate relocation or enlargement of a nonconforming use on site and a structure not conforming with front yard setbacks cannot be enlarged in a manner further encroaching into the front yard area).
 - d. Notwithstanding the above provisions of this paragraph all legal nonconforming structures that become nonconforming solely because of adoption of the increased side and rear yard setbacks of the County's Fire Safety Regulations, adopted effective October 10, 1991, may be expanded without being subject to limitations so long as the expansion does not expand the existing building footprint within the setback and otherwise complies with the current setback requirements. (Ord. 2232. (02/27/2007); Ord. 2533. (12/05/2023))

D. Time Extensions. If an applicant can demonstrate to the Planning Director, a reasonable effort to continue a legal nonconforming use or to reoccupy a legal nonconforming structure, during the initial one (1) year of discontinued use, the Planning Director may approve or conditionally approve an extension of time for the applicant to reestablish use or occupancy. Except as herein provided, this extension shall be granted only once, for a period not to exceed one year, and the use or occupancy must be completely reestablished at the end of this two-year (2) period. Any aggrieved party may appeal the decision to the Planning Commission through a written request to the Nevada

County Planning Department.

E. Single-Family Dwellings. Notwithstanding the above provisions of this Section, all legal nonconforming single-family dwelling units that become nonconforming due to a change from one zoning district to another shall be treated as conforming structures.

Section 12.05.200 Abatement and Removal of Inoperable Motor Vehicles

A. Purpose. This Chapter is enacted under authority of Cal. Veh. Code § 22660 to establish procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled or inoperative motor vehicles (hereinafter referred to as vehicles) or parts thereof from private or public property in the unincorporated area of the County, and for recovery of the costs of such removal and administration of this Chapter.

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, creates conditions likely to reduce the value of real property in the vicinity, promote blight and deterioration, invite plundering, create fire hazards and harborage for rodents and insects, and is injurious to the public peace, health, safety, and general welfare. The presence of abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, within the unincorporated area constitutes a public nuisance which the County of Nevada is empowered to abate and remove in accordance with the provisions of this Chapter.

B. Applicability of Section. Except as otherwise expressly provided by exceptions to this Section, this Section shall apply to abandoned, wrecked, dismantled, or inoperative motor vehicles, or any part thereof, situated upon any private or public property, excluding publicly maintained highways and streets, within the unincorporated area of the County of Nevada. This Section shall not apply to vehicles that are not intended to be self-propelled.

C. Exceptions. This Chapter shall not apply to any vehicle or part thereof which is either:

1. Completely enclosed within a structure in a lawful manner where it is not visible from the street or other public or private property; or
2. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, salvage enterprise, or any other legally established use or subject to regulation through a Development Permit or Use Permit pursuant to Sections governing Development and Use Permits of this Chapter.

3. An agricultural “implement of husbandry”;
4. Located on a parcel in such a manner that no part of any vehicle subject to this Chapter is visible to public view up to the total number of such vehicles allowed in accordance with the following:
 - a. Parcels up to three (3) acres in size: two (2) vehicles allowed.
 - b. Parcels from three (3) to ten (10) acres in size: three (3) vehicles allowed.
 - c. Parcels over ten (10) acres in size: five (5) vehicles allowed.

Such vehicles shall be completely screened from public view by a solid fence, vegetation, topography or any combination thereof.

The exceptions provided by this Section shall not be construed to authorize the maintenance of a public or private nuisance, as such nuisance may be defined under any provisions of law other than Cal. Veh. Code §§ 22650 - 22856.

D. County’s Remedies Nonexclusive. This Section shall not be construed as excluding any other lawful remedies available to the County of Nevada for regulation, abatement and/or removal of abandoned, wrecked, dismantled, or inoperative vehicles situated within the unincorporated area. The procedures provided by this Section shall be in addition to any other applicable regulations, statutes, or ordinances heretofore or hereinafter enacted by the State of California, this County, or any other entity having jurisdiction in the matter.

E. Enforcement Responsibility. The Director of Code Compliance is charged with the responsibility of administering this Section and exercising the authority conferred thereby. The Director, or their designee, may enter upon private property for purposes of administering and enforcing this Section to examine a vehicle or part thereof, to obtain information as to the identity of the vehicle, and to remove or cause to be removed a vehicle or part thereof declared to be a nuisance pursuant to this Section. Any other person, firm or corporation authorized by the County to remove vehicles from property for purposes of enforcement of this Section may enter upon private property to perform such removal, upon request by the Director.

F. Public Nuisance, Determination. If the Director finds that reasonable grounds exist to believe that a vehicle or part thereof is abandoned, wrecked, or dismantled or inoperative at any location to which this Section applies, the Director, or their designee, shall declare such vehicle or part to be a public nuisance, and thereupon proceed to abate such nuisance in the manner prescribed by this Section.

G. Notice of Intention to Abate and Remove Vehicle. Except as otherwise provided for in this Section, the Director, or their designee, shall issue not less than ten (10) days advance written Notice of Intention to abate and remove any vehicle or part thereof which the Director, or their designee, has determined to be a public nuisance pursuant to this Section. The Director, or their designee, shall mail such Notice by registered or certified mail to the property owner and to the vehicle owner, unless the vehicle is in such condition that identification numbers are not available to determine vehicle ownership. The Director, or their designee, shall post a copy of the Notice conspicuously upon or at the site of such vehicle or part.

H. Required Contents of Abatement Notice. The notice shall contain a statement of the hearing rights of the property owner and of the vehicle owner in accordance with Section I below. Such statement shall include notice to the property owner that they may either appear in person at a hearing or submit a sworn written statement denying responsibility for the presence of the vehicle or part thereof on their land, with the reasons for such denial, in lieu of appearing. The notice shall specify the address of the real property where such vehicle or part is situated, a description identifying such vehicle or part and the condition thereof found to constitute a public nuisance, the Section(s) of this Code found to have been violated, and state that either voluntary abatement thereof or request for hearing must be made by the property owner or vehicle owner, in the manner prescribed below, within ten (10) days from the date of such Notice, and that the failure to so request such a hearing shall constitute waiver of the right thereof. Such notice shall specify that if the abatement is made by the County, costs may be assessed against the property owner in accordance with Cal. Gov't Code § 25850 - 22856, in the case of an abandoned vehicle, against the last registered owner of record in accordance with Cal. Veh. Code § 22524.

I. Exceptions of Requirement of Abatement Notice. A notice pursuant to this Section shall not be required to issue if:

1. The property owner and vehicle owner have each signed releases authorizing removal and waiving further interest in the vehicle or part thereof; or
2. The vehicle or part is:
 - a. Inoperable due to the absence of a motor, transmission or wheels; and
 - b. Is incapable of being towed; and
 - c. Is valued at less than \$200.00 by a person specified in Cal. Veh. Code § 22855; and

- d. Is determined by the Director, or their designee, to be a public nuisance presenting an immediate threat to public health or safety; and
- e. Is located on a parcel that is either zoned for agricultural use or not improved with a residential structure containing one or more dwelling units; and
- f. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part.

J. Hearing Rights. Either within ten (10) days after the date of the Notice of Intention prescribed by this Code is mailed or at the time of signing a release pursuant to Section “I” above the property owner and/or the vehicle owner may request that a public hearing be held prior to removal of the vehicle or part thereof by the County. Such request shall be made in writing at the Nevada County Planning Department and, if mailed, shall be deemed timely if postmarked no later than the tenth (10th) day following the date such Notice of Intention was mailed.

If the property owner submits a sworn written statement pursuant to Section 5.20.H denying responsibility for the presence of the vehicle or part on their land within the ten (10) day period prescribed by this Section, such statement shall be construed a request for hearing which does not require the presence of the property owner. In all other cases, if no request for hearing is received by the Planning Department within the time prescribed by this Section, the Director shall cause the vehicle or part to be removed and disposed of in the manner authorized by this Section.

K. Public Hearings, Notice. Whenever a hearing is requested in accordance with this Chapter, a Notice of Hearing before the Zoning Administrator shall be issued. The Notice of Hearing shall specify the time, date, place, and purpose of the hearing and shall be served upon the requesting party either personally or by certified mail, return receipt requested, not less than five (5) calendar days prior to the hearing date.

L. Public Hearings, Procedure. Upon the date and at the time and place specified for hearing in the Notice of Hearing, the Zoning Administrator shall proceed to hear the testimony of County Staff, the requesting party, and any other competent persons about the condition of the vehicle or part constituting the subject of the hearing and any other relevant facts concerning the matter. The property owner may either appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on their land, with the reasons for such denial.

During the hearing the burden of proof shall rest with the County. It is the County’s burden to prove that the subject vehicle is a public nuisance presenting an immediate

threat to public health or safety. The provisions of the California Administrative Procedure Act, Cal. Gov't Code §§ 11500 - 11529 shall not be applicable to such hearings; nor shall formal rules of evidence in civil or criminal judicial proceedings be so applicable.

M. Public Hearings, Decision. Within seven (7) days following the date on which the hearing is closed, the Zoning Administrator shall issue a written decision which either affirms or reverses the determination made pursuant to a Determination of Public Nuisance as provided for above and which contains findings of fact and conclusions. If the Zoning Administrator affirms the Director's determination, such decision shall direct the property owner and/or vehicle owner to abate the nuisance within the time prescribed by this Section. Such decision shall give notice that if the nuisance is not abated, it may be abated by the Director of Planning, or their designee, in such manner deemed proper and that the expense thereof may be made a lien against the real property involved, in accordance with Cal. Gov't Code §§25850- 25856 or, in the case of an abandoned vehicle, that such expense may be recovered from the last registered owner of record thereof, pursuant to Cal. Veh. Code § 22524.

If the Zoning Administrator has found that the vehicle or part constituting the nuisance was placed upon the land without the consent of the property owner and the property owner has not subsequently acquiesced to its presence, the Director, or their designee, shall not assess such costs from the property owner. The decision affirming the Director's determination shall require that abatement of the nuisance by the property owner and/or vehicle owner be physically completed within five (5) days after service of such decision or, in the alternative, within such time as the Director, or their designee, shall determine to be reasonable under all of the circumstances.

Appeals of the decision of the Zoning Administrator shall be handled in a manner consistent with this Chapter.

If the decision of the Director is reversed, no further action is necessary on the part of the Director or the party requesting the hearing.

N. Vehicle Disposition. After a vehicle has been removed pursuant to this Section, such vehicle shall not be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Cal. Veh. Code § 5004.

O. Vehicle Disposition, By Director. The Director, or their designee, may dispose of a vehicle or parts thereof under this Section by removal thereof to a licensed scrapyard, automobile dismantler's yard, impound yard or other site authorized by Cal. Veh. Code § 22662.

P. Vehicle Disposition, Notice to Department of Motor Vehicles. Within five

(5) days following the date of removal of a vehicle or part thereof under this Section, notice of such removal shall be given to the Department of Motor Vehicles identifying the vehicle or part, together with any evidence of registration including, without limitation, the registration card, certificate of ownership, or license plate.

Q. Vehicle Disposition, Low-Valued Vehicle. Prior to final disposition of a vehicle described by Section “I” above, for which evidence of registration was recovered, the registered and legal owners of the vehicle shall be provided with written Notice of Intent to dispose of the vehicle or part from a site authorized by Cal. Veh. Code § 22662. Such Notice shall state that if the vehicle or part is not claimed and removed within twelve (12) days following the date such Notice is mailed, final disposition shall proceed.

R. Assessment of Costs against Real Property. Except as otherwise provided by this Section if the property owner fails to pay, upon demand, the costs of abatement incurred by the County in the enforcement and administration of this Section, such costs may be specially assessed against the real property, pursuant to Cal. Gov’t Code §§ 22850-22856. Such assessment shall be collected at the same time and in the same manner as are County ad valorem property taxes.

S. Recordation of Abatement Lien. In the case of any special assessment made pursuant to this Section, a Notice of Abatement Lien shall be recorded in the Office of the County Recorder. Such Notice shall identify the property owner or possessor of the property, thier last known address of record, the date upon which abatement was ordered by the Zoning Administrator, the date that the abatement was completed, a description of the real property subject to the lien, and the amount of the abatement costs.

T. Release of Abatement Lien. An abatement lien imposed under this Section may be released or subordinated in the same manner as provided by law for release or subordination of a judgment lien on real property.

U. Recovery of Costs, Abandoned Vehicles. Pursuant to Cal. Gov’t Code § 22524, costs incurred by the County for the removal and disposition of an abandoned vehicle shall be recoverable from the last registered owner thereof.

Section 12.05.210 Enforcement and Penalty for Violations

A. Citizen Complaints.

1. False Complaint. It shall be a misdemeanor to knowingly and maliciously make a false complaint to the Code Compliance Division.

B. Planning Director Duties. The Planning Director, or their authorized representative, are responsible for enforcement of the provisions of this Code pertaining

to the use of land and structures, unless responsibility specifically lies with the Departments of Building, Environmental Health, or Public Works. The Planning Director shall oversee a Code Compliance Division, which shall enforce the County Code, including those codes and standards adopted and incorporated into the County Codes, as well as relevant California Health and Safety Codes and California Vehicle Codes. The Division shall be known as the Code Compliance Division. Designated officers of the Division shall be known as Code Enforcement Officers.

C. Code Compliance Division Manager Duties. The Code Compliance Division Manager performs their duties under the supervision of the Planning Director. It shall be the duty of the Code Compliance Division Manager to supervise all investigation, enforcement and abatement activity by Officers of the Code Enforcement Division.

It shall be the duty of the Code Compliance Division Manager, under the supervision of the Planning Director, to enforce the provisions of the Code pertaining to the Departments within the Community Development Agency, including the supervision of all investigation, enforcement and abatement activities performed by Officers within the Code Enforcement Division. Pursuant to Cal. Penal Code § 836.5(a), Code Enforcement Officers are empowered to issue citations for violations of this Code. Enforcement activity includes, but is not limited to, investigating complaints of Code violations, issuing warnings of Code violations, monitoring corrective or abatement-related activities, issuing citations for criminal infraction or misdemeanor violations of this Code, issuing administrative citations, obtaining injunctive relief to remedy violations, and seeking authorization for nuisance abatement through administrative proceedings.

D. Law Enforcement Agencies' Duty. For the preservation of the public health, safety, and welfare, it shall be the duty of the law enforcement agencies of the County of Nevada to support and assist the Code Enforcement Division in enforcement activity under the provisions of this Code.

E. Administrative Hearing Boards and Hearing Officers. When an administrative hearing is required under this Section, the matter shall be assigned as follows:

1. Hazardous Waste. If the matter involves hazardous waste and is within the jurisdiction of the Certified Unified Program Agency [or "CUPA", a part of the State Unified Hazardous Waste and Hazardous Materials Management Regulatory Program; see Cal. Health & Safety Code §§ 25404 – 25404.9, the hearing officer shall be designated by the state Office of Administrative Hearings ["OAH"], under a county contract, pursuant to Cal. Gov't Code § 27727, unless there is a state contract in effect to ensure payment of services by OAH.

2. Building Standards. If the matter falls within the jurisdiction of the Building Standards Board of Appeals (BSBA), a hearing may proceed before the BSBA. The Building Official and BSBA may take jurisdiction of all or part of any hearing after conferring with the Code Compliance Division Manager.
3. Penalty Assessment by Administrative Citation. If the matter involves a hearing under Section governed by Administrative Enforcement of this Chapter, the matter may be referred for an Administrative Hearing. (Ord. 2491. (04/27/2021); Ord. 2533. (12/05/2023))

Section 12.05.220 Administrative Enforcement

A. PURPOSE, INTENT, AND AUTHORITY

The County of Nevada Board of Supervisors determines that the enforcement of this Code and any other ordinance of the County is an important public service and is vital to protecting the public. The Board of Supervisors further determines there is a need for alternative methods of code enforcement in addition to other enforcement options available. This Section is intended to promote the general health, safety, and welfare of the public and provide uniform, fair, and efficient code enforcement and administration. The Board of Supervisors intends this Section to apply to the enforcement of all Code Violations, except as otherwise provided for by this Code or by any other law, regulation, or ordinance.

This Section is enacted pursuant to Cal. Gov't Code § 53069.4 and is intended to be the primary procedure for the imposition, enforcement, collection, and administrative review of administrative civil penalties within the unincorporated area of the County of Nevada.

B. DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted to give them the meaning they have in common usage and to give this Section the most reasonable application.

1. ABATE or ABATEMENT shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a PUBLIC NUISANCE. ABATEMENT includes any and all steps taken by the County to correct a PUBLIC NUISANCE or CODE VIOLATION, including, but not limited to, investigation, correspondence, hearings, imposition of fines and penalties, acquisition of warrants, entry and physical correction of violations, and collection of any and all fines, penalties and/or costs of whatever kind or nature.

2. ADMINISTRATIVE COST(S) shall mean all costs incurred by or on behalf of the County regarding enforcement of this Code, from the first discovery of the violation of this Code through the appeal process and any court proceeding, and until compliance is achieved, including, but not limited to, staff time investigating the Code Violation, inspecting the property where the Code Violation occurred, acquisition of warrants, preparing investigative reports, sending notices of violations, administrative citations, and/or Abatement Orders, preparing for and attending any appeal or administrative hearing, collection of any and all fines, penalties, costs of abatement, and/or costs of whatever kind and nature, and attorneys' fees.
3. APPELLANT shall mean a Responsible Party who seeks an administrative hearing on a Notice of Violation, Abatement Order, administrative citation, and/or the imposition of administrative costs in the manner required by this Section.
4. CODE shall mean this Code or any other ordinance of the County, including any codes adopted by reference and any condition imposed upon issuing any permit, license, or other approval (e.g., subdivision map, use permit, variance, or zoning clearance) under this Code or any other ordinance of the County.
5. CODE VIOLATION(S) shall mean any violation of this CODE. CODE VIOLATION(S) shall also include any PUBLIC NUISANCE as determined by this Code.
6. ENFORCEMENT OFFICER shall mean the Community Development Agency Director, Code Compliance Program Manager, Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state, or federal laws.
7. HEARING BODY shall mean a hearing body designated by the Board of Supervisors to conduct administrative hearings.
8. NOTICE OF VIOLATION shall mean any notice, including, but not limited to, an Administrative Citation and an Abatement Order issued by an ENFORCEMENT OFFICER, that informs a Responsible Party that a Code Violation has occurred or is continuing to occur as defined in this Section.

9. PUBLIC NUISANCE shall mean:

- a. Any public nuisance heretofore or hereafter defined as a public nuisance by any ordinance of the County of Nevada, Section of any Nevada County Code, Section of any adopted uniform code, resolution of the Board of Supervisors, or by other law.
- b. Any condition of property which would materially hamper and interfere with the prevention or suppression of fire upon the premises, or which may be detrimental to the health, safety, and welfare of persons in the vicinity.

Exception: No agricultural activity, agricultural processing activity, operation, or facility or appurtenances thereof, as defined in Cal. Civ. Code § 3482.5, as may be amended, is subject to this Section.

10. RESPONSIBLE PARTY means any person or entity who causes, permits, maintains, conducts, or otherwise suffers or allows a Public Nuisance and/or a Code Violation, including but not limited to the property owner(s) or the occupant(s) if other than the owner(s), including any person or entity who causes a Public Nuisance and/or a Code Violation on property owned by another.

C. NOTICE OF VIOLATION AND/OR ABATEMENT ORDER

1. Whenever an Enforcement Officer reasonably determines that a Code Violation exists, the Enforcement Officer may issue a Notice of Violation and/or an Abatement Order to any Responsible Party. The Notice of Violation and/or Abatement Order shall include:
 - a. A description of the condition creating or constituting the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
 - b. The address and APN where the Code Violation exists;
 - c. The name(s) of the Responsible Part(ies), if known to the Enforcement Officer;
 - d. The date, and if applicable, time at which the Code Violation was observed;
 - e. If applicable, a list of any corrections to bring the property into compliance;

- f. A description of the procedure for requesting an administrative hearing to contest the Notice of Violation and/or Abatement Order;
 - g. A deadline by which to correct or Abate the Code Violation;
 - h. The date the Notice of Violation and/or Abatement Order is served; and
 - i. The signature of the Enforcement Officer issuing the Notice of Violation and/or Abatement Order.
- 2. Unless the Responsible Part(ies) abate the Code Violation(s) or seeks an appeal within the time prescribed in the Notice, the Code Violation may be abated at the Responsible Parties' expense abatement, including Administrative Costs. Abatement costs, including Administrative Costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.
- 3. All Responsible Parties shall be jointly and severally liable for all Administrative Costs incurred by the County.

D. SERVICE OF NOTICE

- 1. An Enforcement Officer may serve any notice described in this Section in one or more of the following ways:
 - a. Personal service on a Responsible Party;
 - b. First class mail, postage prepaid, to the Responsible Party's mailing address as shown on the County's last equalized property tax assessment rolls, if such address is available, or otherwise to the last known address of the Responsible Party and/or to any address which the Responsible Party has used in dealings with the County;
 - c. Alternative service: if the person being served agrees, service may be accomplished in any agreeable manner, including, but not limited to, fax, email, or overnight delivery; or
 - d. Any other method reasonably calculated to provide actual notice to the Responsible Party.

- e. The date of service shall be the date on which the notice is either personally served or mailed, or in the case of alternative service, the date the County initiates the delivery of the agreed method of service. For the purpose of this section, “mailed” means deposited for mailing with the United States Postal Service or placed for collection and mailing by way of the County Department’s ordinary business practices through which mail is collected and placed for mailing with the United States Postal Service, with postage prepaid.
- f. Proof of giving any notice may be made by the certificate of any Enforcement Officer or employee of the County or by affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

E. AUTHORITY TO INSPECT

Enforcement Officers may enter upon any property or premises within the County as allowed by law to ascertain whether the provisions of this Code are being obeyed, and to make any examination and surveys as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs. If an owner or occupant of property or his or her agent refuses to consent to entry and inspection, an Enforcement Officer may seek an administrative inspection warrant to enter the property or premises for any lawful purpose.

F. ABATEMENT BY COUNTY

1. If, at the end of the time allowed for compliance in an Abatement Order or Notice of Violation, or, in cases of appeal, as specified by the Hearing Body, compliance has not been accomplished, the Enforcement Officer issuing the notice, or the agency of which they are an officer, may pursue a lawful abatement. The Enforcement Officer may proceed with the abatement of the Code Violations(s) and provide that Abatement be carried out by public officers or by employees of the County of Nevada or by a private contractor selected by the County of Nevada in accordance with applicable statutes. The cost of such removal and enforcement accompanied by a reasonable administrative charge may be imposed as an assessment in the County tax roll.
2. The costs so assessed shall be limited to the actual costs incurred by the Enforcement Officer and the County in enforcing the violation and

abatement upon the subject parcel. Such costs may include, but are not limited to, the costs of all prior inspections, appeal hearings and other enforcement actions leading up to the abatement, payments to the contractor, costs of site inspection, costs of notice, boundary determination and measurement, costs for material disposal and all clerical, personnel, consultant, and other Administrative Costs.

G. NOTICE OF PENDING ADMINISTRATIVE ENFORCEMENT

An Enforcement Officer may record with the Nevada County Clerk-Recorder a notice against a property which is the subject of an administrative enforcement action to give notice to potential transferees of the property of Code Violations thereon. A notice of pending administrative action shall be on a form approved by an Enforcement Officer and shall describe the nature of the administrative action and refer to the Code provision governing the pending administrative action.

H. ADMINISTRATIVE CITATIONS

1. If a Responsible Party violates this Code or fails to correct a Code Violation described in a Notice of Violation and/or an Abatement Order, an Enforcement Officer may issue an administrative citation, which may impose administrative fines and/or penalties and Administrative Costs, to each and every Responsible Party who knew or reasonably should have known of that Code Violation.
2. Except as otherwise provided by law or any other ordinance of this County, an Enforcement Officer may issue an administrative citation without first issuing a Notice of Violation or an Abatement Order.

I. CONTENTS OF ADMINISTRATIVE CITATION

1. An administrative citation shall include the following:
 - a. A description of the condition creating the Code Violation(s) and the Code section(s) or other ordinance(s) violated;
 - b. The address and APN where the Code Violation occurs;
 - c. The name(s) of the Responsible Part(ies), if known, and any other involved persons;
 - d. The date and, if relevant, time at which the violation was observed;

- e. The amount and due date of the fine and/or penalty and Administrative Costs to be imposed, if any;
 - f. A description of the procedure to pay the fine and/or penalty and Administrative Costs;
 - g. A description of the procedure for requesting an administrative hearing to contest the administrative citation;
 - h. If applicable, a list of any corrections to bring the property into compliance including, but not limited to, an Abatement Order;
 - i. A deadline by which to correct or Abate the Code Violation(s);
 - j. A statement that any abatement costs, including Administrative Costs, may be made a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll;
 - k. The signature of the Enforcement Officer issuing the administrative citation;
 - l. The date the administrative citation was served;
 - m. Any other information deemed necessary for enforcement, imposition, or collection of the administrative fines and/or penalties and Administrative Costs.
2. All Responsible Parties shall be jointly and severally liable for all administrative fines and/or penalties and Administrative Costs incurred by the County.
 3. An Enforcement Officer may issue an administrative citation in conjunction with a Notice of Violation and/or an Abatement Order.
 4. Administrative fines and/or penalties shall continue to accrue until the Responsible Part(ies) notify the Enforcement Officer that the Code Violation has been abated.

J. ADMINISTRATIVE FINES AND PENALTIES

Any violation of a provision of this Code, any code it adopts by reference, or other applicable law, may be subject to an administrative fine and/or penalty and Administrative Costs pursuant to this Section. This also includes any violation of any

condition imposed upon the issuance of any permit, license, or other approval (e.g., subdivision map, use permit, variance, zoning clearance, etc.) pursuant to this Code.

1. Each and every Responsible Party regarding a Code Violation(s) is jointly and severally liable for all fines, penalties, and Administrative Costs imposed for the Code Violation(s).
2. A Code Violation that exists for more than one (1) day shall be considered a separate and distinct Code Violation for each and every day it exists. Each daily Code Violation may be subject to the maximum fine or penalty permitted under this Section.
3. An administrative citation may charge a Code Violation for one (1) or more days on which a Code Violation exists or existed and for violation of one (1) or more Code sections.
4. The administrative fines, Administrative Costs, and penalties prescribed in this Section are in addition to, and do not preclude imposition of, any other remedies, whether criminal, civil, or administrative, available to the County. Imposition of administrative fines or penalties shall be at the sole discretion of the Enforcement Officer.

K. AMOUNT OF ADMINISTRATIVE FINES AND PENALTIES

1. For Code Violations that would otherwise be an infraction, administrative fines shall not exceed those listed in Cal. Gov't Code § 25132(b), as that section may be amended from time to time.
2. For Code Violations of local building and safety codes, administrative fines shall not exceed those listed in Cal. Govt. Code 25132(c), as that section may be amended from time to time.
3. If the Code Violation pertains to building, plumbing, electrical, mechanical or other similar structural or zoning issues and does not pose an imminent or immediate threat of harm to persons or property, or to public health, welfare or safety, the Responsible Party shall be provided a Notice of Violation which shall provide not less than fifteen (15) days from the date of service of the Notice of Violation to Abate or otherwise correct the Code Violation(s) prior to the imposition of an administrative fine or penalty. The determination of timely compliance, Abatement, mitigation, or elimination of the Code Violation shall be made by the Enforcement Officer or other authorized County official.

4. Administrative fines and/or penalties not paid prior to their due date shall result in the imposition of a penalty and interest for every day of delinquency, as set forth by resolution of the Board of Supervisors.
5. Each Responsible Party may be charged with a separate offense for each and every day during any portion of which any Code Violation is committed, continued, or permitted by such Responsible Party.
6. Administrative penalties and Administrative Costs imposed pursuant to this Section shall also constitute a personal obligation on each Responsible Party. In the event the administrative penalties are imposed pursuant to this Section on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the County may prosecute a civil action through the Office of the County Counsel to collect any administrative penalty imposed pursuant to this Section.

L. PAYMENT OF FINES, PENALTIES, AND COSTS

1. Unless otherwise specified in an administrative citation, all fines, penalties, and Administrative Costs are due within twenty-one (21) calendar days of service of an administrative citation.
2. Payment shall be made to the County of Nevada at the Eric Rood Administrative Center, Code Compliance Division (Community Development Agency Counter) 950 Maidu Avenue, Nevada City, CA 95959, or to a collection agency if the fine and/or penalty has been assigned to a collection agency. Payment may be made by credit card, or by mailing the fine and/or penalty amount paid by personal check or cashier's check to the same address. Cash payments may only be made in person at the same address listed herein.
3. Payment of a fine or penalty pursuant to this Section shall not excuse or discharge any continued or repeated Code Violation.
4. Interest shall accrue on all amounts under this Section from the effective date of imposition of the administrative civil penalty to the date fully paid pursuant to the laws applicable to civil money judgments.

M. CONSIDERATION IN OTHER PROCEEDINGS AND APPLICATIONS

1. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may consider the

fact that a Responsible Party has been issued a Notice of Violation, Abatement Order, and/or administrative citation when determining whether to grant, suspend, revoke, or deny any permit, license, or other approval, regarding a matter related to the condition causing the Code Violation, and may consider such Notice of Violation, Abatement Order, and/or administrative citation to be evidence that the Responsible Party has committed acts that threaten the health, safety, and welfare of the general public.

2. The Board of Supervisors, the Planning Commission, and any other board or commission of the County, and County staff may impose a moratorium on issuing new, renewed, or revised permits, licenses, or other approvals on a parcel pending satisfactory resolution of a Notice of Violation, Abatement Order, and/or payment of an administrative citation regarding a Code Violation on the same subject parcel.

N. REQUEST FOR ADMINISTRATIVE HEARING

1. A Responsible Party to whom a Notice of Violation, Abatement Order, and/or an administrative citation is issued may request an administrative hearing within five (5) calendar days of service of the Notice of Violation, Abatement Order, and/or administrative citation.
2. A request for an administrative hearing shall be made in writing and filed with the Nevada County Clerk of the Board of Supervisors and shall state all grounds for appeal which the Appellant wishes the County to consider. The written request shall be accompanied by the County's appeal fee as may be approved by the Board of Supervisors from time to time.
3. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. Failure to timely request an administrative hearing in the manner required by this Section constitutes a waiver of the administrative hearing and a failure to exhaust administrative remedies. In the absence of a timely filed appeal by way of written request for a hearing that complies fully with the requirements of this Section, the findings and administrative civil penalties of the Enforcing Officer contained in the Notice to Abate shall become final and conclusive on the sixth (6th) calendar day following service of the Notice to Abate.
4. The hearing on the appeal shall occur not more than thirty (30) days after receipt of a timely appeal and shall provide written notice of the hearing

date and time to the appellant at least ten (10) days prior to the date of the hearing, unless such time limits are waived in writing by the Enforcement Officer and the appellant.

5. At the time of submitting the request for an administrative hearing, the Appellant requesting the administrative hearing shall pay an appeal fee as may be set from time to time by resolution of the Board of Supervisors. The County may waive or defer the appeal fee upon written request for good cause shown. Good cause may include severe economic hardship, significant attempts to comply with a Notice of Violation and/or Abatement Order, and other factors indicating good faith attempts to comply.
6. Unless otherwise required by the California Building Code, an adopted uniform code, or other provision of law, administrative hearings shall be conducted and heard by a Hearing Body.

O. ADMINISTRATIVE HEARING

1. The Board of Supervisors delegates the responsibility to conduct a hearing in conformance with this Section to a Hearing Body.
2. The administrative hearing shall be conducted by the Hearing Body on the date, time, and location specified in the notice of hearing transmitted to the Appellant. Notice(s) of violation, Abatement Order(s), administrative citation(s), and other reports prepared by an Enforcement Officer concerning a Code Violation(s) shall be accepted by the Hearing Body as prima facie evidence of the facts stated in such documents. The Hearing Body shall allow the Appellant an opportunity to testify at an administrative hearing and to present evidence about any Code Violation specified in the Notice of Violation, Abatement Order, and/or administrative citation. The Enforcement Officer or other representatives of the County may, but are not required to, attend the administrative hearing.
3. The Hearing Body may continue an administrative hearing from time to time and allow an Appellant additional time to remedy a Code Violation. In addition, the Hearing Body may request additional information or evidence from the Appellant.
4. An administrative hearing need not be conducted in accordance with the technical rules of evidence. Any relevant evidence may be admitted if it is evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might consider such admission improper in a civil or

criminal proceeding. Irrelevant or unduly repetitious evidence may be excluded at the discretion of the hearing body.

5. After considering all testimony and evidence submitted at the administrative hearing, the Hearing Body shall issue a written decision, or take the matter under submission and issue a written decision within ten (10) days of the hearing, and shall affirm, modify or dismiss the notice(s) of violation, Abatement Order(s), and/or administrative citation(s), and shall determine whether or not the County is entitled to reimbursement for Administrative Costs, including costs of the Hearing Officer's services. The decision shall include the Hearing Body's findings, as well as information regarding the Appellant's right to seek judicial review of the decision and the time in which to do so. The Clerk of the Board of Supervisors shall serve the Appellant and Enforcement Officer with a copy of the Hearing Body's written decision (the "notice of decision"). The decision of the Hearing Body shall be final. If the Hearing Body determines that the notice(s) of violation, Abatement Order(s), and/or administrative citation(s) should be dismissed, the County will refund the Appellant's appeal fee in full.
6. Payment of any administrative penalty and/or costs imposed by the Hearing Body shall be made to the County within twenty (20) calendar days of service the Hearing Body's decision, unless timely appealed to the Superior Court in accordance with Cal. Gov't Code § 53069.4(b).

P. JUDICIAL REVIEW

Any party to an administrative hearing may seek judicial review of a Hearing Body's decision by filing a petition for review with the Superior Court, pursuant to Cal. Gov't Code § 53069.4, within twenty (20) days after service of the notice of decision. For purposes of this subsection, "service" means personal service or deposit in the mail, first-class, postage prepaid, and return receipt requested to the last known address of the Appellant and/or to any address which the Appellant has used in dealings with the County. Pursuant to Cal. Civ. Proc. Code § 1013, if the County serves a Hearing Body decision by mail, the time to file a petition for review in Superior Court shall be extended by five (5) calendar days. Service shall be deemed completed on the date the notice of decision is postmarked.

Q. COLLECTION OF COSTS AND PENALTIES

1. The County may pursue any and all legal and equitable remedies for the collection of fines, interest, Administrative Costs, and attorney's fees incurred. Resort to any one remedy shall not foreclose subsequent or

simultaneous resort to any other.

2. The County may seek to enforce any notion of violation, abatement order, administrative citation, fine, penalty, interest, administrative costs, and attorney's fees by confirmation from a court of competent jurisdiction. Any of such judicially confirmed may be enforced through all normal enforcement measures, including without limitation, criminal contempt proceedings upon a subsequent violation of such order.

3. Administrative costs may be recorded as a lien or special assessment against a property on which a code violation occurred. Prior to recording a lien or special assessment, the County shall prepare a cost report itemizing the amount owed by the responsible party and give known responsible party reasonable opportunity to be heard with respect to that cost report. The time and place where the Enforcement Officer will submit the account to the Hearing Body for confirmation shall be no less than fifteen (15) days after service of the cost report. The County shall comply with any other law applicable to the recording of any delinquent costs and interest as a lien on the property, or as a special assessment.

4. The notice of violation, abatement order, and administrative citation procedures described in this Section do not preclude the County from recovering any code violation abatement costs and/or administrative costs incurred by the County in performing its code enforcement efforts.

5. A prevailing party shall be entitled to recover attorney's fees in an amount not to exceed the amount of attorney's fees incurred by the County in such action. Recovery by the County of administrative costs shall be in addition to any fine or penalty imposed on the responsible party.

R. HEARING ON ACCOUNT AND PROPOSED LIEN

At the time and place fixed in the notice, the Hearing Body will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hearing Body may make such modifications and revisions of the proposed account and assessment as deemed just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised, and shall issue a written recommendation regarding the proposed lien to the Board of Supervisors. The Board of Supervisors may summarily adopt the recommendation of the Hearing Body without further notice of hearing or may set the matter for a de novo hearing in accordance with Cal. Gov't Code § 25845(h). The determination of the Board of Supervisors as to all matters contained therein shall be final and conclusive.

S. NOTICE OF LIEN; RECORDATION OF LIEN; COLLECTION OF LIEN

1. Upon confirmation of an assessment by the Board of Supervisors, Code Compliance shall notify the affected Parcel owners by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board of Supervisors, and advise them that they may pay the account in full within thirty (30) days in order to avoid the lien being recorded against the parcel(s). If the lien amount is not paid by the date stated in the letter, Code Compliance shall prepare and have recorded a Notice of Lien with the Nevada County Clerk- Recorder's office.

2. The Notice of Lien shall contain:

- a. A legal description, address and/or other description sufficient to identify the Parcel(s) to be liened.
- b. A description of the proceeding under which the special assessment was made, including the order of the Board of Supervisors under this code confirming the assessment.
- c. The amount of the assessment.
- d. A claim of lien upon the described Parcel(s).

3. Upon the recordation of a Notice of Lien, the amount claimed shall constitute a lien upon the described Parcel(s), pursuant to Cal. Gov't Code § 25845. Such lien shall be at parity with the liens of state and county taxes, to the extent allowed by applicable law.

4. The Board of Supervisors may authorize the Auditor-Controller to place the amount of the assessment on the next annual tax roll.

5. The amount set forth shall be subject to the same penalties and interest as ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes are hereby made applicable to such assessment to the extent allowed by applicable law.

6. The County may pursue any and all legal and equitable remedies for the collection of fines and/or penalties, interest, Administrative Costs, and attorney's fees incurred. Resort to any one remedy shall not foreclose subsequent or simultaneous resort to any other. (Ord. 2510. (06/28/2022); Ord. 2491. (04/27/2021); Ord. 2510. (06/28/2022); Ord. 2533. (12/05/2023))

CHAPTER 6: DEFINITIONS

Section:

Section 12.6.1 Definitions

Section 12.06.010 Definitions

-A-

ABANDONED VEHICLE - A vehicle or part thereof over which the vehicle owner has ceased to assert or exercise any interest, right or title therein without intent to resume or reassert such interest, right or title.

ACCESS OR ACCESS WAY - The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Chapter.

AGRICULTURAL OPERATION - Is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pits operations.

AIRPORT or AIRSTRIP - An area of land, whether public or private, used or intended to be used for the landing and takeoff of aircraft and which may include structures and facilities for the loading or unloading of cargo, passengers, fuel or related activities.

AIRPORT ELEVATION/FIELD ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.

AIRPORT LAND USE COMMISSION (ALUC) - The State-authorized body having the responsibility to develop plans for achieving land use compatibility between airports and their environs. For the Nevada County Airpark and the Truckee-Tahoe Airport, the ALUC is the Foothill Airport Land Use Commission.

ALCOHOLISM AND DRUG ABUSE RECOVERY OR TREATMENT

FACILITIES - Any supervised facility, place, or structure which provides 24-hour residential non-medical services in a group setting to adults, licensed and regulated by the State of California.

ALTERATION - Any change or modification to a structure, architectural details or visual characteristics, such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and

landscape accessories, which affect the visual qualities or use of property.

APARTMENT - A room or suite of two (2) or more rooms occupied or suitable for occupancy as a residence for one (1) family and included as an independent unit in a structure or development containing two (2) or more of such units.

AREA PLAN - A specialized policy document that addresses a particular region or community within the overall planning area and is a part of a General Plan. An Area Plan refines the policies of a General Plan as they apply to a smaller area and is implemented by local ordinance such as those regulating land use and subdivision.

AUDITORIUM - A building or portion thereof used for public gatherings, including but not limited to sports, musical, or cultural events.

AUTO REPAIR - A business engaged in the repair and maintenance, including tire sales and service, of motor vehicles and trailers.

-B-

BASEMENT - A story partially or wholly underground and not having more than three (3') feet of its height above the adjoining grade at any point.

BAR - An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises; may also include entertainment and sale and consumption of food on the premises; also includes cocktail lounges and taverns.

BIOMASS FUEL PRODUCTION - A facility that produces energy through the burning of organic material.

BOARD OF SUPERVISORS or "BOARD" - Means the Board of Supervisors of the County of Nevada.

BOARDING HOUSE - An owner-occupied single-family residence where lodging and meals are provided for compensation for no more than five (5) persons.

BREEZEWAY - A roofed passageway, the design and construction of which is in keeping with that of the main and attached accessory structure, which provides direct access between a main and accessory structure, complying with all requirements of attached accessory structures.

BUILDING - Any permanent structure built or maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The word "structure" as

used in this Chapter includes the word “building.”

BUILDING ACCESSORY - A structure or a portion of a structure, either attached or detached, which is subordinate to, and the use of which is incidental to, that of the main structure or use on the same premises.

BUILDING, MAIN - A structure within which is conducted the principal use permitted on the premises as provided by this Chapter.

BUILDING SUPPLY SALES AND STORAGE - Retail establishments selling lumber and other building materials, including electrical, plumbing and hardware supplies, paint, nursery stock, lawn and garden supplies, and similar items.

BUSINESS - See Commercial.

-C-

CAMPGROUNDS - Facilities to accommodate two or more camping parties for a period of less than thirty (30) days. This definition includes but is not limited to facilities for tents, cabins, recreational vehicles, truck campers, tent trailers, and motor homes. See Section governing Zoning Regulations, Specific Land Uses, “Campgrounds and Camps, Low-Intensity” for a definition of low-intensity campgrounds.

CAMPS - Facilities providing for a sustained experience through various social, recreational, educational, and/or religious opportunities in a group setting, for a period of less than thirty (30) days. They normally include trained leadership, organized programs, and the resources of the natural surroundings to provide for this experience. Individual facilities may include cabins, tent sites, recreational vehicles, sleeping platforms, group eating and meeting facilities, lodges, various indoor and outdoor recreational facilities, and similar facilities. See Section governing Zoning Regulations, Specific Land Uses, “Campgrounds and Camps, Low-Intensity” for a definition and standards for low-intensity camps.

CARPORT - A roofed structure, or a portion of a structure, open on two or more sides primarily for the parking of automobiles belonging to the occupants of the property.

CEMETERY - Any one, or a combination of more than one, of the following in a place used, or intended to be used, and dedicated for burial purposes: a burial park for earth interments, a mausoleum for crypt or vault interments and a crematory or a crematory and columbarium for cinerary interments.

CLUSTERING - Development in which structures are placed in closer proximity than usual or where provisions are made for variations in parcel size or configuration

regardless of the minimum parcel size allowed by the zoning district, thus retaining in permanent open space those areas with sensitive environmental features or constraints.

COMMERCIAL - The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for livelihood or profit including shops for the sale of personal services, (including professional services) and places where commodities or services are sold or are offered for sale either by direct handling of merchandise or by agreements to furnish them.

COMMERCIAL, STRIP - Commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. It normally includes individual structures on their own parcels, with or without on-site parking, and small linear shopping centers with shallow on-site parking in front of the stores.

COMMERCIAL USES, TEMPORARY - See Temporary Commercial Uses.

COMMUNITY CARE FACILITY - Any facility, place, or structure which is State licensed, and maintained and operated to provide non-medical residential care, day treatment, adult Daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, excluding Daycare centers, small family Daycare homes and large family Daycare homes but including residential care facilities and social rehabilitation facilities.

COMMUNITY PLAN - Authorized by Cal. Pub. Res. Code § 21083, is a specialized policy document that addresses a defined geographic portion of the total area included in the General Plan and is part of the Plan. A Community Plan refines the policies of a General Plan as they apply to a smaller area and is implemented by local ordinance such as those regulating land use and subdivision. It must include or reference all of the General Plan's mandated elements and must contain specific development policies and identify measures that implement the policies.

CONSTRUCTION - The placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be construction or where demolishing or removal of an existing structure has begun preparatory to rebuilding, such demolition or removal shall be deemed to be construction, providing in all cases that construction work be diligently carried on until the completion of the structure involved.

CONTRACTOR'S EQUIPMENT YARD -

CONVALESCENT HOME - A facility licensed by the State Department of Health Services providing skilled nursing care and supportive service to patients whose primary

need is for availability of skilled nursing care on an extended basis. Such facilities normally offer twenty-four (24) hour care and include medical, nursing, dietary, pharmaceutical, and activity services.

COUNTRY CLUB - A club organized and operated primarily for social and outdoor recreation. Includes incidental accessory uses and structures.

-D-

DAYCARE CENTER - Resident or non-resident based daycare services for over fourteen (14) children including the resident children, under the age of ten (10) years, if located within a residence, or as provided for in Cal. Health & Safety Code § 1596.76.

DAYCARE, LARGE FAMILY - Where resident child daycare services are provided in the home for seven (7) or more children, including the resident children, under the age of ten (10) years, or as provided for in Cal. Health & Safety Code §1596.78.

DAYCARE, SMALL FAMILY - Where resident child daycare services are provided in the home for six (6) or fewer children, including the resident children, under the age of ten (10) years, or as provided for in Cal. Health & Safety Code § 1596.78(c).

DEVELOPMENT - The physical extension and/or construction of urban land uses. Development activities include the subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (except for agricultural activities). Routine repair and maintenance activities are exempted.

DISABLED INDEPENDENT LIVING CENTER - A multiple-family residential development that provides for occupants who are disabled and their families. Such center may consist of, but is not limited to, individual apartment units, community dining centers, and common indoor and/or outdoor recreation facilities. All facilities shall be physically accessible to the disabled citizens they are intended to serve.

DISMANTLED VEHICLE - A vehicle which has been taken apart, or to pieces, and/or stripped, or otherwise deprived of its integral parts or equipment.

DWELLING - A structure or portion thereof designed and used for long-term residential occupancy, including single-family, multiple-family, and dwelling groups.

DWELLING, ACCESSORY has the same meanings as defined by Cal. Gov't Code § 65852.2.

DWELLING, GROUP - A combination or arrangement of primary dwellings, including single-family and multiple-family dwellings and community trust and co- housing, whether attached or not, on one building site, but which does not mean employee housing as regulated by this Chapter.

DWELLING, JUNIOR ACCESSORY has the same meanings as defined by Cal. Gov't Code § 65852.22.

DWELLING, MULTIPLE-FAMILY - A structure containing two (2) or more kitchens, provided that one of the units is not an accessory or junior accessory dwelling unit, designed or used for the occupancy of two (2) or more families living independently of each other. See Section governing Zoning, Specific Land Uses, Residential Dwellings, Multi-Family.

DWELLING, SINGLE-FAMILY – A structure containing not more than one (1) kitchen, designed or used for the occupancy of one family, and may include Accessory and Junior Accessory Dwellings.

DWELLING UNIT, ACCESSORY – Accessory Dwelling Units (ADUs) have the same meanings as defined in the California Government Code.

DWELLING UNIT, JUNIOR ACCESSORY – Junior Accessory Dwelling Units (JADUs) have the same meanings as defined in the California Government Code.

-E-

EASEMENT - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property and which may be for use on, under or above said lot or lots.

EMERGENCY SHELTER HOUSING - Any residential facility which provides emergency housing for families or individuals who are in need of protection from threatening environments. And which is operated by, or under contract to, a governmental entity, non-profit organization, or church, and has 24-hour oversight and counseling service available.

EQUIPMENT RENTAL AND LEASING FACILITIES - Commercial facilities for the leasing and renting of a wide variety of equipment for the homeowner and contractor, including equipment associated with construction, repair, moving, towing, trenching, cleaning, painting, lawn and garden management, and similar activities.

EQUIPMENT STORAGE BUILDING - An accessory structure necessary to house equipment related directly to an allowed use.

ERECT - To build, construct, attach, hang, place, suspend or fix.

EXTERIOR ARCHITECTURAL FEATURE - The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

-F-

FAMILY - One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

FARMING - The cultivation, growing, harvesting, packing, processing, raising, selling, and storing of agricultural products. Typical farming operations include, but are not limited to, animal husbandry, apiculture, aquaculture, crop and tree farming, and viticulture.

FEEDLOT - Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FEED STORE - A retail store established primarily for the sale of food for farm and domestic animals and farm supplies in which the entire conduct of the business, with the exception of hay and straw storage, must be confined to the inside of a structure.

FITNESS CENTER - A facility providing primarily indoor fitness activities, programs, and equipment for personal use. Such facilities may include exercise rooms, weight rooms, racquetball courts, swimming pools, spas, locker rooms and showers, and similar facilities.

FLEA MARKETS (or Swap Meets) - Outdoor areas where new or used goods or Secondhand personal property are offered for sale or exchange to the general public by a multitude of vendors, and where a fee may be charged to vendors for the privilege of displaying such merchandise, or as amended by Cal. Bus. & Prof. Code § 21661 and Cal. Rev. & Tax. Code § 6073.

FOREST MANAGEMENT - The application of business method and forestry principles to the operation of a forest property for the purpose of maintaining forest resources and producing a continuous supply of forest products. Forest management practices include, but are not limited to, site preparation, planting, harvesting, road construction, insect and disease control, inventory and fire protection.

FUNERAL HOME - A structure used for funeral services, including facilities for embalming, the performance of autopsies, preparation of the dead for burial, cremation, and related facilities.

-G-

GARAGE, PRIVATE (or carport) - A detached or attached accessory structure on the same parcel as a dwelling used for the housing of vehicles of the occupants of the main structure.

GARAGE, PUBLIC OR COMMERCIAL - A structure or portion thereof other than a private garage designed or used for equipping, servicing, repairing or storing motor-driven vehicles.

GREENHOUSE, COMMERCIAL - A structure including a lathhouse which is devoted to the propagation, protection or cultivation of flowers or other plants, for the purpose of wholesale or retail plant sales.

GREENHOUSE, PRIVATE - A structure including a lathhouse which is devoted to the propagation, protection or cultivation of flowers or other plants, and which is devoted to personal use of the owner or occupant of the property.

-H-

HAZARDOUS WASTE MANAGEMENT FACILITY - A facility for the systematic control of the storage, transportation, processing treatment, collection, source separation, recovery and disposal of hazardous wastes. May include administrative, financial, legal and planning activities as well as operational aspects of hazardous waste handling, disposal and resource recovery systems.

HELIPORT - A landing and takeoff place for helicopters.

HIGHWAY - A major or secondary highway or any arterial delineated on the General Plan or Circulation Element, publicly owned and maintained.

HOME BUSINESS - A commercial activity conducted by the occupants of a particular dwelling on property zoned for residential use, in a manner incidental to residential occupancy.

HOSPITAL - A facility licensed by the State Department of Public Health Services, providing 24-hour a day inpatient care including medical, surgical, nursing, emergency and dietary services. Also provides for Intermediate Care, Skilled Nursing, and acute care facilities as defined by the California Code of Regulations.

HOTEL - Any structure with access provided through a common entrance, lobby, or hallway to six (6) or more guestrooms, having no cooking facilities, with rooms designed, intended, or used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

-I-

IMPLEMENT OF HUSBANDRY - A vehicle which is used exclusively in the conduct of agricultural operations and is not primarily designed for the transportation of persons or property on a highway.

IMPROVEMENT - Any structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

INDUSTRIAL - The manufacturing, production, processing, assembly, warehousing, distribution and servicing of products and materials.

INDUSTRIAL HEMP – INDUSTRIAL HEMP or HEMP, means an agricultural product whether growing or not, that is limited to types of the plant *Cannabis sativa* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than three-tenths (0.3%) percent on a dry weight basis.

INOPERATIVE VEHICLE - A vehicle which is physically incapable of working, functioning, or otherwise operating to produce its designed effect.

INTERMEDIATE CARE FACILITIES - Residential facilities providing primarily short-term in-patient nursing and health-related care as a principal use (see also Hospital).

-J-

None listed.

-K-

KENNEL, COMMERCIAL - Any shelter maintained for the purpose of boarding dogs and/or cats for a fee, or any shelter 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 any shelter that advertises as a kennel in any magazine, newspaper, or other public media.

KENNEL, PRIVATE - Any shelter where dogs and/or cats are kept, harbored or maintained as a hobby for the use and enjoyment of the occupant for non-commercial purposes.

KITCHEN - A room or area intended or designed to be used, or which is used, for the preparation or cooking of food which may include any appliances or other facilities designated/used for the preparation or preservation of food, including but not limited to gas or electric ranges, ovens or stovetops, microwave ovens, refrigerators or freezers of more than five (5) cubic feet capacity, or kitchen-type cabinetry and adjacent counters designed for the accommodation of the above appliances. Does not include wet bars located within a single room, e.g. family room, game room, den, photographic darkrooms, art/crafts studios, home office coffee making areas, laundry rooms or specialized home canning/preserving facilities.

-L-

LAKE - Any body of water with area in excess of one surface acre.

LANDMARK - Any individual structure or other feature, or group of structures and features on a single site, of special aesthetic, cultural, archaeological, architectural, engineering, paleontological, or environmental interest or value of an historical nature which has been so designated by the Board of Supervisors.

LEGAL DESCRIPTION - The method by which the outer boundaries of a building site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

LODGE - A meeting place for organized groups that may include cooking and sleeping facilities for members and their guests.

LOT LINE ADJUSTMENT - See Boundary Line Adjustment

LOWER INCOME HOUSEHOLD - Households whose income does not exceed the low income limits applicable to the County of Nevada, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Safety Code § 50079.5.

LUMBERYARD - Wholesale or retail establishment selling lumber and other large building materials to the general public and/or contractors, where large amounts of storage are needed. May include the sale of incidental building supplies.

-M-

MEDICAL CLINICS, NON-PROFIT - Non-profit facilities primarily engaged in furnishing outpatient medical, mental health, surgical, and other personal health services, but which are separate from hospitals, including, but not limited to, health management organizations, medical and dental laboratories, medical, dental, and psychiatric offices, out-patient care facilities, and allied health services.

MEDICAL MARIJUANA DISPENSARY - Any location, interior or exterior, structure, facility or vehicle, whether fixed or mobile, utilized in full or in part, as a place at or in which marijuana for medical purposes, as such is identified in Cal.

Health & Safety Code § 11362.5(b)(1)(A), is located, stored, placed, processed, distributed, and made available, sold, traded, exchanged or bartered for in any way, with or without consideration. For purposes of this definition, “distributed” includes the transportation of medical marijuana. A “medical marijuana dispensary” shall not include the following uses, provided that such uses comply with this Chapter and all other applicable provisions of the County Code and all other applicable laws, including but not limited to Cal. Health & Safety Code §§ 11362.5 – 11362.9: a clinic licensed pursuant to Cal. Health & Safety Code §§ 1200 – 1245; a health facility licensed pursuant to Cal. Health & Safety Code §§ 1250 – 1339.59; a residential care facility for persons with chronic life threatening illnesses licensed pursuant to Cal. Health & Safety Code §§ 1568.15 – 1568.17; a residential care facility for the elderly licensed pursuant to Cal. Health & Safety Code §§ 1569 – 1569.889 Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Cal. Health & Safety Code §§ 1725- 1742.

MOBILEHOME - See Cal. Health & Safety Code § 18008.

MOBILEHOME PARK - See Cal. Health & Safety Code § 18214. **MORTUARY** - A place where bodies are kept prior to burial or cremation.

MOTEL - One or more structures containing guest rooms and facilities for temporary or transient sleeping accommodations.

MOTOR VEHICLE - A self-propelled device by which any person or property may be moved or drawn upon a highway.

MOVIE THEATER, DRIVE-IN - An open parcel or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

MUSEUM - An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

NAVIGABLE WATERS - Those parts of streams or other bodies of water, which, either in their natural or improved condition, are designated by State statute as navigable or are navigable, in fact, by small-craft recreational boats or pleasure craft during part of a year of normal flows, notwithstanding interruptions between the navigable parts of such streams or waters by falls, shallows, or rapids compelling land carriage. Free public passage over such waters up to the ordinary high-water mark is guaranteed under the California Constitution and they are to be kept free of obstructions.

NON-DISTURBANCE BUFFER - An area set aside to be retained in its natural or undisturbed state.

NURSERY, PLANT - A facility for propagation and sale of horticultural or ornamental plant materials and related products, including:

NURSERY, RETAIL - A nursery offering products primarily to the general public, including the sale of items related to the nursery business. Such items may include, but are not limited to, the sale and storage of insecticides, herbicides, irrigation supplies and fertilizers. NURSERY, RETAIL does not include Industrial Hemp.

NURSERY, WHOLESALE - A nursery that offers products raised on the same site primarily for resale by other businesses. NURSERY, WHOLESALE does not include Industrial Hemp.

-O-

OCCUPANCY - The purpose for which a structure is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

-P-

PARCEL - A separate area of real property:

- A. Shown on a recorded subdivision or plat map required by the State Subdivision Map Act to be recorded before sale of parcels shown on the map or plat, or
- B. That has been issued a certificate of compliance pursuant to California Government Code provisions, or
- C. Resulting from a separate conveyance or from a decree of a court of competent jurisdiction that was either recorded before the requirement of the recordation of a subdivision map by the Subdivision Map Act or was exempt therefrom.

PARCEL, CORNER - A parcel at the junction of two (2) or more intersecting streets with a parcel line thereof abutting on each of the streets.

PARCEL, CUL-DE-SAC - A trapezoidal or wedge-shaped parcel wherein the minimum parcel width shall be measured at the setback line.

PARCEL, DEPTH - The average distance between the front and rear parcel line measured in the mean direction of the side lines of the parcel.

PARCEL, FLAGPOLE - A building site with access to a street by means of a corridor or access way.

PARCEL, INTERIOR - A parcel which is not a corner parcel.

PARCEL, KEY - Any parcel where the side parcel line abuts the rear parcel line of one or more other parcels and not separated by an alley.

PARCEL LINE - Any line bounding a parcel as herein defined. PARCEL LINE ADJUSTMENT - See Boundary Line Adjustment.

PARCEL LINE, FRONT - The parcel line abutting or receiving access from a road. On a corner parcel, it shall mean the shorter line abutting the road (except in commercial and industrial districts, in which case the longer line abutting the road shall be considered the front parcel line). On a through parcel or a parcel with three (3) or more sides abutting a road, the Planning Director shall determine which line is the front parcel line.

PARCEL LINE, REAR - The parcel line opposite and most distant from the front parcel line. In the case of triangular or irregular shaped parcels, a line a minimum of ten (10') feet in length within the parcel, parallel to and at the maximum distance from the front line.

PARCEL LINE, SIDE - Any parcel line that is not a front or rear parcel line.

PARCEL OF RECORD - A parcel with a legal description recorded in the office of the County Recorder of the County of Nevada.

PARCEL, THROUGH - A parcel having frontage on two (2) parallel or approximately parallel streets.

PARCEL WIDTH - The average horizontal distance measured between the side lines of the parcel.

PARKS AND PLAYGROUNDS - Public and private parks, playgrounds, play lots, athletic fields, tennis courts, restrooms, and similar facilities.

PERMIT - Includes Use Permit, Administrative and Zoning Administrator Development Permit, variance, building permit and any other action authorizing construction or use of land within this Chapter.

PERSON - An individual, firm, co-partnership, joint venture, association, social club, service organization, corporation, estate, trust, receiver, syndicate, the Federal or State Government, city, county, special district or any other group or combination acting as an entity, excepting therefrom the County of Nevada.

PERSONAL MINI STORAGE BUILDINGS - A group of structures, frequently with some accessory outdoor vehicle/boat storage, containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces for the benefit of residential or small business users in which are kept household items, business records, vehicles, recreational equipment, etc.

PLANNING AGENCY - Pursuant to the Nevada County Code governing Administration, includes, but is not limited to, the Nevada County Planning Commission, the Zoning Administrator, and the Planning Department.

PLANNING COMMISSION - As provided in the Nevada County , a five-member (5) body of the Nevada County Planning Agency, who shall have jurisdiction over and shall review and consider and approve or disapprove projects as provided in Zoning, Administration and Enforcement in the County of Nevada codes.

PLANNING DIRECTOR - The Nevada County Planning Director. **PLANT NURSERY** - See Nursery, Plant.

POND - A body of standing water less than one (1) surface acre in size.

POWER PLANTS - An electric power plant, constructed by other than a local agency as defined in Cal. Gov't Code § 53090, in which generators are driven to produce electrical power for the developer's own use or for sale into the utility grid of a public or private utility. See Section governing Zoning, Specific Land Uses, Public Utility Uses and Structures.

POWER PLANTS, PRIVATE, NON-COMMERCIAL, BIO-MASS, CO-GENERATION, AND SMALL HYDROELECTRIC - See Power Plants.

PRESERVATION - The identification, study, protection, restoration, rehabilitation or enhancement of cultural and biological resources.

PRIVATE - Belonging to or restricted for the use or enjoyment of particular persons or organizations.

PROCESSING, MINERAL - The washing, screening, grading, separating or crushing of mineral material. It shall not include such uses as batch or mix plants or other uses that require material not found on the site that combine with the site material to produce a new product.

PROFESSIONAL OFFICE - The office of a person engaged in any occupation, vocation, or calling, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

PROPERTY OWNER - The owner of the land shown on the last equalized assessment roll of the County.

PUBLIC USES (INCLUDING QUASI-PUBLIC USES) - Public service uses carried out by an agency of Federal, State or local government, including special districts or other local agencies, and uses conducted by private entities under contract, agreement or franchise with a governmental agency, if the use is a service normally provided by the agency entering into a contract or agreement.

-Q-

None listed.

-R-

RECREATION, LOW-INTENSITY - Those types of recreational uses found to be potentially compatible in residential and/or rural districts, including low-intensity campgrounds, low-intensity camps, parks, and playgrounds.

RECREATIONAL VEHICLE, QUALIFIED - A Recreational Vehicle that meets all of the following minimum construction standards:

A. Either:

1. Manufactured after 1974 and before 1999 in compliance with the 1974 ANSI 119.2 standard or better as provided for herein and with requirements of the State Department of Housing and Community Development (HCD) and bearing its certification sticker, or;
2. Manufactured after 1998 in compliance with the 1998 Edition of the ANSI standard A119.5 for park trailers, and the 1996 Edition of the ANSI standard A119.2 for all other recreational vehicles or better and bearing a label or insignia

indicating the manufacture's compliance to the appropriate ANSI standard.

- B. Certified, to the satisfaction of the Building Department, to meet the snow load requirements of Title 25 of the California Code of Regulations, Chapter 3, 208.305(c)(3)(1) and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed (or placed under an approved protecting ramada if the recreational vehicle does not itself meet the required minimum load standards);
- C. Contain a minimum of 320 square feet of internal living area;
- D. Set up in compliance with no less than the manufacturer's minimum specifications or engineer's certification, with provisions for attachment of not less than six (6) ground anchors to the chassis being provided unless other methods are determined necessary for safety by the Building Official (when over-the-roof ties are provided, strapping shall conform to Federal Specification QQS 781-H); and
- E. Manufactured or modified with HCD or HUD approval to meet the fire safety requirements of ANSI A119.5 Standard for Park Trailers Sections 3-2.3, 3-2.4 and 3- 4 (including 3-4.1, 3-4.2, 3-4.3 and 3-4.4).

RECREATIONAL VEHICLE PARK - Any area used to accommodate two (2) or more camping parties utilizing recreational vehicles or tents for a period of less than thirty (30) days.

RECYCLING CENTER - A facility for the collection and/or processing of recyclable materials certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Act of 1986 and allowed in the M1 and M2 Districts.

RECYCLING COLLECTION FACILITY - A facility where the public may donate, redeem, or sell recyclable materials, including reverse vending machines, mobile units, kiosk-type units, and/or unattended containers placed for the donation of recyclable materials, and similar facilities, not to exceed 800 square feet of use area. Such facilities are allowed in selected commercial and industrial districts.

RESIDENCE - See Dwelling.

RESIDENTIAL CARE FACILITIES - A state-licensed facility for the non-medical care and supervision of children, adolescents, adults or elderly persons. This use includes community care facilities as defined in Cal. Health & Safety Code §§ 1500 - 1567.94, residential care facilities for the elderly, Cal. Health & Safety Code §§ 1569 - 1569.889, facilities for the mentally disordered or otherwise handicapped, Cal. Wel. & Inst. Code §§ 5000 - 5556, alcoholism or drug abuse recovery or treatment facilities, Cal.

Health & Safety Code § 11834.02, and other similar facilities. This use excludes medical care institutions, skilled nursing facilities, nursing homes, foster homes, family Daycare homes, child care facilities, and transitional housing.

RESIDUALS REPOSITORY - A conceptual hazardous waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities. Potentially, wastes could be kept segregated to allow eventual reclamation.

RESORT - A recreational facility that may provide overnight accommodations within permanent structures and which may include incidental commercial services for use by resort guests.

REST HOME - See Intermediate Care Facility.

RESTAURANT - Any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state, usually for consumption within the restaurant, and whose design or principal method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served foods and beverages by a restaurant employee at the same table or counter at which said items are consumed.
- B. A cafeteria-type operation where foods and beverages generally are consumed within the structure.

RESTAURANT, FAST FOOD - Any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state, for consumption either within the restaurant building or for take-out consumption, and whose design or principal method of operation includes serving food and beverages in paper, plastic, or other disposable containers.

RESTRICTIVE COVENANT - A recorded document limiting the use of land and/or structures to that allowed by this ordinance and used to notify subsequent land owners of said limitation.

RIGHT-OF-WAY, ULTIMATE - The ultimate exterior boundary of a road, street, public or private easement, or similar corridor of land necessary to ensure adequate access consistent with the ultimate buildout of the Nevada County General Plan. Specific standards for the ultimate right-of-way for roads within the unincorporated area of Nevada County can be found in Title 16.

ROAD - See Street.

ROOMING AND BOARD HOUSE - A residence wherein room and board (lodging) are provided for compensation as the primary use. A boarding house differs from a single-family residence by providing room and board not incidental to the residential use.

-S-

SALVAGE ENTERPRISE - Property used for the breaking up, dismantling, sorting, storage, distribution or sale of any scrap, waste, cast-off, or discarded articles or material.

SCENIC HIGHWAY - Any highway designated a scenic highway by an agency of the County, State or Federal Government.

SCHOOLS - Institutions conducting regular academic instruction at kindergarten, elementary, Secondary and collegiate levels, and charter schools. Such institutions must either (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education or (2) confer degrees as a college or university of undergraduate or graduate standing. This definition does not include trade schools.

SCHOOLS, TRADE - Private schools offering instruction in technical, commercial, special, vocational, or trade skills.

SENIOR APARTMENT - Multiple-family residential structures designed to meet the needs of the senior citizen (fifty-five (55) years of age or older). Dwelling units shall be self-contained and easily accessible to senior citizens. In case of married or cohabitant couples, one occupant may be younger than the required fifty-five (55) minimum age, however, any such occupant shall be not less than eighteen (18) years of age.

SENIOR CITIZEN HOUSING - A housing development consistent with the California Fair Employment and Housing Act (Cal. Gov't Code § 12900 - 12999), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations and as that phrase is used in Cal. Civ. Code §§ 51.2 and 51.3.

SENIOR INDEPENDENT LIVING CENTER - A multiple-family residential development that provides housing for occupants fifty-five (55) years of age or older. In cases of married or cohabited couples, one occupant may be younger than fifty-five (55) years of age. No person under eighteen (18) years of age may be in residence. Such center may consist of, but is not limited to, individual apartment units, community dining centers and common indoor and/or outdoor recreational facilities. All facilities shall be physically accessible to the senior citizens they are intended to serve.

SERVICE STATION - A retail establishment selling gasoline which may also include

lubrication, oil change and tune-up services and the sale of automotive products incidental thereto. May also include accessory towing, mechanical repair services and the accessory sale of food and gift items. Does not include body and fender work, vehicle paint spraying or the storage of wrecked or abandoned vehicles.

SHELTER HOUSING - See Emergency Housing.

SHOPPING CENTER - A group of three (3) or more commercial establishments that are primarily retail or service oriented, planned, developed, managed and maintained as a unit, with common off-street parking, provided to serve all uses on the property.

SHORT TERM HOUSING - Any residential facility that provides housing for families or individuals exclusive of hotels, motels, social rehabilitation facilities or similar uses, and which are operated by, or under contract to, a governmental entity, non-profit organization, or church.

SINGLE ROOM OCCUPANCY (SRO) - Housing (consisting of single room dwelling units) that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants.

SKILLED NURSING FACILITIES - Residential facilities providing in-patient nursing and health-related care as a principal use, including long-term in-patient care.

SOCIAL REHABILITATION FACILITIES - Any residential facility which is State licensed, providing social rehabilitation services for no longer than eighteen (18) months in a group setting to adults recovering from mental illness, or alcoholism, or drug addiction who temporarily need assistance, guidance, or counseling.

SPECIFIC PLAN - A plan that provides for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. A hybrid policy statement-and/or regulatory tool authorized by Cal. Gov't Code § 65450.

STABLE, COMMERCIAL - A structure, or a portion of a structure, used to shelter and feed equine which are used or housed for a fee by people other than the occupants of the property on which the stable is situated. Such facilities may include training, riding lessons, and similar activities. This definition shall apply to private riding club or academy facilities.

STABLE, PRIVATE - A structure, or a portion of a structure, used to shelter and feed

equine which are used exclusively by the occupants of the property on which the stable is situated.

STORY - A space in a structure between the surface of any floor and the finished ceiling next above or the underside of the roof above.

STREAM - Any perennial natural water course.

STREET - The principal means of access to abutting property as defined herein. May include sidewalks, parkways, alleys and roads.

STREET OR ROAD, PUBLIC - Any street or road open to public use and publicly maintained.

STREET, GENERAL OR SPECIFIC PLAN - Any street or highway shown on the adopted circulation element.

STRIP, COMMERCIAL - See Commercial, Strip.

STRUCTURAL ALTERATIONS - Any change in supporting members of a structure such as in a bearing wall, columns, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, roof trusses, foundations, piles or retaining walls or similar components.

STRUCTURE - Anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purposes of this Chapter, a “building” is considered to be a structure.

STRUCTURE, ATTACHED - A structure connected to another structure by a common wall or roofline.

STRUCTURE, DETACHED - A structure not connected to another structure by a common wall or roofline.

SUPPORTIVE HOUSING - Housing with no limit on the length of stay, that is occupied by the target population (persons with disabilities or families who are homeless), and that is linked to onsite and offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible work in the community.

Supportive Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

SWAP MEETS - See Flea Markets.

-T-

TRANSIENT - A person or persons normally limited to a thirty (30) day, or less, occupancy.

TRANSITIONAL HOUSING - Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional Housing can take the form of a single family or multi-family residential unit(s) and shall be permitted in the same manner applied to the same single or multi-family residential use type in the same zone.

TREE - A tall woody plant with a single main stem or trunk at least 6" dbh, or a multiple trunk with an aggregate of at least 10" dbh. Plants that are commonly described as "brush", such as Manzanita, are not considered to be a tree by this Chapter regardless of size.

TRUCK TERMINAL - A facility used as a relay station for the transfer of a load from one vehicle to another. The facility may include accessory uses associated with the vehicles using the terminal, including but not limited to, storage areas for vehicles, facilities for the repair of vehicles, and facilities for the sale of diesel and gasoline.

-U-

ULTIMATE RIGHT-OF-WAY - See Right-of-Way, Ultimate.

USE - The purpose for which land is used or a structure is erected, arranged, designed or intended, or for which land or a structure is or may be occupied or maintained.

USE, ACCESSORY - A use incidental, appropriate, subordinate and devoted exclusively to the main use of the premises or structure.

USED - Arranged for, designed for, occupied or intended to be occupied for.

-V-

VERY LOW INCOME HOUSEHOLD - Households whose income does not exceed the very low income limits applicable to the County of Nevada, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Safety Code § 50105.

VETERINARY HOSPITAL AND CLINIC - Office and medical treatment facilities used by veterinarians, including large and small animal clinics, and animal hospitals.

-W-

WOODYARD - Any tract of land used for the storage and sale of fire wood or mill ends from trees grown on- and off-site and which may include wood splitting and sawing.

-X-

None listed.

-Y-

None listed.

-Z-

ZONE - See Zoning Districts.

ZONING ADMINISTRATOR - The Planning Director, or their designee, who shall review and consider and approve or disapprove projects as provided in Zoning, Administration and Enforcement of this Chapter.

ZONING DISTRICTS - Any of the residential, commercial, industrial, special purpose, or combining districts established within Zoning sections of this Code. Within such districts certain land uses and structures are allowed or prohibited and certain site development standards are established.

ZONING ORDINANCE - Chapter titled “Zoning” of the Nevada County Code. (Ord. 2489. (01/12/2021); Ord. 2441. (Adopt. 09/12/2017, Eff. 10/12/2017); Ord. 2366. (08/13/2013); Ord. 2339. (05/29/2007) Ord. 2298. (08/18/2009); Ord. 2529. (09/12/2023); Ord. 2533. (12/05/2023))

TITLE 13: SUBDIVISIONS
CHAPTER 1: SUBDIVISIONS

Sections:

Section 13.01.010	Short Title
Section 13.01.020	Purpose of Chapter
Section 13.01.030	Definitions
Section 13.01.040	Designation of Advisory Agencies
Section 13.01.050	Requirements for Maps
Section 13.01.060	Appeal by Interested Persons
Section 13.01.070	Public Hearings
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Section 13.01.090	Exemption for Duplicate Final or Parcel Maps
Section 13.01.100	Remedies
Section 13.01.110	Repeal
Section 13.01.120	Prohibition and Penalty
Section 13.01.130	Prohibition Against Specifying Roofing Material Within Subdivision

Section 13.01.010 Short Title

This Chapter may be referred to as the “Nevada County Subdivision Ordinance”.

Section 13.01.020 Purpose of Chapter

This Chapter is enacted pursuant to and supplementary to Cal. Gov’t Code §§ 66410 – 66499.40 and other provisions of the State for the purpose of adopting regulations for the design and improvement of subdivisions within the unincorporated territory of the County of Nevada, State of California.

Section 13.01.030 Definitions

As used in this Chapter, the following words and phrases shall have the meaning provided for them in this Section:

- A -

ADVISORY AGENCY refers to the body that is charged by the Board of Supervisors with making investigations and reports on the design and improvements of proposed divisions of real property, imposing of requirements of conditions thereon, and having the authority by local ordinance to approve, conditionally approve or disapprove a tentative map.

In the case of subdivisions proposing the creation of four (4) or fewer parcels and that require the filing of a parcel map, the Advisory Agency shall be the Zoning Administrator as designated in the Administrative Code of the County of Nevada.

In the case of subdivisions that require the filing of a final map, the filing of a parcel map that creates more than four (4) lots, or that create parcels containing sixty (60) acres or more, the Advisory Agency shall be the Planning Commission as that Commission is provided for in the Administrative Code of the County of Nevada. (Ord. 1097. (07/19/1982); Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

APPEAL BOARD refers to the Board of Supervisors, which shall be charged with hearing and making final determinations upon any appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or required by the Advisory Agency.

Any decision of the Zoning Administrator or Planning Commission may be appealed directly to the Board of Supervisors.

APPLICANT means a person, firm, corporation, partnership, association, or other entity that submits a tentative map on behalf of themselves or others. The applicant may be the legal owner of the subject property, prospective buyer or authorized representative. No form signed by the owner of the property consenting to the filing of the tentative map is required.

APPROVED ACCESS, when considering subdivisions that create parcels containing between twenty (20) and forty (40) acres in area or parcels zoned commercial or industrial, shall be interpreted to mean legal road access to a maintained public street or highway, which road access complies with adopted County road standards for width, grade, alignment and improvement.

B -

BOARD OF SUPERVISORS means the Board of Supervisors of the County of Nevada.

C -

CONTIGUOUS means parcels having any point or line common to both parcels. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad rights-of-way.

COUNTY means the County of Nevada, a political subdivision of the State of California.

COUNTY ROAD is any road accepted into the County Road System pursuant to Streets and Highways Code § 941 or any road for which an offer of dedication to the County has been accepted or accepted subject to improvements.

D -

DEPARTMENT OF PUBLIC WORKS is the County department which shall advise the Zoning Administrator or Planning Commission concerning streets, engineering and matters related to the office of County Surveyor.

DESIGN means (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park and recreation purposes; and (9) such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or applicable specific plan currently adopted by the County.

DEVELOPMENT means the uses to which the land, which is the subject of a map, shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

E -

ENVIRONMENTAL SUBDIVISION refers to a subdivision of land for biotic and wildlife purposes pursuant to Cal. Gov't Code § 66418.2 and Section 13.02.020, governing "Environmental Subdivisions" of this Chapter.

F -

FINAL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

FLOOD HAZARD is the possibility of occurrence of overflow stormwater causing flooding of land or improvements or having sufficient velocity to transport or deposit debris, to scour the surface soil, to dislodge or damage buildings or to cause erosion of banks or channels.

FREEBOARD is the vertical distance from the water level in a ditch or channel to the top of bank or berm.

G -

GRADING PLAN is an engineering plan prepared in accordance with Chapter governing "Buildings" of this Code. (Ord. 2009. (10/26/1999); Ord. 2531. (10/24/2023))

GROSS AREA means the total area of the lot computed to the centerline of adjacent public or private streets, roads, highways or special district or public utility rights-of-way. If the parcel to be divided lies on both sides of the road or right-of-way, the total area of the right-of-way lying within the parcel may be computed in gross area.

The area of limited-access State or Federal highways shall not be computed in gross area.

Gross Area may include property devoted to lakes, reservoirs or streams if underlying fee is owned by the subdivider and the inundated area does not exceed twenty-five percent (25%) of the area of the parcel being created.

I -

IMPROVEMENT refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final or parcel map thereof.

Improvement may also refer to such other specific improvements or types of improvements, the installation of which either the subdivider, public agencies, private utilities, any other entity approved by the local agency or by a combination of any of the foregoing, is necessary or convenient to ensure conformity with or implementation of the general plan or applicable specific plan currently adopted by the County.

IMPROVEMENT PLANS are engineering plans prepared by or under the direction of a civil engineer registered by the State of California showing the location and construction details of all improvements required for the subdivision.

INUNDATION is ponded stormwater or stormwater in motion of sufficient depth to damage property due to the mere presence of water or the depositing of silt.

L -

LAND PROJECT refers to a subdivision that satisfies all of the following conditions:

1. The subdivision contains fifty (50) or more parcels of which any fifty (50) are both (a) not improved with residential, industrial, commercial, or institutional buildings and (b) offered for sale, lease or financing for the purposes other than commercial, institutional, or commercial agricultural uses.
2. The subdivision is located in an area in which reside less than 1,500 registered voters within the subdivision or within two (2) miles of the boundaries of the property described in the final public report issued by the Department of Real Estate, State of California.
3. Not constituting a community apartment project as defined in Cal. Bus. & Prof. Code §11004, a project consisting of condominiums as defined in Cal. Civ. Code § 783, or a stock cooperative as defined Cal. Bus. & Prof. Code § 11003.2.

LEGISLATIVE BODY is the County of Nevada Board of Supervisors.

LOCAL AGENCY means the County of Nevada, State of California.

LOT means that portion of a parcel of land that is delineated or described as a single unit

on the subdivision map.

LOT AREA means gross area for new parcels that contain one (1) acre or more, and net area for new parcels that contain less than one (1) acre.

N –

NATURAL DRAINAGE COURSE is a drainage course having definable sides and bottom, but one that will not necessarily have year-round flow.

NET AREA means the total area of the lot owned by the current parcel owner or owners of record, exclusive of areas currently devoted, dedicated, or to be dedicated for roads, easements or water bodies.

O -

OFF-SITE is anything lying outside the boundaries of a final map or parcel map.

P -

PARCEL is all land which, prior to legal division, is contiguous and under one ownership.

PARCEL MAP refers to a map prepared in accordance with the provisions of this Chapter and any other applicable local ordinance, which map is designed to be placed on record in the office of the Clerk Recorder for the purpose of creating lots or parcels.

PRELIMINARY SOILS REPORT means a report prepared by a Soils Engineer based upon adequate test boring or excavation describing the conditions of the soils in the subdivision.

R -

REMAINDER means the contiguous property of a subdivider which is not included within the boundaries of a final map or a parcel map.

S -

SOILS ENGINEER is a licensed civil engineer, experienced in engineering geology, responsible for the soils engineering work outlined in this Chapter, including supervision, analysis and interpretation in the field of investigation and laboratory tests for a specific project, preparation of geologic and soils engineering recommendations and specifications, and supervision of grading construction work.

SPECIFICATIONS refer to the documents necessary to bring to a successful conclusion the improvements required in the subdivision. The specifications describing the method in which the work is to be accomplished shall be approved by the Department of Public Works.

STANDARD SPECIFICATIONS is the latest edition of the Nevada County Standard Construction Specifications or the latest edition of the Standard Specifications and Standard Plans of the State of California, Department of Transportation (Caltrans). Nevada County's Standard Specifications and Plans shall govern over Caltrans' Standard Specifications and Plans. Special provisions shall govern over both of these Standard Specifications and Plans.

STREETS include public and private roads and highways.

SUBDIVIDER means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided, real property into a subdivision for himself or for others. Contractors and subcontractors, including but not limited to consultants, employees, engineers and surveyors, employed to render services for the development of the divided property shall be excluded from the definition of "subdivider."

SUBDIVISION means the division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Subdivision includes a condominium project as defined in Cal. Civ. Code § 783, a community apartment project as defined in Cal. Civ. Code § 4105 or Cal. Bus. & Prof. Code § 11004 or the conversion of five (5) or more existing dwelling units to a stock cooperative as defined in Cal. Bus. & Prof. Code § 11003.2. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for the purposes of computing the number of parcels.

SUBDIVISION MAP ACT means Cal. Gov't Code §§ 66410 – 66499.40.

SWALE is a natural depression through which stormwaters travel but does not have well-defined sides and bottoms.

T -

TENTATIVE MAP refers to a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property. Any division of land within the County shall require the filing of a tentative map with the appropriate Advisory Agency for review and any conditions deemed necessary. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

V -

VESTING TENTATIVE MAP refers to a map which meets the requirements of Cal. Gov't Code §§ 66424.5(a) and 66452 and is authorized and approved pursuant to Cal. Gov't Code §§ 66498.1 – 66498.9, and Section governing "Vesting Tentative Maps" in

Section 13.02.130 of this Chapter. (Ord. 1883. (04/11/1995); Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

Section 13.01.040 Designation of Advisory Agencies

- A. The Planning Commission of the County shall be the Advisory Agency for all subdivisions dividing property into five or more parcels, whether a final map or parcel map is required.
- B. The Zoning Administrator of the County shall be the Advisory Agency for all subdivisions dividing property into four parcels or fewer.
- C. The Planning Director of the County shall be the Advisory Agency for all Urban Lot Splits pursuant to Cal. Gov't Code §§ 66411.7 – 66413.5.

Section 13.01.050 Requirements for Maps

- A. The necessity for tentative, final and parcel maps shall be governed by the provisions of this Section.
- B. Tentative maps shall be filed with the appropriate Advisory Agency for review, conditions and approval for any subdivision.
- C. A final map shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Cal. Civ. Code § 783, a community apartment project containing five (5) or more parcels or the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where one of the following occurs:
 - 1. The land before the division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the latest adopted County standards.
 - 2. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.
 - 3. The land consists of one (1) or more parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which will comply with adopted County of Nevada standards for street alignments and widths.
 - 4. Each parcel created by the division has a gross area of forty (40) acres or more or is a quarter-quarter section or larger.
 - 5. When land before division was conveyed by testamentary disposition to more than one (1) person, each with an undivided interest, the individuals desire to segregate their interest in the property, and a note stating that the parcels are being created through testamentary disposition appears on the map.
- D. A parcel map shall be required for all subdivisions creating four (4) or fewer parcels and those subdivisions excepted from the requirement of a final map by

Subsections 1-5 of Subsection C above.

- E. This Section shall apply to subdivisions created for the purpose of gift, since division of a parcel for this purpose will result in parcels that may be sold immediately or in the future.
- F. This Section shall not apply to boundary line adjustments. Provisions for boundary line adjustments are contained within Section 12.04.030 of the Nevada County Code.
- G. Whenever a provision of this Chapter requires the filing of a tentative map for a development, a vesting tentative map may instead be filed in accordance with the provisions of Section 13.02.130 (Ord. 1883. (04/11/1995); Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

Section 13.01.060 Appeal by Interested Persons

A subdivider, applicant, public agency or any interested person may file an appeal with the appropriate Appeal Board concerning any decision of the Advisory Agency. Any such appeal shall be filed with the Clerk of the Appeal Board within ten (10) days after the action of the Advisory Agency that is the subject of the appeal except in the case of denial of an extension of time, where a fifteen (15)-day appeal period is expressly provided for in this Chapter. Upon filing the appeal, the Appeal Board may set the matter for public hearing or may reject the appeal without hearing. Any on an appeal shall be held within thirty (30) days after the filing of the appeal in a manner prescribed in Section 13.01.070. If the appeal is rejected, the appellant shall be notified within seven (7) days from the date of the Appeal Board's decision. If a public hearing is held, the Appeal Board shall render its decision on the within seven (7) days from date of conclusion of the hearing. Any hearing may be continued from time to time.

The Appeal Board, in acting upon an appeal may sustain, modify, reject or overrule any recommendations or rulings of the Advisory Agency and may make findings and impose conditions as are not inconsistent with the provisions of this Chapter. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

Section 13.01.070 Public Hearings

Whenever a public hearing is held pursuant to this Chapter, notice of the time and place thereof, including a general description of the location of the subdivision or proposed subdivision, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in a newspaper of general circulation published and circulated within the County. In addition to notice by publication, the local agency may give notice of the hearing in such other manner as it may deem necessary or desirable. Any interested person may appear at such hearing and shall be heard.

Section 13.01.080 Acts Prohibited

When the provisions of the Subdivision Map Act or of this Chapter require the execution of any certificate or affidavit or performance of some act by or on behalf of the County, no document shall be executed, nor shall such act be performed, other than by some person duly qualified therefore and designated so to act by the Board of Supervisors. (Ord. 1808. (11/10/1992); Ord. 2531. (10/24/2023))

Section 13.01.090 Exemption for Duplicate Final or Parcel Maps

In any case where a person, firm or corporation acquires legally established, contiguous lots or parcels, there shall be no requirement for the filing of duplicate parcel or final maps, or records of survey, prior to sale of each parcel.

Section 13.01.100 Remedies

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, is voidable at the sole option of the grantee, buyer or person contracting to purchase, their heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this Chapter, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir or devisee.

Any grantee, or their successor in interest of real property that has been divided, or that has resulted from a division in violation of the provisions of this Chapter or any previous ordinance of the County, may, within one (1) year of the date of discovery of such violation, bring an action in the Superior Court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Chapter or the previous ordinance and against the successors in interest who have actual or constructive knowledge of such division of property.

This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm or corporation may file a suit in the Superior Court of the county in which any real property attempted to be subdivided or sold, leased or financed in violation of this division is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of this division.

The local agency shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this Chapter or any previous ordinance if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such permit or such approval shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of their interest in such real property.

If the local agency does issue a permit or grant approval for the development of any such real property, it may impose such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

Section 13.01.110 Repeal

All ordinances and parts of ordinances of the County in conflict with this Chapter, to the extent of such conflict and no further, are hereby repealed. However, such repeal shall not affect any agreement, contract or bond executed pursuant to such ordinances or any right of action or action against a violation occurring thereunder.

Section 13.01.120 Prohibition and Penalty

Unless otherwise exempted by law, no person shall sell, lease, finance or convey in any manner any parcel or parcels of real property; commence construction of any building, except for model homes, for sale, lease or financing on any such property; nor allow occupancy of a building on any such property for which a final map or parcel map is required by this Chapter until such final map or parcel map, in full compliance with the provisions of this Chapter, has been filed for record by the Clerk Recorder. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 767. (10/26/1992); Ord. 2531. (10/24/2023))

Section 13.01.130 Prohibition Against Specifying Roofing Material Within Subdivision

- A. As a condition of approval of any subdivision, the subdivider shall be prohibited from imposing as a deed restriction and/or within the conditions, covenants and restrictions for the subdivided property a requirement specifying the type of roofing material for any dwelling or other structure built within the subdivision.
- B. Such prohibition shall apply as a condition of approval irrespective of whether or not it is included as an express condition of approval on any letter or notice of approval of any subdivision.

CHAPTER 2: PROCEDURES

Sections:

Section 13.02.010	Conformance with General Plan
Section 13.02.020	Environmental Review
Section 13.02.030	Lot Standards
Section 13.02.040	Findings
Section 13.02.050	Vacation of Public Utility Easements
Section 13.02.060	Petition for Exceptions
Section 13.02.070	Reserved Strips
Section 13.02.080	Public Access to Public Resources
Section 13.02.090	Reservations and Dedications
Section 13.02.100	Fees
Section 13.02.110	Form of All Tentative Maps and Data to Accompany
Section 13.02.120	Tentative Maps
Section 13.02.130	Vesting Tentative Maps
Section 13.02.140	Environmental Subdivisions
Section 13.02.150	Final Maps
Section 13.02.160	Parcel Maps
Section 13.02.170	Corrections and Amendments of Maps and
	Supplemental Data Documents
Section 13.02.180	Reversions to Acreage
Section 13.02.190	Notice of Subdivision Violation: Proceedings
Section 13.02.200	Certificates of Compliance

Section 13.02.010 Conformance with General Plan

In any area of the County where a general plan or any specific plan or any part or subject thereof has been officially adopted by the County in accordance with the provisions of Cal. Gov't Code §§ 65000 – 66499.58, the subdivision shall be considered in relation to the said plan for provision for sites for schools, parks, public buildings, street or other public areas and facilities in accordance with the recommendations of such plan.

Section 13.02.020 Environmental Review

All subdivisions shall be subject to environmental review pursuant to Chapter governing the California Environmental Quality Act, Title 19 of this Code. , Cal. Pub. Res. Code §§ 21000 – 21189.70.10 and Chapter 3 of Title 14 of the California Code of Regulations.

All subdivision applications shall contain a completed Project Information Questionnaire for evaluation of environmental impacts.

Section 13.02.030 Lot Standards

- A. The minimum parcel size as shown in the General Plan Land Use Maps or the Zoning District Maps shall not apply to the creation of parcels for the following:
1. Parcels occupied by governmental bodies or public or private utilities.
 2. Remainder parcels from which governmental bodies' or public or private utilities' parcels were divided (per Section 13.02.3.A.1 above) provided that the remainder parcels comply with Policy 3.19 of Chapter 3: Public Facilities and Services of the Nevada County General Plan. (Ord. 1251. (09/24/1984); Ord. 2529. (09/12/2023); Ord. 2531. (10/24/2023))
 3. Parcels created by Environmental Subdivisions, as provided for in this Chapter.
 4. Parcels created by Urban Lot Splits, as provided for in this Chapter.
- B. Lot Size Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of Title 12, governing Zoning Regulations of the Nevada County Codes as they now exist or may hereafter be amended; provided, however, when the land being divided is described as an aliquot part of a section (e.g., the northeast quarter of the southwest quarter), and the parcel is, as a result of an actual field survey, found to be less than that shown on the deed, the resulting parcels may be less than the required minimum lot size provided said deficiency is not greater than three percent (3%) of required size.
- C. Clustered Lot Sizes - Where required by the Nevada County General Plan, a clustered map option shall be required. When a clustered map is approved, the minimum parcel or lot sizes may be less than the minimum parcel sizes established by the Zoning District Map, provided that the overall project density remains consistent with the base zoning district or General Plan land use designation. The minimum parcel or lot sizes shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.
- D. Urban Lot Split Standards - All proposed lots or parcels in a subdivision shall comply with all appropriate requirements of governing Zoning Regulations of the Nevada County Code, and with all appropriate requirements of Cal. Gov't Code § 66411.7, as they now exist or may hereafter be amended.

Section 13.02.040 Findings

No tentative map shall be approved unless the Planning Agency shall find that:

- A. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Nevada County General Plan and with

any specific plan which is in effect within the project area.

- B. Adequate public services exist within the project area and are available to serve the subdivision. Where public services are provided by independent special districts which have declared themselves to be impacted by development, a written statement from such special district(s) acknowledging their ability to service the project will be required at the time of project submittal. The written statement may recite that an agreement has been reached between the developer and the district to offset the impacts to the district.
- C. No finding is made pursuant to Cal. Gov't Code § 66474 that requires project denial.

Section 13.02.050 Vacation of Public Utility Easements

Upon its own initiative or at the request of an interested person, the Board of Supervisors may adopt a resolution of intent to vacate a public utility or public service easement. Such resolution shall contain a declaration of the intent to vacate, a statement that the vacation is pursuant to Cal. Sts. & High. Code §§ 8300 - 8363, and a description of the easement to be vacated with reference to a map or plan which shows the portion to be vacated. The resolution shall also set a date for a public hearing not less than fifteen (15) days from the adoption of the resolution. The resolution shall be published and posted as otherwise required by law and as specifically required by Cal. Sts. & High. Code §§ 8322 and 8323.

Prior to the public hearing on the matter, the Board of Supervisors will request the Zoning Administrator review the proposed vacation and to determine if the vacation would be in conformance with the Nevada County General Plan.

At the public hearing, the Board of Supervisors shall hear evidence offered by the interested parties. Upon making a finding that the public utility or public service easement is no longer necessary for present or prospective public use, the Board of Supervisors may adopt a resolution vacating the public utility or public service easement. The Board of Supervisors may impose conditions which must first be satisfied and instruct the Clerk of the Board not to record the resolution of vacation until such conditions have been met. The Clerk of the Board shall be responsible for recording the resolution of vacation for which no fee shall be charged.

As an alternative to the above procedure, the Board of Supervisors may summarily vacate a public utility or public service easement upon following the procedure set forth in Cal. Sts. & High. Code § 8335 if the Board of Supervisors finds that the requirements of Cal. Sts. & High. Code § 8333 have been met.

The Board of Supervisors may, by resolution, set fees for the filing of a petition, which fees shall cover the costs associated with the investigations, mailings, publications and postings of such petition. (Ord. 1372. (04/14/1986); Ord. 2531. (10/24/2023))

Section 13.02.060 Petition for Exceptions

Whenever the land involved in a subdivision is of such size or shape, is subject to such title limitations of record, is to be devoted to such use or is subject to such regulation by the zoning ordinance that it is impractical in the particular case to conform to the strict application of the requirements of this Chapter, the owner or authorized agent may make application to the Advisory Agency with the filing of the tentative map for such exceptions to the requirements of this Chapter as are reasonably necessary or expedient. Application for any such exception shall be made by verified petition of the subdivider stating fully the grounds of the petition and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision.

In order for the property referred to in the petition to come within the provisions of this Section, it shall be necessary that the Advisory Agency shall find the following facts with respect thereto:

1. That there are special circumstances or conditions affecting said property;
2. That the exception is necessary for the preservation of a substantial property right of the petitioner;
3. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
4. That the granting of the exceptions will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

Further, if the petition proposes an exception to a Fire Safe standard, the following additional finding shall be made:

5. That an exception to any Fire Safe standard, including those standards adopted by Title 4, Fire Safety and Title 16, Road Design Standards, of the Nevada County Code, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Pub. Res. Code § 4290.

Section 13.02.070 Reserved Strips

Reserved strips controlling the access to public ways or that will not prove taxable for special improvements will not be approved.

Section 13.02.080 Public Access to Public Resources

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river, stream, lake or reservoir which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, stream, lake or reservoir bordering or lying within the proposed subdivision. Reasonable public access shall be determined by the Advisory Agency reviewing the tentative map. In making the determination, the Advisory Agency shall consider all of the following:

1. That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel;
2. The size of the subdivision;
3. The type of riverbank and the various appropriate recreational, education, and scientific uses, including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching;
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

A public waterway, river or stream for the purpose of this Section means those waterways, rivers and streams defined in Cal. Harb. & Nav. §§ 100-106, any stream declared to be a public highway for fishing pursuant to Cal. Gov't Code §§ 25660-25662, the rivers listed in Cal. Fish & Game Code § 1505 as spawning areas and all waterways, rivers and streams downstream from any State or Federal or steelhead fish hatchery.

Neither the Advisory Agency nor the Board of Supervisors shall approve either a tentative or final or parcel map of any proposed subdivision to be fronted upon a public waterway, river or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision. The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the Advisory Agency. In making the determination for reasonably defining the extent, width, and character of the public easement, the Advisory Agency shall consider all of the following:

1. That the easement may be for a foot trail, bicycle trail or horse trail.

2. The size of the subdivision.
3. The type of riverbank and the various appropriate recreational, education and scientific uses including but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.
4. The likelihood of trespass on private property and reasonable means of avoiding such trespass.

Any public access route or routes and any easement along the bank of a public waterway, river, or stream provided by the subdivider shall be expressly designated on the tentative or final or parcel map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

Nothing contained in this Section shall require the Advisory Agency to disapprove a map solely on the basis that the reasonable public access otherwise required by this Section is not provided through or across the subdivision itself, if the Advisory Agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision. Any such finding shall be set forth on the face of the tentative, parcel or final map.

The provisions of this Section shall not apply to the final or parcel map of any subdivision which has been approved by the Advisory Agency prior to March 1, 1975.

Section 13.02.090 Reservations and Dedications

If requested by a special district providing service, the Advisory Agency may require the dedication of sites for fire stations and schools as provided for in the Subdivision Map Act.

Section 13.02.100 Fees

- A. The developer shall pay fees for the processing of maps by the various County agencies and construction inspection in accordance with the latest fee schedule adopted by the Nevada County Board of Supervisors. All fees shall be paid prior to the processing of the various maps, unless otherwise authorized. Construction inspection fees shall be paid prior to the approval of the final improvement plans.
- B. As a condition of approval of any tentative map, mitigation fees, where applicable, shall be paid pursuant to the provisions of Title 17, Mitigation and Development Fees, of this Code.

Section 13.02.110 Form of All Tentative Maps and Data to Accompany

- A. The initial action in connection with the making of any subdivision shall be the preparation and filing of a tentative map or maps conforming to the provisions of this Chapter.

A tentative map, prepared by either a licensed land surveyor or a civil engineer who was registered prior to January 1, 1982, shall be drawn to scale and shall conform to all regulations contained in this Chapter unless a Petition for Exception, pursuant to Section 13.02.060, Petitions for Exceptions, in this Code, is submitted therewith.

Every tentative map shall be clearly and legibly reproduced and shall show the following information:

1. The subdivision name, date of map version, north point, and scale. In the event the map is revised or modified during the application review process, the revision date shall be indicated on the revised map.
2. A detailed vicinity map showing the location of the proposed subdivision in relation to the surrounding area with mileage from the nearest County Road or State Highway.
3. A legend stating: the names, addresses and telephone numbers of record owners, the Assessors Parcel Numbers, the name of the subdivider (if different than the record owner), the engineer or surveyor preparing the tentative map, the source of water supply proposed, the method of sewage disposal proposed, responsible fire protection agency, source of public utilities, property zoning (existing and, if applicable, proposed), and number of new lots.
4. Sufficient legally described boundaries to define the proposed tract, and indication of adjacent subdivisions and current ownership of all adjacent parcels.
5. Location, names, present centerlines, widths, radius of all curves, and grades of adjacent or abutting roads and streets.
6. The location, names, widths, approximate grades, radius of all curves, and proposed centerlines of all streets proposed or existing in the subdivision.
7. Typical cross sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
8. The dimensions and location of all existing easements, reserves and drainage ditches on or adjacent to property covered by the subdivision.
9. Location and use and dimensions of proposed easements (drainage, sewerage and public utilities).

10. Location and grade of proposed and existing driveways.
 11. The location and use of all existing structures to remain on the property and setbacks from new property lines. All existing structures not proposed for retention shall be noted as such on the tentative map.
 12. Topography shown with sufficient detail for proper study of building site, drainage, sewage disposal, and road locations.
 13. The approximate lot size in square feet or gross acreage (net acreage if proposed lots are below one acre) and dimensions of all lots and radii of all curves.
 14. Show location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all water courses including canals and irrigation ditches.
 15. Delineate all environmentally sensitive areas on the project site. Mapping shall reflect any biological resources identified and mapped in the biological inventory. Any sensitive cultural resources shall also be indicated simply as “environmentally sensitive areas”.
 16. If applicable, the location of the proposed community fire-flow facility, if it is to be located on site.
 17. Location of posted “Planning” sign. Property shall be posted for identification and property boundaries shall be flagged prior to application submittal.
- B. Data and information on the following matters shall be either on the tentative map or contained in a written statement accompanying the same:
1. A current (within six (6) months) preliminary title report prepared by a reputable title insurance company stating rights and interests in the property being subdivided.
 2. Domestic water supply proposed by the subdivider. Information applicable to the feasibility of well drilling, analysis of the small water system, or a “will serve” letter from a public water purveyor, whichever is applicable, shall be supplied in accordance with Title 15, Sanitation, Chapter 5, Water Supply and Resources, of the Nevada County Code.
 3. Proposed method of sewage disposal. When septic systems or community sewage disposal systems are proposed, data in accordance with the requirements of 15.01.110, Sewage Disposal, of this Code shall be submitted.

4. Information on the source of other public utilities.
5. Proposed drainage and control measures, including the proposed location of on-site detention facilities designed to minimize the discharge of pollutants into surface water drainage courses where required by General Plan policy.
6. A general development plan of contiguous subdivision units and parcels proposed for subdivision for the purpose of reference and information of the Planning Commission.
7. Existing and proposed uses of the property including any proposed public use areas.
8. Justifications and reasons for exceptions, if any, pursuant to 13.02.060, Petition for Exceptions..
9. For those subdivisions proposed on properties that may have contained prior hazardous land uses (e.g., surface and subsurface mining, milling, dump sites, artillery ranges, etc.), a Phase 1 site assessment shall be provided with the application. In the event the Phase 1 assessment concludes further investigative work may be necessary to fully identify or remediate potential on-site hazards, the subdivision application will automatically be deemed incomplete for processing until such issues have been fully quantified and an acceptable program for remediation or avoidance of any such hazard(s) has been established and approved by the responsible agency. The responsible agency will be determined based on the nature of the hazard but may include the Nevada County Department of Environmental Health or the California EPA, Department of Toxic Substances Control.
10. Information for flood reduction as required under Title 18 governing Standards for Subdivisions And Other Proposed Development, in Floodplain Management of this Code. (Ord. 1514. (07/26/1988); Ord. 2531. (10/24/2023))
11. Information for alternative energy source building site designs that minimize heat gain, heat loss, and the use of heating and cooling equipment when ambient conditions are extreme, and which permit use of the facility without heating or air conditioning when ambient conditions are moderate. Such features may include, but are not limited to, building orientation, native or proposed landscaping, or the use of architectural features such as insulation, thermal windows and doors, overhangs, skylights, thermal chimneys, and other design arrangements.
12. A preliminary soils report shall be provided for tentative maps for subdivisions

that require either a final map or a parcel map that creates more than four (4) lots. The report shall be prepared by a geotechnical engineer or by a civil engineer who specializes in soils investigation and is registered in this state and in accordance with 13.03.060 Grading, in this Chapter. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

Section 13.02.120 Tentative Maps

A. General:

No land shall be subdivided and developed pursuant to a tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

B. Filing and Processing:

A tentative map shall be filed in person with the Planning Department using the most current application forms in effect. Upon acceptance of the application, complete with all required supporting data, and filing fees, a receipt shall be issued to the applicant by the Planning Department, and the time for considering the tentative map shall start. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it insure that the map does comply with the law and this Chapter.

The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map. Within thirty (30) days of the issuance of the receipt, the Planning Department shall determine the completeness of the application and supporting data and shall commence with the preparation of the appropriate environmental document pursuant to title 19, California Environmental Quality Act. ; Cal. Pub. Res. Code §§ 21000 – 21189.70.10 , and Chapter 3 of Title 14 of the California Code of Regulations. Any report or recommendation on a tentative map by the staff to the Advisory Agency shall be in writing and a copy thereof served on the applicant at least three (3) days prior to any hearing or action on such map by the Advisory Agency.

The Advisory Agency shall consider the tentative map together with all reports received pertaining thereto. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant.

The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved,

the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one (1) copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006); Ord. 2531. (10/24/2023))

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e). (Ord. 2185. (08/09/2005); Ord. 2531. (10/24/2023))

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in Section 13.01.060 of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors within fifteen (15) days after the Advisory Agency has denied the extension as provided for in 13.01.060 of this Chapter.

Section 13.02.130 Vesting Tentative Maps

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code §§ 66498.1 – 66498.9. To accomplish this purpose, the regulations outlined in this

Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

B. Filing and Processing:

1. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in 13.02.120 of this Chapter, except at the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map”. Acceptance of the map application, supporting data, and filing fees shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The project description and public notice shall also reference the subdivision application as a “Vesting Tentative Map”.
2. At the time the vesting tentative map is filed, the applicant shall file a specific listing of those ordinances, current as of the application filing date or proposed in conjunction with the same application, that they wish to be vested upon the approval of the tentative map (and subsequent ordinance adoption, if applicable).

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228 (12/12/2006); Ord. 2531. (10/24/2023))

D. Vested Rights:

Approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Cal. Gov’t Code § 66474.2. However, if Cal. Gov’t Code § 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is

approved or conditionally approved. The vested rights are subject to the following limitations:

1. A permit, approval, extension, or entitlement associated with a vesting tentative map may be made conditional or denied if any of the following are determined:
 - a. A failure to do so would place the residents or occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - b. The condition or denial is required in order to comply with state or federal law.
2. The rights referred to herein shall expire if a final map is not recorded prior to the expiration of the vesting tentative map. If the final map is recorded, these rights shall remain in effect for the following periods of time:
 - a. An initial time period of one (1) year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - b. The initial time period set forth in 13.02.130 (D.2.a) above shall be automatically extended by any time used for processing a complete application for a grading permit or for design review, if such processing exceeds thirty (30) calendar days from the date a complete application is filed.
 - c. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in 13.02.130 (D.2.a) above expires. If the extension for a final map or parcel map is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) calendar days.
 - d. If the subdivider submits a complete application for a building permit during the periods of time specified in 13.02.130 (D.2.a) through (D.2.c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
3. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the Zoning Ordinance in existence at that time, such inconsistency shall be noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or their designated representative, obtaining the necessary change in the Zoning Ordinance to eliminate the inconsistency. If the change in the Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding the first paragraph of 13.02.130 (D.2.), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Ordinance and the map, as approved.
4. Notwithstanding any provision of this Section, a property owner, or their designated representative, may seek approvals or permits for development which depart from the ordinances, policies, and standards described in the first paragraph of 13.02.130 (D.2.a) and (D.3), and the County may grant these approvals or issue

these permits to the extent that the departures are authorized under applicable law.

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in 13.01.060 of this Chapter.

Section 13.02.140 Environmental Subdivisions

A. General:

The purpose of this Section is to establish procedures for implementation of Cal. Gov't Code § 66418.2. To accomplish this purpose, the regulations outlined in this Section are determined to be necessary for the preservation of the public health, safety and general welfare, and for the protection of important biotic and wildlife habitat. No land shall be subdivided and developed pursuant to an environmental subdivision for any purpose that is inconsistent with the General Plan or any applicable specific plan or not permitted by the Zoning Ordinance or other applicable provisions of the Nevada County Code.

B. Filing and Processing:

1. An environmental subdivision map shall be filed in the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in 13.02.120 of this Chapter.
2. Such acceptance shall not preclude the securing of additional information from the subdivider necessary for the proper consideration of the map, nor does it ensure that the map does comply with the law and this Chapter. The Planning Department shall circulate copies of the map and accompanying data to interested agencies with a request for comments relative to approval, disapproval or conditions necessary for approval of the tentative map.
3. The standards for the parcel or parcels being created, and for the remainder parcel, are established in 12.04.060. The following required findings for approval of environmental subdivision shall be made by the Advisory Agency:
 - a. That factual biotic or wildlife data, or both, are, or will be available to the County.
 - b. That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.
 - c. That an easement will be recorded in the County to ensure compliance with

those conditions specified by any local, state, or federal agency requiring mitigation. The easement shall contain a covenant with the County, or non-profit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. This reservation shall be not inconsistent with the purposes of Cal. Gov't Code § 66418.2 and shall not be incompatible with maintaining and preserving the biotic and/or wildlife character of the land.

- d. The real property is at least twenty (20) acres in size, or it is less than twenty (20) acres in size, but is contiguous to other land that would also qualify as an environmental subdivision and the total combined acreage would be twenty (20) acres or more.
4. The Advisory Agency shall approve, disapprove, or conditionally approve the tentative map, unless the time for action is extended with the consent of the applicant. The action of the Advisory Agency shall be endorsed upon the face of the tentative map or clearly attached by memorandum. In the event that the tentative map is disapproved, the reasons for such disapproval shall be stated upon the map or attached thereto by memorandum. A copy of the memorandum shall be sent to the subdivider and interested agencies, and one (1) copy shall remain permanently in the files of the Planning Department of the County.

C. Expiration:

An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval or conditional approval. The foregoing thirty-six (36) month period shall apply to any tentative map for which the initial twenty-four (24) month period has not expired prior to January 11, 2007. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map of all or any portion of the real property included within such tentative map shall be filed after the expiration date without first processing a new tentative map. (Ord. 2228. (12/12/2006); Ord. 2531. (10/24/2023))

D. Extensions of Time:

Upon written application of the subdivider, filed and approved prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the Advisory Agency authorized to act on the tentative map for a period or periods not exceeding a total of six (6) years, or as may be further specified by Cal. Gov't Code § 66452.6(e).

E. Appeals:

The subdivider, applicant, public agency, or any interested person adversely affected by a decision of the Advisory Agency may appeal said decision as provided for in 13.01.060 of this Chapter.

If the Advisory Agency denies a subdivider's application for extension, the subdivider may appeal to the Nevada County Board of Supervisors as provided for in 13.01.060 within fifteen (15) days after the Advisory Agency has denied the extension.

Section 13.02.150 Final Maps

A. Form and Content:

1. Conformance with Subdivision Map Act: The form and content of final maps shall be in conformance with the Subdivision Map Act and this Chapter.
2. Boundary Designation: The boundary of the subdivision shall be designated by a heavy, continuous, opaque black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of a United States survey. A subdivision name may be added below the subdivision number. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of _____" If more than three (3) sheets are used, a key diagram shall be included on the first map sheet.
4. Affidavits, Certificates, Dedications, Etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and the notarial seals required by law and this Chapter, shall appear only once, on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink, or by photographic reproduction.
5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.
6. Rights-of-Way, Easements:
 - a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.

- b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.
 - c. All easements of record shall be shown on the map, together with all the names of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.
 - d. Easements not disclosed by the records in the office of the Clerk Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
 - e. The sidelines of all easements of record shall be shown by dashed lines on the final map with sufficient ties provided to determine the exact location within each lot.
- 7. Linear, Angular and Radial Data: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.
- 8. Adjoining Corners of Adjoining Subdivisions: The adjoining corners of all adjoining subdivisions shall be identified by subdivision number or name when not identified by official number and reference to the book and page of the filed map showing such subdivision.
- 9. City Boundaries: City boundaries which cross or join the subdivision shall be clearly designated.
- 10. Monument Location: The location and description of all existing and proposed monuments shall be shown.
- 11. Printing or Lettering: All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Supplemental Documents:

- 1. Approval Required: The final map shall be accompanied by the following documents, if applicable, which shall be approved by proper authorities before the

final map is submitted to the Board of Supervisors for approval:

a.Improvement Agreement: The improvement agreement shall be as specified in 13.03.090 of this Chapter.

b. Improvement Security: The improvement security shall be as specified in 13..03.090.

c.Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department of Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1374. (04/28/1986); Ord. 2531. (10/24/2023))

d. Soils Reports: When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

e.Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to Section 13.02.040 of adequate Services within "Subdivisions" of this Chapter certifying that such agreement has been fulfilled.

f.Supplemental Data: A supplemental final map data document shall be as specified in Subsection 2 below and shall be made part of the final map or recorded as a separate document with the Clerk Recorder.

2. Supplemental data shall be as required by the tentative map approval.

a. Where the supplemental final map data document is recorded as a separate document, it shall include the following:

- 1) Sufficient recording data to identify the recorded final map to which the supplemental data applies, including document number and date, as well as book and page;
- 2) Assessor's parcel number(s) both before the recording of the final map;
- 3) Name and acknowledged signature of each entity with an ownership interest in the property.

- b. The supplemental data document may include one or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2" by 11" paper of durable quality and shall be legible and in permanent ink. If the 8-1/2" by 11" format is used the supplemental data shall be noted on the map similar to CC&R's.

C. Submittal of Final Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the final map, the number of which shall be determined by the Planning Department; the certificate sheet before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report acceptable to the Department of Public Works; the final map fee as required in the fee schedule for subdivisions in effect at the time the final map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.
2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.
3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

D. Submittal of Final Map For Approval:

1. After the Planning Department completes the technical review in subsection C above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the final map for approval. The original tracing and two sets of prints of the corrected map, signed by all parties required by the Subdivision Map Act and this Chapter to execute the certificates on the map, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the final map to the Department of Public Works for approval and transmittal to the Board of Supervisors. Any changes made by the subdivider other than those required as a result of the technical review process shall be marked by the subdivider in red on the revised prints.
2. Agency Action: The final map shall be presented to the Planning Department for

filing at least five (5) days in advance of the Board of Supervisors' meeting at which the map is to be considered. The Department of Public Works shall present the map to the Board of Supervisors when all fees, supplementary documents and plans have been determined to be satisfactory.

3. Acceptance or Rejection of Dedications: On presentation of the final map, the Board of Supervisors, at its next meeting or within a period of not more than ten (10) days after such submission, shall approve the map if it conforms to all requirements of the Subdivision Map Act and this Chapter. At the time of its actions thereon, the Board of Supervisors shall accept, reject, or accept subject to improvement any or all offers of dedication of streets and other easements. Upon approval of any final map, the Clerk of the Board of Supervisors shall submit the final map to the County Recorder for filing.
4. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the final map.
5. Filing by Units: The subdivider may elect to file a final map for all or part of the approved tentative map in the sequence of units approved by the Planning Commission. The sequence of units shall be shown on the tentative map. Each final map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units.
6. Upon submittal of the final map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessor's Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, submit an electronic copy of the map in the .DGN or .DXF file formats. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

Section 13.02.160 Parcel Maps

A. Form and Contents:

1. Conformance with Subdivision Map Act: The form and contents of parcel maps

shall be in conformance with the Subdivision Map Act and this Chapter.

2. Boundary Designation: The boundary of the subdivision shall be designated by a continuous heavy, opaque, black line applied in such a manner as not to obliterate figures or other data.
3. Title Sheet: The title sheet, if used, shall contain the subdivision number, conspicuously placed at the top of the sheet, and the location of the property being subdivided with reference to maps which have previously been recorded or by reference to the plat of the United States survey. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the titles: "In the County of Nevada." If partly in unincorporated territory and partly within an incorporated city, the following words shall be used: "Lying within the County of Nevada and partly within the City of _____" If more than three (3) sheets are used, a key diagram shall be included in the first map sheet.
4. Affidavits, Certificates, Acknowledgements, Dedications, etc.: Affidavits, certificates, acknowledgements, endorsements, acceptances of dedication and the notarial seals required by law and this Chapter shall appear only once on the title sheet. The above certificates, etc. may be legibly stamped or printed upon the map with opaque ink or by photographic reproduction.
5. Scale, North Point: There shall appear on each map sheet the scale, the north point, and the basis of bearings.
6. Rights-of-Way and Easements:
 - a. Rights-of-way and easements for roads or streets, paths, stormwater drainage, sanitary sewers, or other public uses as may be required shall be dedicated to the public for future acceptance by a public agency, and the use shall be specified on the map.
 - b. Easements for an existing or proposed utility installation for the use of a private or non-governmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation, except as provided in paragraph (d) below.
 - c. All easements of record shall be shown on the map, together with the name of the grantees and sufficient recording data to identify the conveyance, e.g., Recorder's document number and date, or book and page of Official Records.
 - d. Easements not disclosed by the records in the office of the Clerk

Recorder and found by the surveyor or engineer to be existing shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

- e. The sidelines of all easements of record shall be shown by dashed lines on the parcel map with sufficient ties provided to determine the exact location within each lot.
7. Liner, Angular and Radial Data: Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius and total central angle or radial bearings of all curves shall be shown.
8. Adjoining Corners of Adjoining Subdivisions: The adjoining corners of all adjoining subdivisions shall be identified by official number and reference to the book and page of the filed map showing such subdivision.
9. City Boundaries: City boundaries which cross or join the subdivision shall be clearly designated.
10. Monument Location: The location and description of all existing and proposed monuments shall be shown.
11. Printing and Lettering: All printing or lettering on the map shall be of one-eighth inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings.

B. Submittal of Parcel Map for Technical Review:

1. The subdivider shall submit to the Planning Department for technical review prints of the parcel map, the number of which shall be determined by the Planning Department; the certificate sheet (if one is used) before the certificates on the original tracings are executed; the supplemental data document if it is to be filed as a separate document; a current preliminary title report, furnished by the subdivider and acceptable to the Department of Public Works; the parcel map fee as required in the fee schedule for subdivisions in effect at the time the parcel map is submitted; and mathematical closure calculations prepared by the subdivider's engineer and showing the subdivision's exterior boundary and/or blocks and lots.
2. The error of map closure around the subdivision and around the interior lots shall not exceed one part in twenty thousand.

3. Within twenty (20) days, or such other time as may be mutually agreed upon, the Planning Department shall note any required corrections on one (1) set of the preliminary prints and return them to the subdivider for final revision of the maps or documents. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

C. Supplemental Documents:

1. Approval Required: The parcel map shall be accompanied by the following documents, if applicable, which shall be approved by the proper authorities before the parcel map is submitted to the Board of Supervisors for approval:
 - a. Improvement Agreement: The improvement agreement shall be as specified in 13.03.090.
 - b. Improvement Security: Improvement security shall be as specified in 13.03.090..
 - c. Tax Certificate and Security: The subdivider shall file with the Director of the Department of Public Works a certificate executed by the County Tax Collector giving their estimate of all of the taxes and special assessments which are a lien on the property but which are not yet payable, together with security conditioned upon the payment of such taxes and special assessments. The subdivider shall also file with the Director of the Department Public Works a certified copy of the certificate filed with the County Recorder pursuant to Cal. Gov't Code § 66492. (Ord. 1381. (06/02/1986); Ord. 1374. (04/28/1986); Ord. 2531. (10/24/2023))
 - d. Deed for Easements or Rights-of-way: Deeds for easements or rights-of-way required for road or drainage purposes which have been dedicated on the parcel map shall be required by separate instrument. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility shall be required.
 - e. Soils Report: When a soils report has been prepared, this fact shall be noted on the parcel map, together with the date of the report and the name of the engineer making the report.
 - f. Certification Letters: A letter shall be required of each independent special district that has entered into an agreement with a developer pursuant to 13.02.040 certifying that such agreement has been fulfilled.
 - g. Supplemental Data: The supplemental parcel map data document shall

be as specified in Subsection 2 below and may recorded as part of the parcel map or as a separate document.

2. Supplemental data shall be as required by the tentative map approval.
 - a. Where the supplemental parcel map data document is recorded as a separate document, it shall include the following:
 - 1) Sufficient recording data to identify the recorded parcel map to which the supplemental data applies, including document number and date, as well as book and page;
 - 2) Assessor's parcel number(s) both before the recording of the final map;
 - 3) Name and acknowledged signature of each entity with an ownership interest in the property.
 - b. The supplemental data document may include one (1) or more supplemental maps for non-title information. Supplemental maps shall be drawn to scale and shall indicate site-specific information relative to future site development. Such information may include, but is not limited to, the location of sensitive resources, required setbacks, non-buildable areas, open space, and building envelopes. Supplemental maps may be drawn on 8-1/2" by 11" paper of durable quality and shall be legible and in permanent ink. If the 8-1/2" by 11 format is used the supplemental data shall be noted on the map similar to CC&R's.

D. Submittal of Parcel Map for Approval:

1. After the Planning Department completes the technical review in Subsection B above, and after the subdivider makes any corrections identified during that technical review, the subdivider may submit the parcel map for approval. The original tracing and two sets of prints of the corrected map, with certificates and/or separate instruments signed by all parties required in the Subdivision Map Act and this Chapter, shall be submitted to the Planning Department. Upon final review, the Planning Department shall route the parcel map to the Department of Public Works for approval and transmittal to the Clerk Recorder. Any changes made by the subdivider other than those required through the technical review process shall be marked by the subdivider in red on the revised prints.
2. Agency Action: The parcel map may be presented to the Planning Department for approval after all fees, supplementary documents and plans have been

determined to be satisfactory by the Department of Public Works and will be processed within thirty (30) days.

3. Evidence of Title: The subdivider shall present to the County Recorder the evidence of title required by the Subdivision Map Act prior to the County Recorder filing the parcel map.
4. Filing by Units: The subdivider may elect to file a parcel map for all or part of the approved tentative map in the sequence of units approved by the Advisory Agency. The sequence of units shall be shown on the tentative map. Each parcel map which constitutes a part, or unit, of the approved tentative map shall have a separate subdivision number. The improvement agreement to be executed by the subdivider shall provide for the construction of such improvements as may be required to constitute a logical and orderly development of the whole subdivision by units. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))
5. Upon submittal of the parcel map for recordation, the subdivider shall, if it is available, submit an electronic copy of the map to the Assessors Office in an AutoCAD.DWG file format using the California Stateplane Zone II coordinate system. If the AutoCAD.DWG file format is unavailable, then the subdivider shall, if it is available, an electronic copy of the map in the .DGN or .DXF. If Stateplane coordinates are unavailable, the subdivider shall indicate the geographic position or benchmark of the drawing's origin and the drawing units (i.e., feet, meters, etc.). The electronic file, if submitted, shall be accompanied with a letter certifying the electronic copy is identical to the recorded map.

E. Acceptance or Rejection of Dedications:

Upon presentation of a parcel map with offers of dedication by separate instrument, the County Surveyor, within thirty (30) days of such submittal, shall accept, reject, or accept subject to improvements any or all offers of dedication of streets or other easements. Upon approval of the parcel map, the County Surveyor shall submit the map to the County Recorder for filing.

Section 13.02.170 Corrections and Amendments of Maps and Supplemental Data Documents

A. Final maps, parcel maps and supplemental data documents recorded in the office of the Clerk Recorder and approved tentative maps may be amended pursuant to this Section.

1. Map errors or omissions on a recorded final map or parcel map may be corrected by a certificate of correction or an amending map as authorized by Cal. Gov't

Code § 66469, as may be amended from time to time, and shall be processed in conformance with the Cal. Gov't Code §§ 66470 - 66472.1.

2. Other amendments to a recorded final or parcel map, including to supplemental data recorded as a part thereof, may be made by a certificate of correction or an amending map in accordance with the Subdivision Map Act and this Section.
3. Amendments to a supplemental data document recorded as a separate document may be made by recording an amended supplemental data document in accordance with this Section.
4. Amendments to an approved tentative map may be made in accordance with this Section.

B. A request to amend any item in subsections A.2 – A.4, above, shall be filed with the Planning Department, accompanied by the appropriate fee, and shall include:

1. Identification of the map or document sought to be changed and a detailed list of all of the current conditions of approval or other aspects sought to be changed;
2. Identification of the specific conditions of approval or other aspects sought to be changed, detailing the reasons therefore;
3. A statement of the changed conditions or other aspects to be substituted, if any; and
4. A statement of whether any prior modifications or alterations to the map or document have been sought and the disposition of each such request.

C. The request shall be noticed in the same manner as the initial application and shall be heard by the same hearing body that approved the final map, parcel map, or information in the supplemental data document. The hearing and the scope of review shall be limited to consideration of the effect of the amendments requested and not to the entire project. Action and findings shall be required only on the proposed amendments.

D. The amendment may be approved only if all of the following findings are made:

1. The amendment will have a cumulatively minor impact on the subdivision and its impacts;
2. The amendment conforms to the provisions of Cal. Gov't Code § 66474; and
3. The amendment would not affect any of the other findings for approval required by this Chapter.
4. In addition, all of the following findings shall be required for approval of

amendments to recorded final maps or parcel maps or to recorded supplemental data documents:

- a. There are changes in the circumstances that make the aspects sought to be changed no longer appropriate or necessary;
- b. The modifications do not impose any additional burden on the present fee owner of the property; and
- c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map. (Ord. 1895. (01/16/1996); Ord. 2531. (10/24/2023))

Section 13.02.180 Reversions to Acreage

A. General:

Subdivided property shall be reverted to acreage by final map when the property to be reverted contains five or more contiguous parcels. Subdivided property may be reverted to acreage by parcel map pursuant to applicable sections of the Subdivision Map Act when the property being reverted consists of four (4) or less contiguous parcels under the same ownership.

B. Fees:

Petitions to revert property to acreage shall be accompanied by a fee in accordance with the latest fee schedule adopted by the Board of Supervisors. If the proceedings are initiated pursuant to action of the Board of Supervisors, the person or persons, other than a County agency, who requested that the Board of Supervisors initiate the proceedings shall pay the fee as specified. Fees are not refundable.

C. Initiation of Proceedings by Owners:

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property. The petition shall be filed with the Planning Department. The petition shall contain the information required below.

D. Initiation of Proceedings by the Board of Supervisors:

The Board of Supervisors, at the request of any person or on its own motion, may, by resolution, initiate proceedings to revert property to acreage.

E. Data for Reversion to Acreage:

Petitioners shall file the following with the Planning Department:

1. Evidence of title to the real property.
2. A final map or parcel map in the form prescribed by 13.02.050 or 13.02.160, delineating dedications that are a condition to reversion.
3. Sufficient data to enable the Board of Supervisors or Advisory Agency to make all of the determinations and findings required by this Section and the Subdivision Map Act.
4. Such other pertinent information as may be required by the Board of Supervisors or Advisory Agency.

F. Final Map Submittal for Checking:

The final map or parcel map required by this Section shall be submitted for checking as specified in 13.02.050 or 13.02.160. Mathematical closure calculations will not be required.

G. Proceedings Before the Board of Supervisors:

1. A public hearing shall be held before the Board of Supervisors or the Advisory Agency on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in the Subdivision Map Act.
2. The Board of Supervisors may approve a reversion to acreage only if it finds that:
 - a. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
 - b. Either:
 - 1) All owners of an interest in the real property to be reverted to acreage have consented to the reversion; or
 - 2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - 3) None of the lots shown on the final or parcel map have been sold

within five (5) years from the date such map was filed for record.

c. The Board of Supervisors shall require as conditions of the reversion:

- 1) The owners dedicate or offer to dedicate streets or easements.
- 2) The retention of all or a portion of previously paid subdivision fees, deposits or improvements securities if the same are necessary to accomplish any of the provisions of this Chapter.

H. Proceeding Before the Advisory Agency:

1. The Zoning Administrator shall review all proposals to revert previously subdivided land to acreage by parcel map.
2. The Zoning Administrator may approve a reversion to acreage only if it finds that:

a. There are no dedications or offers of dedication to be vacated or abandoned.

b. Either:

- 1) All owners of an interest in the real property to be reverted to acreage have consented to reversion; or
- 2) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
- 3) None of the lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

c. The Zoning Administrator shall require as conditions of the reversion:

- 1) The owners dedicate or offer to dedicate streets or easements.
- 2) The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this Chapter. (Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

I. Delivery of Final Maps:

After the hearing before the Board of Supervisors and approval of the final map by the

County Surveyor, the County Surveyor shall deliver the final map to the County Recorder for filing.

J. Delivery of Parcel Maps:

After review by the Zoning Administrator and approval of the parcel map by the County Surveyor, the County Surveyor shall deliver the parcel map to the County Recorder for filing. (Ord. 1896. (01/16/1996); Ord. 2531. (10/24/2023))

K. Effect of Filing Reversion Map with the County Recorder:

Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon such filings, all dedications and outstanding offers of dedication not shown on the map for reversion shall be of no further force or effect.

Section 13.02.190 Notice of Subdivision Violation: Proceedings

A. Whenever any officer, official, or department head of the County of Nevada has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or of the provisions of this Chapter, the Planning Director shall be notified. If the Director determines that there has been a violation, the Director shall cause to be filed a notice of intention to record a notice of violation, which shall be mailed by certified mail to the then-current owner(s) of record of the property in accord with the provisions of Cal. Gov't Code § 66499.36, as may be amended from time to time.

B. The notice shall contain a description of the violation(s) and an explanation as to why the subject parcel is not lawful if created before March 4, 1972, and shall specify the time, date and place of a meeting of the appropriate Advisory Agency of the County of Nevada no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing at which the owner(s) of said property may present evidence as to why such notice should not be recorded. If, within fifteen (15) days of receipt of the notice, the owner(s) fails to inform the Planning Department of his or her objection to recording the notice of violation, the Advisory Agency shall cause the Notice of Violation to be recorded with the Nevada County Recorder.

C. If the owner(s) timely object to recordation of the notice of violation, a public hearing shall be held at which evidence may be presented on the issue of whether there has been a violation(s). If, after the owner(s) has presented evidence, the Advisory Agency determines that there has been no violation, the Local Agency shall cause a clearance letter to be mailed to the then current owner(s) of record. If, after the owner(s) has presented the evidence, the Advisory Agency determines that the property has in fact been illegally divided, it shall cause the Notice of Violation to be recorded with the

Nevada County Recorder.

D. A Notice of Violation, when recorded as provided herein, shall be deemed to be constructive notice of the violation to all successors in interest in such property. After recordation, a Notice of Violation can only be cleared through approval of a new subdivision application or Certificate of Compliance, if applicable, in compliance with the current provisions of the Subdivision Map Act and this Chapter.

Section 13.02.200 Certificates of Compliance

A. General:

Pursuant to Cal. Gov't Code § 66499.35, upon application to the Planning Department, a party owning real property or a vendee of such person pursuant to a contract of sale for such real property may obtain a Certificate of Compliance or a Conditional Certificate of Compliance. The Board of Supervisors may, by resolution, establish a fee to cover the cost of issuing and recording the Certificate of Compliance or Conditional Certificate of Compliance.

B. Fees:

An application and filing fee shall be made by verified petition of the owner or vendee for each parcel pursuant to a contract of sale identifying the property and shall be accompanied by all relevant documentation.

C. Processing:

1. Upon acceptance of the application, the Planning Department shall circulate copies of the application to the Department of Public Works, Environmental Health, and such other County departments as may be appropriate, which departments shall review same and submit their comments and recommendations to the Planning Department within thirty (30) days.
2. Thereafter the applications shall be reviewed and acted on by the Planning Director. If the Planning Director determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Planning Director shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded. If the Planning Director determines that the Certificate must include conditions, the application shall be set for a public hearing before the Zoning Administrator. The Planning Department shall review the matter and make its recommendation to the Zoning Administrator at the time of the public hearing.

3. If the Zoning Administrator determines that the real property complies with the applicable provisions of the Subdivision Map Act and all local ordinances, the Zoning Administrator shall make a finding to that effect and shall then cause a Certificate of Compliance to be recorded.
4. If the Zoning Administrator determines that the real property does not comply with the provisions of the Subdivision Map Act or with the applicable local ordinances enacted pursuant thereto, the Zoning Administrator may, as a condition of granting a Certificate of Compliance, impose such conditions as follows:
 - a. If the applicant was the owner of record at the time of the initial violation of the Subdivision Map Act or applicable local ordinances, created a parcel or parcels by a grant of real property in violation of the Subdivision Map Act or applicable local ordinances and is the current owner of record of one or more of the parcels created as a result of the grant in violation of the Subdivision Map Act or applicable local ordinances, the Zoning Administrator may impose such conditions as would be applicable to a current division of that property.
 - b. If the applicant does not fall under Subsection A above, the Zoning Administrator may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property and which had been established at such time by the Subdivision Map Act or local ordinances enacted pursuant thereto.
5. Upon making the determination and establishing the conditions, the Zoning Administrator shall then cause a Conditional Certificate of Compliance to be recorded. Any conditions placed on a Conditional Certificate of Compliance must be fulfilled prior to the issuance of any permits or other grants of approval for development of the subject real property, but compliance with such conditions shall not be required until such time as permits or other grants of approval for development are issued by the County. (Ord. 1375. (05/06/1886); Ord. 1893. (01/16/1996); Ord. 2531. (10/24/2023))

CHAPTER 3: REGULATIONS

Sections:

Section 13.03.010	Street Standards
Section 13.03.020	Water Supply and Distribution Requirements
Section 13.03.030	Sewage Disposal Standards
Section 13.03.040	Fire Protection Standards
Section 13.03.050	Drainage Standards
Section 13.03.060	Grading
Section 13.03.070	Surveying, Staking and Setting Monuments
Section 13.03.080	Soils Report
Section 13.03.090	Improvement Agreements and Security
Section 13.03.100	Formation of Service Entities
Section 13.03.110	Merger
Section 13.03.120	Inclusionary Affordable Housing Component

Section 13.03.010 Street Standards

A. Conformance to the General Plan:

The construction of streets and roads in a subdivision that are functionally classified in the Circulation Chapter of the Nevada County General Plan or any applicable specific plans shall be constructed consistent with their classification. The circulation and design aspects of streets in a subdivision shall conform to the intent of the General Plan and in all cases shall provide for the advantageous development of the general planning area within which the subdivision lies.

B. Conformance to Standard Specifications:

Any road improvements required in conjunction with any subdivision of land done under the provisions of this Chapter shall be completed consistent with the requirements of Title 16 of the Nevada County Code. (Entire section amended by Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

Section 13.03.020 Water Supply and Distribution Requirements

Water supply and distribution improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Title 15 of the Nevada County Code.

Section 13.03.030 Sewage Disposal Standards

A. In subdivisions where sewage disposal shall be by individual systems or other on-site disposal systems, sewage disposal standards required Title 15 of the Nevada County Code shall apply to the subdivision prior to map recordation.

B. In subdivisions where sewage disposal is provided by a sanitation district, improvements required for connection to the district's facilities shall conform to that district's regulations. If annexation is required before connecting to the district, the subdivider shall initiate annexation prior to recordation of the parcel or final map.

C. In subdivisions where sewage disposal shall be by individual systems, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that sewage can be disposed of on any lot or parcel on the recorded map.

Section 13.03.040 Fire Protection Standards

Fire protection improvements required in conjunction with any subdivision of land under the provisions of this Chapter shall be completed consistent with the requirements of Title 4 of the Nevada County Code.

Section 13.03.050 Drainage Standards

The subdivision shall be protected from inundation, flood, sheet overflow and pooling of local stormwater, springs and other surface waters. The design of improvements shall be such that water accumulating within and from outside the subdivision will be carried off the subdivision without injury to any adjacent improvements, residential sites or residences to be installed on sites within the subdivision or adjoining areas. Water accumulating within and from outside the subdivision shall be carried to adequate storm drainage facilities or to a natural drainage course by such improvements as may be required to meet the design standards herein set forth or the latest standards adopted by the Board of Supervisors. Drainage design for the subdivision shall accommodate anticipated future development within the entire drainage area. Any off-site drainage facilities required to carry stormwater from the proposed subdivision to a defined channel or existing conduit shall be made adequate for the ultimate development in the entire drainage area. Cross-culverts shall as a minimum be designed to pass a Q10 with no head and Q100 with available head. Minimum culvert size shall be 18" diameter or equal.

Drainage channels within the subdivision shall as a minimum be designed to carry Q10 with a minimum freeboard of 0.5 feet and shall carry Q100 with no freeboard.

Section 13.03.060 Grading

All grading done in conjunction with the development of a subdivision shall be done in

accordance with Chapter governing “Building” of the Nevada County Code. (Ord. 1747. (10/22/1991); Ord. 1919. (11/05/1996); Ord. 2009. (10/26/1999); Ord. 2531. (10/24/2023))

Section 13.03.070 Surveying, Staking and Setting Monuments

A. Limit of Error in Mathematical Closure Calculations of Boundaries of Tracts and Lots:

A field survey of the boundaries of the tract and all lots and blocks must close within a limit of error of one in five thousand.

B. Staking All Corner Points, Curve Points, Etc.

All corner points and survey points in the subdivision, except for parcel maps filed from record data, shall be staked. Points sufficient for retracement on streets, easements and other lands to be dedicated for public use in the subdivision shall also be staked. All stakes shall be a minimum of three-fourths inch inside diameter pipe or five-eighths inch diameter steel rods, eighteen inches long. The pipe or rod shall be driven to within six (6”) inches of the ground surface. All stakes shall be permanently tagged with the engineer’s or surveyor’s registration number. (Ord. 767. (10/26/1976); Ord. 2531. (10/24/2023))

C. Street Right-of-Way:

- 1 Permanent reference monuments shall be set on the road right-of-way at the beginning and ending of all curves to ensure that the right-of-way can be readily retraced.
2. Sufficient street right-of-way monuments shall be set to ensure that the right-of- way can be readily retraced. Monuments used for this purpose shall comply with this Section.

D. Permanent Reference Monuments for Final Map:

1. Sufficient permanent reference monuments shall be set to readily retrace the survey. Such monuments shall be readily accessible from the street right-of-way in locations approved by the Director of the Department of Public Works and shall be properly shown and dimensioned on the final or parcel map.
2. Monuments shall be set at all exterior boundaries of the subdivision prior to the filing of the final or parcel map. The subdivider shall submit a bond or other security if the internal monuments of the subdivision are to be set after the filing of the parcel map or final map. The surveyor or engineer preparing the final or

parcel map shall certify thereon that the monuments will be set by a specified date. The cost of setting such monuments shall be included as a part of the other improvements.

Section 13.03.080 Soils Report

“A soils report” prepared by a registered civil engineer specializing in soils investigation shall be required for all subdivisions unless waived by the Building Department. The report shall indicate the presence of any critically expansive soils or any other soil problems which, if not corrected, may lead to structural defects. If the report indicates the presence of critically expansive soils or other soil problems which, if not corrected, may lead to defects in structures, buildings or other improvements, it shall further report on an investigation of each lot of the subdivision, including recommended corrective action which is likely to prevent structural damage to each building structure or improvement to be constructed. It shall also report on the suitability of earth materials for construction of stable embankments and excavation slopes including those necessary for any artificial or natural drainage channel; recommendations for construction procedure is to obtain required stability; maximum design velocity for any natural or artificial drainage channel; and any other geologic features, slides, stable soil conditions, spring and seepage conditions, erosion control planting, or drainage facilities to enable proper development of the subdivision. The soils report shall be prepared on 8-1/2" by 11" paper of durable quality and documents which accompany report shall be of a convenient size and scale to fold into 8-1/2" by 11" sheets.

Section 13.03.090 Improvement Agreements and Security

A. Improvement Agreement:

Prior to the recording of a final map or parcel map, all improvements required to be installed or constructed by the subdivider must be in place and acceptable to the County. In lieu of performing the construction prior to recording of a final map or parcel map, a subdivider may enter into an agreement with the County whereby they agree to construct, within two (2) years of the execution of the agreement, all improvements necessary for the development, to repair any defects which occur within one (1) year of completion of such improvements, and to comply with all applicable laws and ordinances and conditions in performing the required acts.

B. Extensions of Time:

1. The subdivider may request extensions of time to complete the improvements required under this Agreement. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement or any extension thereto, and acted upon by the Board of Supervisors prior to expiration. Each such

extension shall be for a period not to exceed two (2) years. No extension may be granted which will extend the period for completion of improvements more than five (5) years from the date of approval of the final map, except as provide under B.2 below. Grant of extension shall be conditioned upon the following:

- a. Modification of the required improvements to comply with the current County standards, if different from those standards in effect at the time of approval of the final map or prior extension, and
 - b. Submission of additional security to reflect increases in construction costs resulting from such modifications, if any, and/or inflation.
2. Upon a showing of exceptional circumstances that have created a delay in completing the improvements under the Agreement, a subdivider may request the Board of Supervisors to grant an extension of the Agreement beyond five (5) years from the date of approval of the final map. Such request must be received not less than forty-five (45) days prior to the expiration of the Agreement extension. The Board of Supervisors may grant an extension of the Agreement beyond five (5) years from the date of the approval of the final map if it determines, based on substantial evidence provided by the subdivider, all of the following:
- a. The subdivider has made continued and substantial progress toward completing the improvements under the Agreement.
 - b. It is likely subdivider will complete the remaining improvements within the additional time requested.
 - c. The extension of time will not be detrimental to the health, safety, or welfare of the community.
 - d. The subdivider is not currently in default of the Agreement or extension thereto. Any extension of the Agreement beyond five (5) years from the date of approval of the final map shall only be granted in increments of one (1) year. (Ord. 2359. (03/12/2013); Ord. 2531. (10/24/2023))

C. Improvement Security:

If a subdivider enters into an agreement with the County in accordance with this Section, the subdivider shall furnish security to guarantee the successful completion of the items specified in said agreement. The security may be in one or more of the following forms, subject to approval by the County:

1. A bond or bonds by one or more duly authorized corporate sureties substantially

in the form prescribed by the Subdivision Map Act;

2. A deposit either with the County or a responsible escrow agent or trust company selected by the County, cash or negotiable bonds of the kind approved for securing deposits of its public monies;
3. An irrevocable instrument of credit from one or more responsible financial institutions regulated by Federal or State government and pledging that the funds are on deposit and guaranteed for payment;
4. A lien upon the property to be divided, created by contract between the owner and the County, if the County finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map.
5. Any form of security, including security interests in real property, which is acceptable to the County.

If the County elects to accept a security in the form of either Section 13.03.090.C.4 or 13.03.090.C.5 above, a contract shall be prepared creating a security interest, and the contract shall be recorded with the Nevada County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed-to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the County of Nevada.

D. Improvement Security Amount. Amount of improvement security shall be provided as follows:

1. One hundred percent (100%) of the total estimated cost of the improvement or act to be performed to secure the faithful performance of the agreement provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon their review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check or at such later date as the County engineer may determine, and the cost to the County to complete the construction if

the subdivider fails to do so.

2. In addition to Subsection 1 above, one hundred percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act provided, however, that if at the time of the filing of the final map for recordation a contract has been let and the construction work on the improvements has begun, the performance security may be reduced to an amount sufficient to complete the construction of the improvements. The amount of the security for partially completed improvements shall be established by the County engineer based upon his review of the scope of the improvements, the construction contract price (as executed between the subdivider and a qualified independent contractor), the stage or level of completion that the project has reached as of the date that the final map was submitted to the County for final plan check, or at such later date as the County engineer may determine, and the cost to the County to complete the construction if the subdivider fails to do so.
3. An additional amount of security in an amount equal to five percent (5%) of the total estimated cost of the improvement or \$1,000.00, whichever is greater, to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may be incurred by the County of Nevada in successfully enforcing the obligation secured.
4. The improvement security shall also secure the faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement.
5. At the County's option, an additional amount of security to cover estimated costs and reasonable expenses and fees, including reasonable attorney's fees, that may be incurred by the County in successfully enforcing the obligation secured. (Ord. 1733. (09/10/1992); Urg. Ord. 1798. (08/25/1992); Ord. 2531. (10/24/2023))

E. Improvement Security Release. The improvement security required hereunder shall be released in the following manner:

1. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work by the Board of Supervisors. The Board of Supervisors may provide for a partial release of the security upon the partial performance of the act or acceptance of the work as it progresses. The provisions for the partial release of letters of credit shall be consistent with Cal. Gov't Code § 66499.7(a).

2. Upon acceptance of the act or work by County and sixty-five (65) days after the recording of a notice of completion or ninety-five (95) days after completion of all work, if no notice of completion is filed, security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment shall be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the Board of Supervisors plus an amount reasonably determined by the Board of Supervisors (Director of Public Works or other designee) to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given and after the running of the one- year period set forth in Subsection F below. (Ord. 1733. (09/10/1991); Ord. 2531. (10/24/2023))

F. Maintenance Security:

Upon satisfactory completion of all improvements, acts or obligations in the proper manner and within the time specified in the agreement, the security required by this Section to guarantee faithful performance of the work shall be reduced to ten percent (10%) of the original amount of such security to guarantee or warranty the work against any defective work or labor done or defective material used, and to guarantee maintenance of the work for a period of one year from the date of said satisfactory completion.

G. Improvement Security Forfeiture:

Upon the failure of the subdivider to complete any improvement, acts or obligations in the proper manner or within the time specified, the Board of Supervisors may upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person determine that the subdivider is in default and may cause the improvement security or such portion thereof as is necessary to complete the work or act and any other obligations of the subdivider secured thereby to be forfeited to the County. (Ord. 855. (08/21/1978); Ord. 2531. (10/24/2023))

Section 13.03.100 Formation of Service Entities

Formation of an assessment district to provide for construction of improvements in a new subdivision is discouraged.

The formation of entities to provide for maintenance, snow removal, etc. shall be in accordance with the standard form agreement on file with the Director of Department of Public Works. Subdivisions above 4,000 feet elevation shall form a maintenance district

to provide for snow removal if the streets are to be County maintained.

All private road subdivisions shall provide a maintenance entity in accordance with Section governing “Maintenance Agreements” in Title 16. (Ord. 1883. (04/11/1995); Ord. 2531. (10/24/2023))

Section 13.03.110 Merger

A. Purpose and Intent:

It is the County’s intention to exercise its ability to initiate and merge parcels only when there are valid health and safety reasons to support the merger. Additionally, it is the County’s intention to also provide a process to accommodate voluntary merger requests. (Ord. 1894. (01/16/1996); Ord. 2531. (10/24/2023))

B. Mergers Required:

Two (2) or more contiguous parcels or units held by the same owner shall be merged if one (1) of the parcels or units does not conform to the minimum parcel or lot size required by the applicable standards of the base zoning district established in Title 12, Zoning, and if all of the following requirements are satisfied:

1. At least one (1) of the affected parcels has not been developed with a structure for which a building permit was issued or for which a building permit was not required at the time of construction; is developed only with an accessory structure or accessory structures; or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
2. With respect to any affected parcel, one or more of the following conditions exist:
 - a. Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - b. Was not created in compliance with the applicable laws and ordinances in effect at the time of its creation;
 - c. Does not meet current standards for sewage disposal and domestic water supply as required by Sectionss governingSewage Disposal, 15.01.040 and Water Supply and Resources, 15.05, respectively, of the Nevada County Code;
 - d. Does not meet slope stability standards. As defined herein, slope stability standards include lots with an average slope of thirty percent (30%) or

greater, lots lying within landslide areas, and lots on Placer Diggings soils as identified in the 1975 Soil Survey of Nevada County prepared by the U.S. Department of Agriculture, Soil Conservation Service, and Forest Service;

- e. Its development would create health or safety hazards;
 - f. Is inconsistent with the General Plan and any applicable specific plan other than minimum lot size or density standards.
- 3. For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that Notice of Intention to Determine Status is recorded pursuant to Section 13.03.11.C below;
 - 4. Subsection B shall not apply if any of the conditions stated in Cal. Gov't Code §§ 66451.11(b)(A), (B), (C), or (D) exist.

C. Notice of Intention to Determine Status:

Prior to recording a Notice of Merger, the Planning Department shall mail, by Certified Mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this Section and that, within sixty (60) days from the date the Notice of Intention to Determine Status was recorded, the owner may request a hearing before the Board of Supervisors to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record at the office of the Clerk Recorder on the same day that the notice is mailed to the property owner.

D. Hearing of Determination of Status:

The owner of the affected property may file a written request for a hearing with the Board of Supervisors within sixty (60) days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, a time, date and place for a hearing before the Board of Supervisors shall be established with a notice to the owner by Certified Mail. The hearing shall be conducted within sixty (60) days following the receipt of the owner's request or may be postponed or continued by mutual consent of the Board of Supervisors and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this Chapter.

At the conclusion of the hearing, the Board of Supervisors shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of

the determination. The notification shall be mailed to the property owner within five (5) days of the date of the hearing.

E. Determination of Merger:

The determination of merger shall be based on factual evidence that shows that there are health and safety reasons which support the need to merge said parcels. If the Board of Supervisors makes a determination that the parcels are to be merged, a Notice of shall be recorded within thirty (30) days of the conclusion of the hearing. The Notice of Merger shall specify the name of the record owners and a description of the property.

If the Board of Supervisors makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be recorded, and a clearance letter mailed to the owner.

F. Determination When No Hearing is Requested:

If the owner does not file a request for a hearing within sixty (60) days of the recording of the Notice of Intention to Determine Status, the Board of Supervisors may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a determination of shall be recorded within ninety (90) days of the mailing of the Notice of Intent to Determine Status.

G. Request to Merge by Property Owner (Voluntary Mergers):

1. If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before the Board of Supervisors and to all notices required by this Chapter. Upon signing the waiver by all person(s) having a record title interest in the real property, the Planning Director shall record a Notice of Merger. (Ord. 1894. (01/16/1996); Ord. 2531. (10/24/2023))
2. The fee for processing mergers at the request of an owner shall be as specified on the latest Fee Schedule Resolution of the Board of Supervisors and the actual recording costs required of the County Recorder.
3. In such cases, a finding tied to health and safety will not be required.

H. Procedural Changes to the Merger Law in the Subdivision Map Act:
Any procedural due process change adopted in the Subdivision Map Act concerning the merger of lots or units shall automatically be followed as if it were contained herein.
(Ord. 1472. (11/24/1987); Ord. 2531. (10/24/2023))

Section 13.03.120 Inclusionary Affordable Housing Component

A. Purpose and Intent:

The Town of Truckee's unique housing situation leaves limited opportunities for local workers and their families to achieve home ownership as approximately fifty- percent (50%) of Truckee's housing are second homes for owners outside of the area. The high demand for second homes places great pressure on home prices in the Town and results in home prices which are out of reach for most of the local work force. It is the County's intent to maintain inclusionary housing requirements in the Town of Truckee Sphere of Influence to address the unique housing needs in eastern Nevada County, to provide for adequate housing opportunities for all economic segments of the greater Truckee community, and to assist in ensuring that these lands are developed and annexed in a manner that is consistent with the General Plan for Truckee.

B. Requirements for Inclusionary Affordable Housing Component:

All subdivisions creating twenty (20) or more lots, parcels or units within the Town of Truckee Sphere of Influence located within the Urban High Density, Urban Medium Density, and Urban Single Family Land Use Map designations, and any other subdivisions within these and any other General Plan Land Use designations selected pursuant to the General Plan Housing Chapter, shall have an inclusionary affordable housing component of ten (10%) percent applied to the number of parcels/units in the proposed project and rounding up any fraction of a dwelling unit to one additional unit. The affordable inclusionary parcels/units may be located either on- site or off-site. These requirements do not apply to unincorporated areas outside of the Town of Truckee's Sphere of Influence.

The distribution of affordable inclusionary units among the qualifying Household Income Categories (very low, low, and moderate as shown below) shall equal the distribution ratios of the most current Regional Housing Need Allocation from the State.

- Very Low (less than 50% of AMI)
- Low (50 to 80% of AMI)
- Moderate (80 to 120% of AMI)
- Above Moderate (above 120% of AMI)

Assurance shall be provided by the developer that the inclusionary parcels/units remain continually available to very low, low and moderate income, senior citizen or disabled households as provided in Cal. Gov't Code § 65915(c) and Section 12.03.160 (D) of this Code.

C. Density Bonus and Incentives for Affordable Housing:

The County shall offer a density bonus to a project applicant equal to the number of inclusionary parcels/units as well as other incentives as provided for in 12.03.160 to ensure that these projects are economically feasible. Whether or not to accept such bonus units shall be at the sole discretion of the applicant. (Ord. 2402. (12/08/2015); Ord. 2124. (07/22/2003); Ord. 1929. (01/07/1997); Ord. 2531. (10/24/2023))

TITLE 14: BUILDINGS

CHAPTER 1: GENERAL

Sections:

Section 14.01.010	Purpose
Section 14.01.020	Applicability
Section 14.01.030	Definitions
Section 14.01.040	Codes and Regulations Adopted
Section 14.01.050	Filing of Copies of Codes
Section 14.01.060	Code Adoption Procedure
Section 14.01.070	Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit
Section 14.01.080	Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit
Section 14.01.090	Location of Property Lines
Section 14.01.100	Transfer of Permit

Section 14.01.010 Purpose

This Chapter is enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction.

Nothing in the codes hereinafter adopted shall be construed to prevent any person from performing their own building, mechanical, plumbing or electrical work, when performed with permits in compliance with this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.020 Applicability

This Chapter shall apply, to the extent permitted by law, to all construction in the unincorporated County of Nevada. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.030 Definitions

Whenever any of the following names or terms are used herein or in any of the codes

adopted by reference by this Chapter, unless the context directs otherwise, such names or terms so used shall have the following meanings:

A. BUILDING OFFICIAL, ADMINISTRATIVE AUTHORITY, RESPONSIBLE OFFICIAL, and similar references to a chief administrative position shall mean the Building Official of the County of Nevada; provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Environmental Health Officer, said terms shall include the County Environmental Health Director; where such terms are used in connection with those duties imposed by statute or ordinance upon the Chief of a Fire Department or the County Fire Marshal, said terms shall include the Chief of the Fire Department or County Fire Marshal; and where such terms are used in connection with those duties imposed by ordinance upon the County Code Compliance Officer, said terms shall include the County Code Compliance Officer.

B. BUILDING DEPARTMENT, OFFICE OF ADMINISTRATIVE AUTHORITY, or HOUSING DEPARTMENT shall mean the Building Department of the County of Nevada.

C. CITY or JURISDICTION shall mean the County of Nevada when referring to a political entity, or an unincorporated area of said County when referring to area.

D. CLERK OF THIS JURISDICTION means Clerk of the Board of Supervisors.

E. GOVERNING BODY, LEGISLATIVE BODY or APPOINTING AUTHORITY means the Board of Supervisors of the County of Nevada.

F. BOARD OF APPEALS, HOUSING ADVISORY and APPEALS BOARD and any other reference to an appellate body in any of the uniform codes adopted by reference in this Chapter shall mean the Building and Accessibility Standards Board of Appeals provided for in Section 14.02.020 contained in this Chapter.

EXCEPTION: The appellate body for fire and panic safety regulations is within the jurisdiction of the County Fire Marshal/District Fire Chief.

G. TECHNICAL CODES refer to those codes and publications adopted by the County of Nevada containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance, of buildings and structures and building service equipment as enumerated in Section 14.01.040 below of the Nevada County Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.040 Codes and Regulations Adopted

Subject to the modifications and amendments contained in this Chapter, the following codes and standards are hereby adopted and incorporated into the Nevada County Code by reference and having the legal effect as if their respective contents were set forth herein:

- A. Division II, Scope and Administration, 2022 California Building Code.
- B. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12 (California Referenced Standards Code), in whole thereof.
- C. The 2022 edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 (California Building Code), incorporating the International Building Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, including appendixes “C,” “H,” “I” and “J” and amendments set forth in 14.03, California Building Code Amendments, of this Chapter.
- D. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 9 (California Fire Code), incorporating the International Fire Code, 2021 Edition, of the International Code Council, the whole thereof with State amendments, save and except Article 86 thereof, including appendix chapters and amendments set forth in “Fire and Safety Standards” of this Chapter.
- E. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5 (California Plumbing Code), incorporating the Uniform Plumbing Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in 14.05, California Plumbing Code Amendments, of this Chapter.
- F. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4 (California Mechanical Code), incorporating the Uniform Mechanical Code, 2021 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in 14.08, California Mechanical Code Amendments, of this Chapter.
- G. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3 (California Electrical Code), incorporating the National Electrical Code, 2020 Edition, of the National Fire Protection

Association, the whole thereof with State amendments, including annex chapters and amendments set forth in 14.11, California Electrical Code Amendments, of this Chapter.

H. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5 (California Residential Code) incorporating the International Residential Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments, including appendixes “H,” “J,” “K,” “Q,” and “S” and amendments as set forth in 14.04, California Residential Code Amendments, of this Chapter.

I. The 2022 edition of the California Building Standards Code, known as the California Code of Regulation, Title 24, Part 11 (California Green Building Standards Code) in whole thereof, with State Amendments.

J. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 6 (California Energy Code) in whole thereof, with State Amendments.

K. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 8 (California Historical Building Code) in whole thereof, with State Amendments.

L. The 2022 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 10 (California Existing Building Code), incorporating the International Existing Building Code, 2021 Edition, of the International Code Council, the whole thereof with State Amendments.

M. The 2021 International Property Maintenance Code, of the International Code Council.

N. The 1997 Uniform Code for the Abatement of Dangerous Buildings, of the International Conference of Building Officials.

O. The 1997 Uniform Housing Code, of the International Conference of Building Officials.

P. International Swimming Pool and Spa Code, 2021 edition with the amendments set forth in 14.09, International Swimming Pool and Spa Code Amendments, of this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.050 Filing of Copies of Codes

The Building Department of the County of Nevada shall maintain on file copies of the Codes and Standards referred to in above in 14.01.040 of this Chapter. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.060 Code Adoption Procedure

A. The Building Official shall provide the Board of Appeals with copies of all statutes newly adopted by the State, pursuant to the State Housing Law and State Building Standards Law (Cal Health & Safety Code §§ 17910 and 18901 - 18919.).

B. The Building Official and Board of Appeals shall:

1. Provide technical review of the newly adopted codes.
2. Report such newly adopted codes to the Board of Supervisors and provide a draft recommendation for consideration by the Board to amend, add to, or repeal ordinances or regulations, to impose the same requirements as are contained in the new State laws, or to make changes or modifications in such requirements upon express findings because of local conditions or factors.
3. Request the Board of Supervisors to schedule a hearing not less than thirty (30) days from the date of their report and place one (1) copy of the codes to be considered by the Board in the office of the Building Department for review by the general public.

C. The Board of Supervisors shall, upon the request of the Building Official and Board of Appeals, schedule such public hearing to receive public testimony on the codes and any modifications thereto to be adopted by the Board.

D. The Clerk of the Board of Supervisors shall give notice of the time, place and subject matter of the public hearing scheduled on the matter before the Board. Notification shall be by publication in a newspaper of general circulation published and circulated within the County ten (10) days prior to the public hearing.

E. The Board of Supervisors shall hold such public hearing at the date and time scheduled and shall then act on the recommendation of the Board of Appeals. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.070 Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit

- A. No building permit shall be issued for any building for which an individual sewage disposal and/or an approved water supply system must be installed, altered or added to, unless and until the Building Official is satisfied that adequate potable water and sewer disposal are available and that a permit is issued therefor.
- B. No building permit shall be issued for which an encroachment or grading permit is required, unless and until the requirements prerequisite to said encroachment or grading permit has been met.
- C. No building permit shall be issued unless and until the Building Official is satisfied that the construction authorized by the permit will not violate any existing law or ordinance.
- D. No building permit shall be issued unless the Building Official is satisfied that adequate electrical power is supplied. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.080 Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit

- A. No grading permit shall be issued for which encroachment approval is required until an encroachment permit has been obtained from the appropriate enforcement agency.
- B. No grading permit shall be issued until the Building Official is satisfied that the work authorized by the permit will not violate any existing law or ordinance, including the County of Nevada Zoning Ordinance.
- C. No grading permit shall be issued until a land use permit pursuant to Zoning Ordinances in Title 12, of the Nevada County Code has been granted by the Nevada County Planning Agency.

EXCEPTION: Single family residential development and dams. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.090 Location of Property Lines

Whenever the location of a property line or easement, or the title thereto, is disputed

during the building or grading permit application process or during a grading or construction operation, a survey by a registered Land Surveyor or appropriately registered Civil Engineer may be required by the Building Official, at the expense of the applicant, prior to the application being approved or the grading or construction operation resuming. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.100 Transfer of Permit

Whenever a parcel of real property is conveyed and a building permit and/or a grading permit has been issued for work on the property which has been started but not completed, the new owner of the property shall request a transfer of the permit(s) to his/her name and shall assume full responsibility for the work authorized by the permit(s). The new owners upon application shall pay a transfer fee as specified by the latest fee Resolution of the Board of Supervisors for a permit transfer. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 2: DIVISION II ADMINISTRATION AMENDMENTS

Sections:

Section 14.02.010	Amendments Adopted
Section 14.02.020	Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals
Section 14.02.030	Section 114: Violations (add the following)
Section 14.02.040	Section 105.2: Work Exempt from Permit; Building Permits (amend paragraph 1 to read)
Section 14.02.050	Section 105.2: Work Exempt from Permit; Building Permits (add the following)
Section 14.02.060	Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)
Section 14.02.070	Section 105.3.2: Time Limitation of Application (change to read)
Section 14.02.080	Section 105.5: Expiration (change to read)
Section 14.02.090	Section 109.2: Schedule of Permit Fees (change to read)
Section 14.02.100	Section 109.4: Work Commencing Before Permit Issuance (change to read)
Section 14.02.110	Section 109.6: Fee Refunds (change to read)

Section 14.02.010 Amendments Adopted

The Administrative Division II 2022 California Building Code as adopted by 14.01.040 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.020 Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals

113.1 Building and Accessibility Standards Board of Appeals

A. In order to hear and decide appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of the provisions of the technical codes, there shall be, and is hereby, created a Building and Accessibility Standards Board of Appeals for the County of Nevada.

B. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of State mandated energy regulations contained in Title 24, California Code of Regulations and requirements of the Historical Building Code.

C. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the enforcement of the California Access to Public Accommodations by Physically Disabled Persons regulations (Cal. Health & Safety Code §§ 19955 – 19959.5).

D. The Board shall consist of seven (7) members who are qualified by experience and training to pass on matters pertaining to building construction, building service equipment and grading. Two (2) of the seven (7) members shall be physically disabled persons who are qualified by experience and training to pass on matters pertaining to California Disabled Access Regulations. Said Board members may not be employees of the County of Nevada. Each member of the County Board of Supervisors is entitled to appoint one member who will serve at the pleasure of that Supervisor. The remaining two (2) Board members may be appointed by any member of the Board of the Supervisors. The members may be selected from the County at large without regard for Supervisorial District.

E. The Building Official shall be an ex officio member and serve as secretary to the Board but shall have no vote upon any matter before the Board.

F. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board may recommend new legislation or comment on proposed legislation relating to building construction to the Board of Supervisors.

G. The Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall it be empowered to waive any requirements of this code or the technical codes. The written decision from the Board is final and conclusive.

H. Notwithstanding limitations in paragraph “G,” the Board may consider and authorize substitutions of materials, alternate methods, and types of construction to those specified in the Chapter governing “Building” of the Nevada County Code, provided that the material, method or work offered is, for the purpose intended, at least the equivalent of that specified in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Board shall require sufficient evidence or proof be submitted to substantiate claims of equivalency and may require tests as proof of compliance at appellant’s expense. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.030 Section 114: Violations (add the following)

- A. Maintenance of any building, structure or building service equipment, which was unlawful at the time it was constructed or installed, if constructed or installed after January 1, 1962, shall constitute a continuing violation of this Code and the technical codes.
- B. Violations of any provisions of this Code and the technical codes shall constitute a public nuisance and said conditions may be abated in accordance with existing laws and ordinances.
- C. The issuance of a building permit, septic system, water well, or other permit may be withheld for property on which a violation of the provisions of this code and the technical codes exists, including work performed not in accordance with approved grading plans, until such violation has been corrected or mitigated. There shall be a connection between the violation and permit applied for.
- D. The processing of a tentative tract map, parcel map, zoning change, lot line adjustment, or discretionary use permit may be withheld for property on which a violation of the provisions of this Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated.
- E. **CRIMINAL ENFORCEMENT.** Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation of the same Section within a twelve-month (12) period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve-month (12) period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.
- F. In addition to the provisions of the Subsections above, a notice of violation of this Code or the technical codes may be recorded in the office of the County Recorder. A notice of expungement of the notice of violation shall be recorded with the County Recorder when it is determined that a permit is not required, or all remedial work has been completed and approved.
- G. **NONEXCLUSIVE REMEDIES.** The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

**Section 14.02.040 Section 105.2: Work Exempt from Permit; Building Permits
(amend paragraph 1 to read)**

1. One-story detached accessory structures without electrical, mechanical or plumbing not intended for habitation, provided the projected floor area does not exceed 200 square feet, with a maximum of two (2) foot eaves One structure per parcel. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 242., (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.050 Section 105.2: Work Exempt from Permit; Building Permits (add the following)

1. Detached trellis or arbor, provided the projected roof area does not exceed 200 square feet.
2. Agricultural accessory structures, not intended for habitation, in zoning districts “AG,” “AE,” “RA,” “FR” and “TPZ” that meet all of the following conditions:
 - a. Not a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. High and low tunnel greenhouses may be used by employees only related to cultivation of crops.
 - b. Of simple construction using conventional construction methods (concrete, steel frame, masonry and other technologies that generally require engineering are not exempt) or specifically approved manufactured structures.
 - c. No plumbing, electrical, or mechanical utilities installed.
 - d. Structures must meet the following limits:
 - 1) Pole Barns. Limited in size to 1,000 square feet maximum. One (1) pole barn per parcel or twenty (20) acres. Open from ground to eave on all sides. Distance to other structures must be equal to its height, minimum of twenty (20’) feet. Minimum of 100 feet from property line.
 - 2) Shade Structures. Cover limited to woven shade fabric.
 - 3) Animal Husbandry. Limited in size to 400 square feet maximum. One (1) per five (5) acres. Single wall construction. Dirt floor or gravel. Distance to other structures minimum of ten (10’) feet. Minimum of forty (40’) feet from property line. Minimum of 100 feet from all domestic wells.

- 4) Pump Houses. Limited in size to 120 square feet.
- 5) Greenhouses. Limited in size to 400 square feet. One (1) structure per parcel or ten (10) acres. Wood or PVC construction with rigid plastic or fiberglass cover. Dirt or gravel floor.
- 6) Storage Containers. Limited in size to 320 square feet. One (1) container per parcel or five (5) acres. Container is used for light nonhazardous agricultural storage and shall not be structurally modified or have any electrical, mechanical or plumbing utilities.
- 7) High and low tunnel greenhouses meeting the following criterion:
 - Easily moveable.
 - Constructed of metal or plastic tubing and covered with agricultural cloth, plastic film, or shade screening.
 - Exits are in compliance with the most recently adopted editions of the California Building and Fire Codes.
 - Structures meet vegetation management clearance requirements in accordance with the most recently adopted edition of the California Fire Code and Cal. Pub. Res. Code § 4291.
 - Setbacks and height limitations in accordance with Zoning Ordinances of the Nevada County Code.
 - i) Parcels three (3) acres or greater in size shall meet the following size and setback standards:
 - o 3,600 sq ft per acre maximum
 - o Thirty-Five (35') Feet in width maximum
 - o One story
 - o Five (5') feet separation between structures minimum
 - o Clustering of structures is allowed
 - ii) Parcels less than three (3) acres in size shall meet the following size

and setback standards:

- o 3,600 square foot maximum
- o Thirty-Five (35') feet in width maximum
- o One (1) story
- o Five (5') feet separation between structures minimum if multiple are proposed

All structures require site plan review and approval and a letter of exemption issued by the Building Official and Planning Director. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.060 Section 105.2: Work Exempt from Permit; Building Permits (add paragraph to read)

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the technical codes adopted by this jurisdiction or any other laws or ordinances of this jurisdiction including zoning setback requirements. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.070 Section 105.3.2: Time Limitation of Application (change to read)

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend time for action by the applicant for a period not exceeding ninety (90) days upon request by the applicant in writing showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than twice. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.080 Section 105.5: Expiration (change to read)

Every permit issued by the Building Official under the provisions of the technical codes

shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of one year at any time after the work is commenced. Before such work can be recommenced, the permit shall be renewed. The fee for renewal shall be a minimum of one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year. In order to renew action on a permit after the building or work has been suspended or abandoned or the permit has been expired for a period exceeding one year, the permittee shall pay a new full permit fee, submit plans meeting minimum standards per the most recent adopted versions of the California Building Standards Codes and obtain a new building permit.

Permits deemed to have expired shall be subject to all permit related fee increases and new fees in effect at the time of permit renewal as applicable subject to the discretion of the Building Official. The Building Official shall have discretion to adjust permit renewal fees when extenuating circumstances exist.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. Upon written request by the applicant, the Building Official may authorize an extension of up to an additional 180 days from the date the permit expiration date.

All building permits shall expire two (2) years after the issuance date. The permit may be extended beyond this period if the work authorized by the permit is being diligently pursued but only upon written request by the permittee. Review of the request and granting of an approved time extension beyond two (2) years shall be made by the Building Official. A maximum one-year extension of time may be granted in 180 day intervals when approved by the Building Official based on extenuating circumstances.

Permits may be issued with a limited time when necessary to abate dangerous, substandard or illegal conditions. The Building Official may establish the expiration date depending on the health/safety hazard. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.090 Section 109.2: Schedule of Permit Fees (change to read)

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada

County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.100 Section 109.4: Work Commencing Before Permit Issuance (change to read)

If work is done in violation of this Chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation, inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. This fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes nor from the penalty prescribed by law. The applicant may appeal the assessment of a penalty to the Building and Accessibility Standards Board of Appeals.

Where work for which a permit is required by this Chapter is started or proceeded with prior to the obtaining of such permit, the fees set forth in the fee schedule adopted by the Board of Supervisors may be increased by the Building Official but shall not be more than double the fees specified for obtaining the permit for the first violation and not more than fourfold the fees specified for obtaining the permit for a second or subsequent violation by the same individual. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes in the execution of the work nor from penalties prescribed for Title 2, Continuing Violations, and 14.02030 above in this Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.02.110 Section 109.6: Fee Refunds (change to read)

Upon request of the Applicant prior to the expiration of the building permit, the Building Official may authorize refunding the permit fee, less an administration fee established by Resolution of the Board of Supervisors, when no work has been performed under a permit issued in accordance with this Code.

The Building Official may authorize refunding the plan review fee paid, less a refund processing fee and the administration fee established by Resolution of the Board of Supervisors, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The refund of these separate and independent fees shall not exceed eighty percent (80%) of the

individual plan review or building permit fee.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than ninety (90) days after the date of fee payment. Refund amounts of less than twenty-five dollars (\$25.00), calculated after appropriate deductions, shall not be refunded. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 3: CALIFORNIA BUILDING CODE AMENDMENTS

Sections:

Section 14.03.010	Amendments Adopted
Section 14.03.020	Division II Section 113: Board of Appeals, General (change to read)
Section 14.03.030	Division II, Section 105.2: Work Exempt from Permit (change to read)
Section 14.03.040	Division II, Section 105.3.2: Time Limitation of Application (change to read)
Section 14.03.050	Division II Section 105.5: Permit Expiration (change to read)
Section 14.03.060	Division Section 109.2 Schedule of Permit Fees (change to read)
Section 14.03.070	Section 202: R (add the following definition)
Section 14.03.080	Section 1505.1: Fire Classification (change to read as follows)
Section 14.03.090	Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams
Section 14.03.100	Section 1507.2.8.2: Valleys (add the following text)
Section 14.03.110	Section 1507.3.3: Underlayment (add the following)
Section 14.03.120	Section 1608.2: Ground Snow Loads (change to read as follows)
Section 14.03.130	Section 1608.2.1: Snow Loads (add subsection to read as follows): 1608.2.1: Ramadas
Section 14.03.140	Added Section 1608.4
Section 14.03.150	Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
Section 14.03.160	Section 7.7.1: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)
Section 14.03.170	Table 7.3-1 Exposure Factor, Ce, ASCE 7-16 (change footnote 'a' to read as follows)
Section 14.03.180	Table 7.3-2 Thermal Factor, Ct, ASCE 7-16 (replace Table 7.3-2 Thermal Factor, Ct, with the following table)
Section 14.03.190	Section 1809.5 Frost Protection (change to read)
Section 14.03.200	Section 3109.2.1: Barrier Height and Clearances (change to read)

Section 14.03.010 Amendments Adopted

The California Building Code as adopted by 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.020 Division II Section 113: Board of Appeals, General (change to read)

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.030. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.030 Division II, Section 105.2: Work Exempt from Permit (change to read)

Work exempt from permit requirements shall be as set forth in the 2022 California Building Code, Section 105.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.040 Division II, Section 105.3.2: Time Limitation of Application (change to read)

The time limitation of permit applications shall be as set forth in the California Building Code, Section 105.3.2, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.050 Division II Section 105.5: Permit Expiration (change to read)

Permit expiration for every permit issued by the Building Official shall be as set forth in the California Building Code, Section 105.5, as adopted by Nevada County, with County amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.060 Division Section 109.2 Schedule of Permit Fees (change to read)

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.070 Section 202: R (add the following definition)

RAMADA is any freestanding roof, or shade structure, installed or erected above a mobile home, manufactured home, commercial coach, or any portion thereof. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.080 Section 1505.1: Fire Classification (change to read as follows)

The roof covering or roofing assembly on any structure regulated by this Code, unless specifically exempted, shall be listed Class A, as classified in Section 1505.1.

The roof covering assembly includes the roof deck, underlayment, interlayment, insulation and covering, which is assigned a roof covering classification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.090 Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams

UNDERLAYMENT ICE DAMS. An “ice dam” or “ice guard” is required on the roofs of heated buildings constructed at elevations above 4,000 feet above sea level. All roofs, regardless of covering, with a pitch of less than eight (8) in twelve (12) shall be protected against leakage (caused by ice and snow) by either: (1) a base sheet of felt solid cemented to the roof sheathing with an approved cementing material, or (2) an approved manufactured membrane installed per the manufacturer’s specifications. Application shall extend from the roof eave edge up the roof to a line five (5) feet horizontally inside the exterior wall line of the heated building and up thirty (30) inches along each side of a valley. Where there exists both conditioned space and unconditioned space, the required covering shall also extend horizontally to a point at least five (5) feet onto the unconditioned space. This “ice dam”/“ice guard” shall be in addition to any underlayment otherwise required. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.100 Section 1507.2.8.2: Valleys (add the following text)

Above 4,000 feet elevation above sea level, valley flashing shall be installed to the

requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.110 Section 1507.3.3: Underlayment (add the following)

Above 4,000 feet elevation above sea level, underlayment shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.120 Section 1608.2: Ground Snow Loads (change to read as follows)

A. All of Nevada County is declared a snow area. Buildings and structures shall be designed to resist snow loads as set forth herein. Except as provided in this Section, snow load requirements shall be as shown in Tables 14.03.120-C-1 and 14.03.120-C-2.

Table 14.03.120-C-1

Snow load requirements applicable west of the west section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-2000 ft.	29 psf
2001-2500 ft.	43 psf
2501-3000 ft.	57 psf
3001-3500 ft.	71 psf
3501-4000 ft.	117 psf
4001-4500 ft.	157 psf
4501-5000 ft.	200 psf
5001-5500 ft.	257 psf
5501-6000 ft.	314 psf
6001-6500 ft.	371 psf
6501-7000 ft.	428 psf
7001-7500 ft.	485 psf
7501-8000 ft.	542 psf

Table 14.03.120-C-2

Snow load requirements applicable east of the east section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-5000 ft.	71 psf
5001-5500 ft.	129 psf
5501-6000 ft.	186 psf
6001-6500 ft.	243 psf
6501-7000 ft.	300 psf
7001-7500 ft.	357 psf
7501-8000 ft.	400 psf
8001-8500 ft.	443 psf

Intermediate values may be interpolated from Table 14.03.120-C-1 and Table 14.03.120-C-2 by proportion.

B. The snow loads for within Sections 5, 8, 17, 20, 29 and 32 R., 16 E., T. 17 and 18 N., M.D.B. and M. shall be on a straight line proportion between the values shown in Table 14.03.120-C-1 and Table 14.03.120-C-2 based on the distance of the site from the boundary of the transition zone.

C. Higher snow loading than those shown in Tables 14.03.120-C-1 and 14.03.120-C-2 may be required by the Building Official in local areas of known higher snow accumulation.

D. Deviations from the above set forth snow loading may be permitted by the Building Official, provided the snow load and conditions in each individual case are derived and certified by a registered or licensed design professional who can show proper experience in snow load evaluation. Snow load design procedure shall be as set forth in Section 1608.

E. In no case shall the design snow load be less than 20 psf. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.130 Section 1608.2.1: Snow Loads (add subsection to read as follows):
1608.2.1: Ramadas

1608.2.1 RAMADAS. Mobile homes or commercial coaches that do not meet the applicable snow load requirement of Title 25, California Code of Regulations, or Section 14.03.120 above for their location, shall be protected by a ramada designed for the loading. A registered or licensed design professional shall design such ramadas. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.140 Added Section 1608.4

Depth of ground snow may be calculated by dividing the applicable snow load set forth in Section 14.03.120 above by twenty-five (25). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.150: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read)

Section 14.03.151: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF

Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF

The following conditions are for the leeward side of a structure. The windward loading shall be in accordance with Section 14.03.150.

- 1.) For roof pitches of less than 6/12 (26.6 degrees) where the ground snow load (P_g) exceeds 100 psf, the unbalanced snow load need not exceed:

0 psf at the ridge and $(hr)y$ psf at the eave (see Figure 14.03.150.1-1)

Where: hr – Vertical distance between the eave and the ridge (ft) y – Density of snow (pcf)

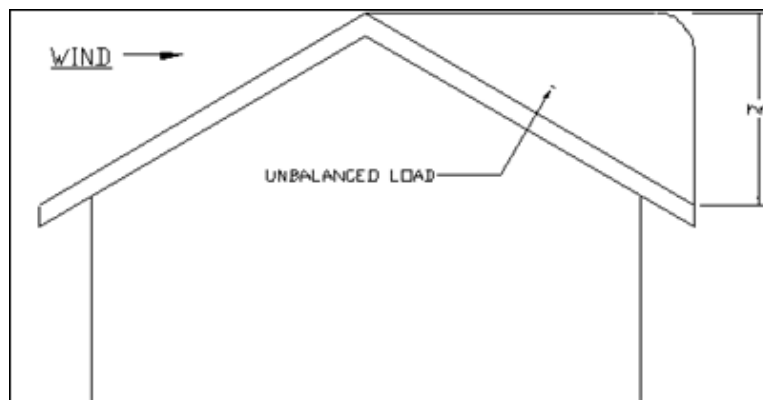


Figure 14.03.150.1-1

- 2.) For roof pitches of 6/12 (26.6 degrees) and greater where the ground snow load (P_g) exceeds 100 psf where the roof is partially exposed or sheltered in Terrain Category B and C, or sheltered in Terrain Category D, the unbalanced snow load need not exceed the sloped roof snow load (P_s). Terrain Categories are those defined in Table 7.3-1. For areas not meeting the terrain category and exposure as described, the unbalanced snow load need not exceed the load as defined in 1.) above. (Ord.

2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.160: Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)

$$y = 25 \text{ pcf}$$

(in SI: $y = 3.9 \text{ kN/m}^3$)

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.170 Table 7.3-1 Exposure Factor, C_e , ASCE 7-16 (change footnote ‘a’ to read as follows)

a. Definitions: Partially Exposed: all roofs except as indicated in the following text. Fully Exposed: roofs exposed on all sides with no shelter afforded by terrain, higher structures, or trees. Roofs that contain several large pieces of mechanical equipment, parapets that extend above the height of the balanced snow load (h_b), or other obstructions are note in this category. Sheltered: roofs located where there are very tight conifer trees in very close proximity to a structure, r if an obstruction, such as a tall hill, is located within a distance of 10 times the height of the difference in height between the top of the roof and the top of the obstruction as noted in footnote “b.” (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.180 Table 7.3-2 Thermal Factor, C_t , ASCE 7-16 (replace Table 7.3-2 Thermal Factor, C_t , with the following table)

TABLE 7.3-2 THERMAL FACTOR, C_t

Thermal Condition ^a	C_t
All Structures except as indicated below	1.0
Structures kept just above freezing, structures with specifically designed cold roofs ^c and for enclosed portions of a completely unheated structure	1.1
Structures intentionally kept below freezing	1.2
Continuously heated greenhouses ^b with a roof having a thermal resistance (R-value) Less than $2.0^\circ\text{F} \times \text{hxft}^2/\text{Btu}$ ($0.4 \text{ Kxm}^2/\text{W}$)	0.85

- a. These conditions shall be representative of the anticipated conditions during winters for the life of the structure.
- b. Greenhouses with constantly maintained interior temperature of 50°F (10°C) or more at any point three (3') feet above the floor level during winters and having either a maintenance attendant on duty at all times or a temperature alarm system to provide warning in the event of a heating failure.
- c. A specifically designed cold roof is defined as a well vented (exceeding code minimum) roof with an insulation system intended to mitigate icing at the eaves, which creates an air-tight or nearly air-tight envelope below the well-ventilated space.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.190 Section 1809.5 Frost Protection (change to read)

Unless erected on solid rock, to protect against frost and freezing, the minimum foundation depth is eighteen (18") inches below grade if between 4,001-7,000-foot elevation and twenty-four (24) inches below grade for 7,000-foot elevation and above.

Exception: Interior footings shall be a minimum of twelve (12") inches below grade.
(Ord. 2515. (12/13/22); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.03.200 Section 3109.2.1: Barrier Height and Clearances (change to read)

The top of the barrier shall be at least sixty (60") inches (1524mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2") inches (51mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4") inches (102mm).
(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 4: CALIFORNIA RESIDENTIAL CODE AMENDMENTS

Sections:

Section 14.04.010	Amendments Adopted
Section 14.04.020	Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)
Section 14.04.030	Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)
Section 14.04.040	Section R105.5: Expiration (change to read)
Section 14.04.050	Section R108.2: Schedule of Permit Fees (change to read)
Section 14.04.060	Section R108.5: Refunds (change to read)
Section 14.04.070	Section R108.6: Work Commencing Before Permit Issuance
Section 14.04.080	Section R301.2.3: Snow Loads (change to read)
Section 14.04.090	Section R301.2 & Table R301.2(1) Climatic and Geographic Design Criteria
Section 14.04.100	Section R403.1.4.1 Frost Protection (change to read)

Section 14.04.010 Amendments Adopted

The California Residential Code as incorporated into this Code by Section 14.01.140 is adopted with following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.020 Division II Administration, Section R105.2: Work Exempt from Permit (changed to read)

Refer to 14.02.030, Work Exempt from Permit, (amend paragraph 1 to read)” regarding One-story detached accessory structures 2.3, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.030 Section R105.2: Work Exempt from Permit; Building Permits (add paragraph to read)

Refer to 14.02.040“Work Exempt from Permit; Building Permits (add paragraph to read)”2.5, Section 105.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.040 Section R105.5: Expiration (change to read)

Refer to 14.02.080 Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.050 Section R108.2: Schedule of Permit Fees (change to read)

Refer to 14.02.090s (add paragraph to read) , Section 109.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.060 Section R108.5: Refunds (change to read)

Refer to 14.02.110, Section 109.6. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/14); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.070 Section R108.6: Work Commencing Before Permit Issuance

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.080 Section R301.2.3: Snow Loads (change to read)

Refer to 14.03.120 – 14.03.180. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.090 Section R301.2 & Table R301.2 (1) Climatic and Geographic Design Criteria

Table R301.2(1) changed to the read the following:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHICAL CRITERIA**

GROU	WIND DESIGN	SEISMI	SUBJECT TO DAMAGE FROM	WINT

ND SNOW LOAD	Speed (mph) (e)	Topographic effects	Special wind region (d)	Windborne debris zone	C DESIGN CATEGORY	Weathering (a)	Frost line depth (b)	Termite	DESIGN TEMP (c)
Per Site Elevation/ Location	95	NO	Yes	No	Specific Site Location	Specific Site Location	Specific Site/Elevation Location	YES	Specific Site Location

ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP (f)	MANUAL J DESIGN CRITERIA (g)
Yes, Above 4,000ft elevation	PER FEMA MAPPING	2000	Specific Site Location	Specific Site Location

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

a. Site elevations over 4,000ft have “Severe” weathering. Elevations at or below 4,000ft have “Negligible” weathering unless determined otherwise by the Building Official based on specific site conditions.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).

c. Temperatures in accordance with the 2022 California Energy Code and National Climatic Center data table.

d. The licensed California Design Professional must use local weather data to determine wind speed for projects that have site elevations over 4,000ft.

e. Ultimate wind speed.

f. Mean annual temperature based on specific site location per the National Climatic Data Center data table “Air Freezing Index – USA Method (Base 32 degrees F).”

g. Design criteria based on specific site location in accordance with the joint appendices of the 2022 California Energy Code

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.04.100 Section R403.1.4.1 Frost Protection (change to read)

Refer to Section 14.03.190 “Frost Protection”. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020; Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 5: FIRE SAFETY STANDARDS AND CALIFORNIA FIRE CODE AMENDMENTS

Sections:

Section 14.05.010	Purpose
Section 14.05.020	Application
Section 14.05.030	Definitions
Section 14.05.040	Responsibility for Enforcement and Review
Section 14.05.050	Duties of County Fire Marshal
Section 14.05.060	Appointment of County Fire Marshal
Section 14.05.070	Fire Agency Appeals
Section 14.05.080	Code Adoption Procedure
Section 14.05.090	Permits for Burning Operations
Section 14.05.100	Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized
Section 14.05.110	Construction
Section 14.05.120	Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations
Section 14.05.130	Open Burning
Section 14.05.140	2022 California Code Adopted
Section 14.05.150	California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits
Section 14.05.160	California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps
Section 14.05.170	California Fire Code, Section 112.4: Violation Penalties (amend section to read)
Section 14.05.180	California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty
Section 14.05.190	California Fire Code, Section 113.4: Failure to Comply (amend section to read)
Section 14.05.200	California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)
Section 14.05.210	California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)
Section 14.05.220	California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification
Section 14.05.230	California Fire Code, Section 506.1: Key Box (add the following text)
Section 14.05.240	California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to

Section 14.05.250	read): 603.3.2 Auxiliary Generator Power
Section 14.05.260	California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)
Section 14.05.270	California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms
Section 14.05.280	California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)
Section 14.05.290	California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements
Section 14.05.290	California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances from the Elements
Section 14.05.300	California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One-and-Two- Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)
Section 14.05.301	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System
Section 14.05.302	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System
Section 14.05.303	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants
Section 14.05.304	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants
Section 14.05.305	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection
Section 14.05.306	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection
Section 14.05.307	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers
Section 14.05.308	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds

Section 14.05.309

**Appendix C: Fire Hydrant Location and Distribution
(add a section to read as follows): C112 Water Supply
Signage**

Section 14.05.310

**Appendix D, Section D101: General (add a paragraph
to read as follows)**

Section 14.05.010 Purpose

This Section prescribing regulations governing fire prevention is enacted to provide increased protection from fire to residents and property within the County of Nevada. It is also intended to encourage a greater degree of uniformity between the local Fire Districts and outside districts in the imposition of fire safety regulations on new construction and existing buildings, while respecting the autonomy of the local fire protection districts. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.020 Application

Notwithstanding any provision in the California Fire Code to the contrary, if any provisions of the California Fire Code, as amended by this Section, conflict with state law or County ordinances, the provisions of state law or County ordinances shall govern. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.030 Definitions

As used in this Section and the California Fire Code, certain words and phrases are defined and shall be deemed to have the meaning ascribed to them herein.

A. COUNTY FIRE MARSHAL is the person appointed to said position pursuant to Section 14.05.060, acting directly or through the County Fire Protection Planner.

B. COUNTY FIRE PROTECTION PLANNER is the designee and authorized representative of the County Fire Marshal.

C. FIRE BREAK shall mean a continuous strip of land upon which all rubbish, weeds, grass, or other growth that could be expected to burn when dry, has been abated or otherwise removed in order to prevent the surface extension of fire from one area to

another. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.040 Responsibility for Enforcement and Review

Except as otherwise required by controlling State law, enforcement of fire safety laws, standards and regulations and review of projects for compliance therewith shall be as follows in the unincorporated areas of the County of Nevada:

A. The California Fire Code, as amended and adopted in this Chapter, shall be enforced:

1. By the Chief of any Fire Department or the authorized representative thereof within its jurisdiction, and
2. By the County Fire Marshal outside the jurisdiction of a fire department providing fire protection services or within such boundaries as authorized by the Chief.

B. The building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations formally adopted by the State Fire Marshal for prevention of fire or for protection of life and property against fire or panic shall be enforced against all buildings and uses, including those owned or operated by the State or the County only to the extent State law expressly makes the same applicable and enforceable against such governmental entities:

1. By the State Fire Marshal as to State owned or operated buildings;
2. By the County of Nevada, through its Building Department or its authorized representative, throughout the unincorporated areas of the County:
 - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Health & Safety Code §13869.7 where enforcement is not otherwise delegated upon adoption or ratification, and
 - b. Those relating to R-3 occupancies, excluding adopted building standards relating to fire and panic safety applicable to Small and Large Daycare Centers, the enforcement of which shall be as provided in subsections B.3 and B.4 hereof;

3. By the Chief of any Fire Department or their authorized representative within its jurisdiction:
 - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Cal. Health & Safety Code § 13143.5 or ratified pursuant to Cal. Health & Safety Code § 13869.7 where enforcement is delegated to it; and
 - b. All other standards and regulations, except as provided in subsection B.1, B.2 or B.4 hereof; and

4. By the County Fire Marshal all standards and regulations applicable outside the jurisdictional boundaries of a fire department providing fire protection services or within such boundaries upon request of the Chief or governing body thereof with approval of the State Fire Marshal.

C. Whenever any application is made to the County for issuance of any discretionary land use permit or other land use entitlement, the County Fire Marshal, after consultation with any Fire Chief or other person with enforcement responsibility pursuant to this Section, shall have the final authority and responsibility for review of such application and preparation of comments and appropriate mitigation measures and/or conditions of approval to be requested to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall promptly be provided to the County Fire Marshal and to any Fire Chief or other person with enforcement responsibility. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.050 Duties of County Fire Marshal

A. In addition to enforcement responsibilities provided for in subsections A and B and review responsibilities provided for in subsection C of Section 14.05.040 hereof, the duties of the County Fire Marshal shall include fire prevention, code inspection, and fire investigation for the unincorporated areas of the County of Nevada outside the jurisdictional boundaries of a fire department or within such boundaries as authorized by the Chief.

B. The County Fire Marshal may designate another qualified person, who shall be known as the County Fire Protection Planner, as or their authorized representative to carry out all or any part of their duties under this Section. The appointment of the Fire Protection Planner is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. Any fire department or fire department governing body may, by written request, delegate their authority to the County Fire Protection

Planner to review and determine appropriate mitigation measures and/or conditions of approval for any project in its jurisdiction. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/9/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.060 Appointment of County Fire Marshal

The Nevada County Board of Supervisors shall appoint the County Fire Marshal. In a timely manner thereafter, the County Fire Marshal shall appoint their chief staff officers as Deputy Fire Marshals to operate under the authority of the Nevada County Board of Supervisors. Appointment of Deputy Fire Marshals is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.070 Fire Agency Appeals

Appeals from decisions to approve or not to approve permits pursuant to this Section resulting from a dispute as to interpretation of any regulation between the County Fire Marshal or any Fire Chief, or authorized representatives of either, may be taken directly to the Nevada County Building and Accessibility Standards Board of Appeals. Such appeals shall be performed in accordance with 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.080 Code Adoption Procedure

A. The County Fire Marshal, or their designee, shall review fire and panic safety regulations adopted by the State pursuant to Cal. Health & Safety Code §§ 13143 - 13147, and Cal. Pub. Res. Code §§ 4290 – 4290.5, and shall recommend to the Board of Supervisors for consideration the adoption of amendments and additions to, or deletions from, such regulations.

B. Upon receipt of the County Fire Marshal's report and recommendations, the Board of Supervisors shall set a public hearing to receive public testimony on the proposed changes. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.090 Permits for Burning Operations

Residential open burning, consisting of burning materials originating from one or more single or multiple family dwellings on a premises including incinerator use, is allowed subject to the provisions of this Code as adopted by the County of Nevada:

A. Without a permit only during that period when fire danger is determined to be low enough as established from year-to-year by a proclamation of the local California Department of Forestry and Fire Protection (CAL FIRE) Director that burning is not prohibited and burn permits are not needed;

B. With a permit issued by CAL FIRE only during that period between open burn and no-burn periods when conditions are appropriate as established from year-to-year by CAL FIRE or its designated agency by a proclamation that burning is not prohibited but is allowed subject to a permit.

Notwithstanding the foregoing, there shall be no open burning, and no permits may be issued for burning, on days or at times determined to be unsafe by CAL FIRE, or unhealthy by the Northern Sierra Air Quality Management District (NSAQMD) or for open burning in violation of Section 1102.3. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.100 Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of all subsections of this Section, including, without limitation, the same authority as the chief to require discontinuance of burning. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.01.10 Construction

Freestanding incinerators shall be constructed of bricks, concrete, hollow tile, heavy gauge metal or other approved non-combustible material. Incinerators shall be equipped and maintained with a spark arrest constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than 1/4-inch. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.120 Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to an adequate water supply or other approved fire extinguishing equipment shall be available for use when incinerators are in operation.

SUPERVISION OF INCINERATOR BURNING OPERATIONS. When burn permits are required, incinerators, while in use, shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment required by Section 14.05.120 and familiar with permit limitations that restrict the use of incinerators. An attendant shall supervise the burning material until the fire has been extinguished.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.130 Open Burning

GENERAL. Open burning shall be conducted in accordance with California Fire Code Cal. Code Regs. Tit. 24, Part 9, § 307. Open burning shall also be conducted in accord with requirements of other governing agencies regulating emissions.

EXCEPTION: Recreational fires shall be in accordance with California Fire Code, Cal. Code Regs. Tit. 24, Part 9, § 307.4.2.

NOTIFICATION. Prior to commencement of open burning, the resident must ensure that it is a permissive burn day.

MATERIAL RESTRICTIONS. Material to be burned must be properly dried and all open burning be conducted in a manner to minimize smoke and promote quick and complete combustion. Open burning of rubbish containing paper products is prohibited, as is open burning of garbage generally, cloth, plastics, petroleum products, metal, material soiled by food or fecal matter, animals or animal parts, or any similar smoke producing materials. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any flammable combustible material, including, but not limited to, treated wood, tires, tar, plastics, petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals or salvage of metals. All residential burning of leaves and pine needles shall utilize efficient burn management techniques and in Western Nevada County, as well as all unincorporated areas of the County of Nevada, (see shall be restricted to burning where the leaves or pine needles are dry and attached to branches or make up no more than twenty-percent (20%) by volume of any burn pile.

TIME AND ATMOSPHERIC RESTRICTIONS. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit or on a permissive burn day as determined by the Northern Sierra Air Quality Management District.

307.4 LOCATION: Open burning shall not be conducted within fifty (50') feet (15.25 meters) of any structure.

EXCEPTION: Clearance from structures is allowed to be reduced as follows:

1. Not less than fifteen (15') feet (4.5 meters) when burning is conducted in an approved burning appliance.
2. Not less than twenty-five (25') feet (7.6 meters) when the pile size is three (3') feet (one (1) meter) or less in diameter and two (2') feet (0.6 meters) or less in height.

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at open-burning sites.

SUPERVISION OF OPEN BURNING OPERATIONS. Burning material shall be constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment required by Cal. Code Regs. Tit. 24, Part 9, §307.5 and familiar with permit limitations that restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

DISCONTINUANCE. The chief or a duly authorized agent of the Northern Sierra Air Quality Management District is authorized to require that open burning be immediately discontinued if the chief or agent determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief or agent to constitute a hazardous condition. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.140 2022 California Code Adopted

Adopt the 2022 California Fire Code as printed by International Code Council Inc. and amended by State Fire Marshal's Office and including Appendix Chapters B, BB, C, CC, D, F and H. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.150 California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits

105.8 NEW MATERIALS, PROCESSES, OR OCCUPANCIES THAT MAY REQUIRE PERMITS. The Chief of each local fire protection district shall determine and specify, after giving affected persons the opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those enumerated in said code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.160 California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps

105.6.52 CANNABIS OPERATIONS. An operational permit is required to operate a commercial cannabis facility or cannabis operation listed below when allowed by State law and the Nevada County Codes:

- a) Cultivation
- b) Distribution
- c) Manufacturing
- d) Testing/Laboratories

105.6.53 ORGANIZED CAMPS. An operational permit is required to operate an organized camp. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.170 California Fire Code, Section 112.4: Violation Penalties (amend section to read)

A. 112.4 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment not exceeding ninety (90) days in the County Jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The application of the above penalty shall not be the exclusive remedy nor shall the penalty be held to prevent the enforced removal of prohibited conditions.

B. Any person who violates or fails to comply with a notice or order of the County Fire Marshal shall be guilty of a misdemeanor. (Ord. 2515. (12/13/2022); Ord. 2473.

(01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.180 California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty

112.4.2 REDUCTION OF PENALTY. The Fire Chief, in their sole discretion, may reduce any violation from a misdemeanor set forth above to an infraction, publishable by a fine or not more than \$500.00. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.190 California Fire Code, Section 113.4: Failure to Comply (amend section to read)

113.4 FAILURE TO COMPLY. Any person who shall continue work after having been served with the stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction and be liable to a fine of not less than \$500.00 or more than \$1,000.00 for each day the violation continues unabated. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.200 California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)

107.2 SCHEDULE OF PERMIT FEES. The Chief of each local fire protection district may charge and receive such fees and charges for services and permits relating to activities of fire prevention pursuant to the Fire Code. Said fees and charges may be set by Resolution of each local fire protection district. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.210 California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)

308.1.9 OUTDOOR OPEN FLAME APPLIANCES. Outdoor open flame appliances, including permanently installed outdoor fireplaces, fire pits, BBQs, pizza ovens and any

other open flame outdoor device that is connected to a residential or commercial gas line service shall be installed in accordance with the following:

1. All parts/assemblies to be tested and certified by UL, CSA, or ANSI.
2. A gas shut-off valve located shall be installed at the stub out and provided with ready access.
3. A second gas shut-off valve shall be located within three (3') feet (9,115 mm) to five (5') feet (1,524 mm) of device where the primary shut-off valve is further than six (6') feet (1829 mm) from the appliance.
4. The appliance shall include a timer device which allows a maximum operating time of three (3) hours. The timer shall require a manual reset.
5. A separation distance of ten (10') feet (3,048 mm) feet vertically and horizontally shall be provided to all combustible materials, not including the support structure. The separation distance shall be measured from the open flame.
Exception: Where approved by the Fire Code Official, the separation shall be reduced provided the manufacturer's installation guidelines specify a lesser distance to combustible materials.
6. The surface supporting the appliance shall be of an ignition-resistant or fire-resistant material for a distance of two (2') feet (610 mm) in all directions from the appliance.
7. The appliance shall produce a maximum flame height of two (2') feet (610 mm). (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.220 California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification

505.3 UTILITY IDENTIFICATION. Gas and electrical meters, services, switches, and shut-off valves in multi-unit commercial and residential buildings shall be clearly and legibly marked to identify the unit or space that it serves. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.230 California Fire Code, Section 506.1: Key Box (add the following text)

A key box, approved by the responsible fire agency, shall be installed in buildings with

automatic fire sprinkler and/or fire alarm systems.

The owner or person in charge of the premises shall notify the responsible fire agency without delay when the required keys providing access to the facility have been changed. Proper keys shall be made immediately available. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.240 California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to read): 603.3.2 Auxiliary Generator Power

604.3.2 AUXILIARY GENERATOR POWER. Any new structure or remodel that has electrical power supplied by a secondary or auxiliary power unit with automatic startup and/or automatic power transfer capabilities shall have an auxiliary power disconnect accessible to fire department personnel. The auxiliary power disconnect switch shall be located within three (3') feet of the main power disconnect switch and identified with a permanently mounted, weatherproof label marked "AUXILIARY POWER DISCONNECT." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.250 California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)

903.2.8.1 GROUP R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies. An automatic sprinkler system shall be installed in new manufactured homes in excess of 1,600 square feet, as defined in Cal. Health & Safety Code §§ 18007 and 18009, and multiple family manufactured homes with two (2) dwelling units, as defined in Cal. Health & Safety Code § 18008.7, in accordance with Cal. Code Regs. Tit. 25. (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.260 California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms

907.11 FALSE ALARMS. When any fire alarm system sounds an audible alarm or transmits an alarm to a remote location causing an emergency response by a fire district, when no emergency exists, for three (3) or more times in any six (6) month period, the owner, tenant, or lessee of the premises may be billed for the cost of the response in accordance with a fee that may be established by Resolution of said Fire District. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.270 California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)

EXCEPTIONS:

1. Storage in conjunction with construction projects complying with Section 5706.2 of this Section for which the Chief has issued a permit.
2. Tanks used for agricultural purposes complying with Section 5706.2. where the need for on-site fuel is necessary for continued operations, and for which a permit has been issued by the Chief.
3. Existing installations where the Chief has issued a permit for continued use.
4. Service stations, repair garages, oil change facilities and commercial operations which accept the return of used crankcase oil, may be permitted to have one (1) aboveground storage tank of up to a five hundred (500 gal.) gallon capacity for the purpose of storing used crankcase oil. Section 2311.2 (Ord. 2515., (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.280 California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements

6103.4 HIGH ELEVATION REQUIREMENTS. Above 4,000 feet elevation above sea level, a site plan that includes a liquefied petroleum gas tank shall be approved by the Fire Marshal of the affected Fire District or Fire Authority before issuance of any building permit therefor.

Section 14.05.290 California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances From the Elements

6107.5 PROTECTING APPURTENANCES FROM THE ELEMENTS. At above 4,000 feet elevation above sea level, a protective cover shall be installed over all gas meters, regulators, valves, and equipment so to provide protection against sliding, drifting, and impacts of snow and ice. The minimum design for the protective cover shall be equal to, or greater than the Building Design Load determined by the Building Department and shall be securely supported to the ground or diagonally to the building wall. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531.

(10/24/2023))

Section 14.05.300 California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)

Table B105.2

Required Fire-Flow for Buildings Other Than One- and-Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
Not automatic sprinkler system	Value to Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m

- a. The reduced fire-flow shall not be less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.301 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System

B107 AUTOMATIC FIRE ALARM SYSTEM. Any structure with a required fire flow of 1,500 to 1,749 gallons per minute, shall have installed throughout an approved fully-supervised automatic smoke and/or heat detection fire alarm system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty-percent (50%) of the gross floor area.

EXCEPTIONS:

1. Single-family dwellings and related accessory outbuildings.
2. Buildings that have an automatic fire sprinkler system installed throughout the building. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.302 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System

B108 AUTOMATIC FIRE SPRINKLER SYSTEM. Any structure with a required fire flow of 1,750 gallons per minute or more shall have installed throughout, an approved fully-supervised automatic fire sprinkler system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding fifty-percent (50%) of the gross floor area.

EXCEPTIONS:

1. Single-family dwellings and related accessory outbuildings. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.303 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants

C106 LOCATION OF DRY HYDRANTS

C106.1 DRY HYDRANT LOCATION. The dry hydrant shall be readily accessible by fire apparatus and shall be located not more than 1,000 feet from the parcel to be served and not less than fifty (50') feet from any structure to be served by the system.

C106.1.1 ADJACENT TO ROADWAY. The dry hydrant shall be located within ten (10) feet of the driveway or other approved access roadway.

C106.1.2 SERVING SINGLE STRUCTURE. If the dry hydrant is located along the

driveway serving a single structure, or along the primary access roadway serving multiple structures, the connection shall be located in such a manner that fire apparatus can utilize the hydrant without obstructing the access roadway.

C106.2 TURNOUT CONSTRUCTION. An approved turnout, consisting of a ten (10') foot wide driving surface for a distance of twenty-five (25') feet plus a twenty- five (25') foot taper on either end (total length of seventy-five (75') feet), shall be provided when the dry hydrant is placed adjacent to a single lane access roadway or where fire apparatus using the hydrant would obstruct the access roadway.

C106.3 VEGETATION CLEARANCE. All flammable vegetation within ten (10') feet of the dry hydrant shall be removed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.304 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants

C107 INSTALLATION OF DRY HYDRANTS

C107.1 DRY HYDRANT SUPPLY PIPING. Pipe supplying the dry hydrant shall be not less than four (4") inches in diameter.

C107.1.1 PVC PIPING. If PVC piping is used, the piping shall be Schedule 40, or better.

C107.2 ULTRAVIOLET PROTECTION. Exposed PVC piping shall be primed and painted with epoxy paint, or otherwise protected from damage that could be caused by exposure to sunlight, in an approved manner.

C107.3 CORROSION PROTECTION. If galvanized steel piping is used, piping that is in contact with the soil shall be wrapped with two (2) layers of Mil Tape or otherwise protected from corrosion in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.305 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection

C108 DRY HYDRANT CONNECTION

C108.1 SIZE AND THREADS. The connection for the dry hydrant shall consist of a four and one-half inch (4.5") threaded male fitting with National Standard Threads. The connection shall be provided with an approved cap to protect the threads and to protect

the water supply from contamination.

C108.2 HEIGHT. The connection for the dry hydrant shall be located between eighteen (18”) inches and thirty-six (36”) inches above the finished grade.

C108.3 SUPPORT BRACE. If PVC piping is used for the dry hydrant, an approved brace or support shall be provided to support the connection. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.306 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection

C109 FREEZE PROTECTION

C109.1 CONTROL VALVE. If the dry hydrant connection is located lower than the water source, such as a storage tank, an approved valve at the base of the dry hydrant shall be provided to control the water flow.

C109.2 DRAINAGE. Provisions shall be made to drain any standing water from the piping above the valve.

C109.3 EXPOSED PIPING. Any exposed piping that contains water shall be protected from freezing in an approved manner. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.307 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers

C110 VENTING OF CLOSED CONTAINERS

C110.1 TANK VENTING. Closed storage tanks shall be vented in an approved manner.

C110.1.1 SIZE. Vent piping shall be equal to, or larger than, the size of the piping serving the dry hydrant.

C110.1.2 PROTECTION. The vent opening shall be screened with an approved material to prevent obstruction of the vent or contamination of the water supply. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.308 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds

C111 LAKES, RESERVOIRS, AND PONDS

C111.1 OPEN WATER SOURCES. When the water supply consists of an open water source such as a lake, reservoir, or pond, the following shall apply:

1. If the distance between the water source and the dry hydrant is greater than 100 feet, a minimum six (6") inch piping shall be used to supply the dry hydrant.

2. The piping between the base of the dry hydrant and the water source shall be buried at least three (3') feet below the finished grade.
3. The end of the piping located in the water source shall be located a minimum of two (2') feet above the bottom surface of the water source and a minimum of two (2') feet below the lowest recorded level of the top surface of the water source.
4. The end of the piping located in the water source shall be fitted with a commercially manufactured dry hydrant strainer, a hand-made strainer consisting of a capped section of pipe with 1,000 holes that are 5/16 inch in diameter drilled along the length, or equal.
5. The distance between the lowest recorded level of the water surface and the connection for the dry hydrant shall not exceed ten (10') vertical feet. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.309 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage

C112 WATER SUPPLY SIGNAGE

C112.1 SIGNS. Approved signs indicating the size, location, and access travel route to a fire protection water storage facility shall be provided in such a manner that all pertinent information relating to the facility is clearly identified.

C112.1.1 MOUNTING AND SIZE. All signs shall be mounted on noncombustible posts, shall be a minimum of eighteen (18") inch by twenty-four (24") in size, and shall be a minimum of 0.080 gauge metal.

C112.1.2 BACKGROUND AND LETTERING. The sign(s) shall have a reflective blue background with a minimum of three (3) high reflective lettering that sharply contrasts with the background.

C112.2 FIXED WATER SUPPLY. If the water supply consists of a fixed amount, such as an underground or aboveground storage tank, the sign shall be located on or adjacent to the facility. The sign shall be clearly visible and legible from the access roadway serving the facility. The lettering on the sign shall be arranged as shown in the following example:

6,000 Gallon
Fire
Protection
Water
Supply

C112.3 ACCESS ROUTE. If the water storage facility consists of a reservoir, pond, or similar facility, at least one sign shall be provided at the intersection of the primary access roadway serving the area and the access roadway serving the water storage facility. This sign shall be located in such a manner that it is clearly visible and legible from the primary access roadway serving the area. Additional signs shall be provided along the access roadway serving the water storage facility if the route of travel is not easily recognized. The lettering on the sign shall be arranged as shown in the following example:

<u>Access to</u>
<u>Fire</u>
<u>Protection</u>
<u>Water</u>
<u>Supply</u>

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.05.310 Appendix D, Section D101: General (add a paragraph to read as follows)

The Jurisdiction having authority may allow alternative minimum standards as promulgated by the Cal. Pub. Resc. Code § 4290. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2431. (05/09/2017); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 6: PERMIT FEES AFTER DECLARATION OF EMERGENCY

Section:

Section 14.06.100 Waiver of Fees; Declaration of Emergency

Section 14.06.010 Waiver of Fees; Declaration of Emergency

- A. The provisions of this Section shall be retroactive to and effective as of August 8, 1994.
- B. Building permit fees shall be waived for the reconstruction of any building or improvement which is damaged or destroyed during a disaster for which the Board of Supervisors adopts a Resolution containing a declaration of emergency. The waiver of the building permit fees shall apply only as to the owner of any property at the time of the disaster. The waiver shall be effective for the rebuilding on the site damaged or destroyed by the disaster or, if the property owner suffering the loss so chooses, at such other site in the unincorporated territory of the County as the property owner selects for the reconstruction of their residence.
- C. The waiver of fees shall apply only for the original term (life) of the building permit and any renewal or transfer thereof shall be accompanied by the customary fees as established by the County.
- D. The waiver of fees shall be allowed only if (1) within one (1) year from the date of the declaration of emergency, the property owner files for a building permit to reconstruct a home or other structure, and (2) executes a certification that the property owner qualifies for a waiver of fees under the provisions of this Section in the form as approved by the County Counsel's Office.
- E. As used in this Section, "building permit fees" or "permit fees" include all County assessed fees relating to the reconstruction of a home or other structure including all Planning, Environmental Health, Department of Transportation, Landfill and Building Department fees. "Reconstruction" means the repair or replacement of a damaged or destroyed structure which was originally lawfully erected, not exceeding the total square footage (area) of the previously existing structure and includes, but is not limited to, damage to any electrical, mechanical, sewer or septic system or any similar system. If the property owner requests permits to build a larger home or structure than previously was lawfully erected, the building permit fees and all mitigation and development fees shall be assessed based upon the net increase in gross building area.
- F. Except as otherwise provided in this Section, no road development fees, fire mitigation fees, school mitigation fees or any other mitigation fees of any type shall be

assessed or collected by the County as a condition to the issuance of any building permit for the reconstruction of any property damaged or destroyed by a disaster for which there has been a declaration of emergency.

G. Whenever a Resolution containing a declaration of emergency is presented to the Board of Supervisors, the County Executive Officer shall include an estimate of the number of structures that were damaged by the disaster. Whenever the Board of Supervisors adopts a declaration of emergency which triggers the waiver of fees in accordance with the provisions of this Section, each fee department shall keep adequate records reflecting the amount of unfunded service that is provided pursuant to the waiver of fees which deficit should be made up by a transfer from the County's contingency fund. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 7: CALIFORNIA PLUMBING CODE AMENDMENTS

Sections:

Section 14.07.010	Amendments Adopted
Section 14.07.020	California Plumbing Code
Section 14.07.030	Division II Administration Section 104.5: Fees (change to read)
Section 14.07.040	Division II Administration Section 104.3.2: Plan Review Fees (change to read)
Section 14.07.050	Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
Section 14.07.060	Division II Administration, Section 104.4.3 Expiration (change to read)
Section 14.07.070	Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
Section 14.07.080	Division II Administration, Section 107.0 Board of Appeals (change to read)
Section 14.07.090	Section 312.0: Protection of Piping, Materials, and Structures (add text to read)
Section 14.07.100	Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection
Section 14.07.110	Section 609.1: Installation (add text to read)
Section 14.07.120	Section 721.0: Location (change to read)
Section 14.07.130	Section 906.7: Vent Termination: Frost or Snow Closure (change to read)
Section 14.07.140	Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)

Section 14.07.010 Amendments Adopted

The California Plumbing Code as adopted by Section 13.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.020 California Plumbing Code

Adopt the following Appendix Chapters from the 2019 California Plumbing Code: Appendices A, B, D, G and I. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.030 Division II Administration Section 104.5: Fees (change to read)

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.040 Division II Administration Section 104.3.2: Plan Review Fees (change to read)

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.050 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)

Refer to 14.02.070, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.060 Division II Administration, Section 104.4.3 Expiration (change to read)

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.070 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.080 Division II Administration, Section 107.0 Board of Appeals (change to read)

Refer to 14.02.020, Section 113. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord.

2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.090 Section 312.0: Protection of Piping, Materials, and Structures (add text to read)

Above 4,000 feet elevation above sea level, when structural conditions necessitate installation of water piping in exterior walls or above ceilings of buildings, the pipes shall be installed to the inside edge of the wall or ceiling framing and insulated, on the unheated side of the pipes, with at least R-19 insulation or equivalent.

Above 4,000 feet elevation above sea level all cold water piping shall be graded back to the water service. Hot water lines shall be sloped to a bleeder valve or valves that are readily accessible. Gravity drains or other approved devices may be used to satisfy this requirement. No part of such water lines shall be trapped. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.100 Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection

Section 606.11 WATER SUPPLY VALVE FREEZE PROTECTION. Above 4,000 feet elevation above sea level the building water service line shall be equipped with a “stop and drain” valve located where the line daylights out of the ground within the building footprint. The drain port of the valve shall be protected from blockage by the use of a sleeve or box over the valve. The valve shall be protected from freezing with insulation material and fitted with a handle that is readily accessible. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.110 Section 609.1: Installation (add text to read)

Above 4,000 feet elevation above sea level water supply yard piping shall be protected from freezing by a minimum of thirty-six (36”) inches of earth covering and shall be extended to within the building footprint before daylighting out of the ground. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.120 Section 721.0: Location (change to read)

A. No building sewer or private sewage disposal system or part thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system or part thereof; nor shall any building sewer

or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table 14.07.21.1, except as provided in subsections B and C of this Section.

B. Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting or a separate lot to:

1. Provide access to connect a building sewer to an available public sewer when proper cause and legal easement not in violation of other requirements has first been established to the satisfaction of the County Environmental Health Department.
2. Provide additional space for a building sewer or a private sewage disposal system or part thereof, when proper cause and transfer of ownership, or change of boundary, or legal easement not in violation of other requirements has first been established to the satisfaction of the County. The instrument recording such action shall constitute an agreement with the County which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership and use of said properties and shall be binding on all heirs, successors, and assigns of such properties. A copy of the instrument recording such proceedings shall be filed with the County Environmental Health Department.

C. Nothing contained herein shall be construed to prohibit a private sewer line from crossing a public street providing, however, that such use of the public street shall be authorized by an encroachment permit which shall expressly state thereon that it is subject to revocation by the County by giving five (5) days' advance notice, and thereafter the encroachment shall be removed and the use of the property shall cease unless sewage disposal is authorized in some other manner as approved by law. Any such encroachment permit shall be recorded with the County Recorder as part of the agreement required hereinabove.

D. Use of an unabutting lot for a private sewage disposal system may be allowed by the County Environmental Health Department only if all of the following conditions exist:

1. Testing and observation as required by 15.01 of the Nevada County Codes clearly reveal that the lot(s) from which sewage will be generated does not meet the standards for conventional, special design or alternative/advanced wastewater disposal as defined therein; and
2. The applicant can demonstrate to the County Environmental Health Department that said lot would be unbuildable without utilization of an unabutting lot for sewage disposal; and

3. Only one (1) public or private street, highway or right-of-way is to be crossed by the sewer line from the subject lot; and
4. Only one (1) unabutting lot is to be crossed by the sewer line from the subject lot; and
5. The building or site to be served is no more than five hundred feet from the unabutting lot where sewage disposal is proposed; and
6. Compliance with 15.02 of the Nevada County Codes is ascertained, if appropriate; and
7. The parcels under consideration were created prior to the effective date of 11/05/1996.

E. Lots where sewage is to be generated and/or where sewage disposal is proposed that abut to each other or each to another shall be exempt from the requirements in subsection C above provided the proposed sewage collection, treatment and disposal system meets all other requirements of 15.01 of the Nevada County Codes and the California Plumbing Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.130 Section 906.7: Vent Termination: Frost or Snow Closure (change to read)

Above 4,000 feet elevation above sea level all vent terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure.

EXCEPTION: Vent terminals which are made within thirty-six (36') inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.07.140 Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)

The subsection shall apply to all new liquefied petroleum gas (LPG) installations and to existing installations when LPG service is reconnected after service is interrupted that are

above 4,000 foot elevation.

A. Two stage regulator/systems shall be installed on all LPG installations with approved steel or PE piping, installed in accordance with the California Plumbing Code and manufactures installation instructions and specifications.

B. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank. The atmospheric pressure aperture of the regulator shall be pointed downward. The first stage regulator shall be plumbed to the riser of the yard piping with soft copper tubing or schedule forty (40) steel pipe with two (2) ninety (90) degree elbow swing joints (one at the top and one below grade) to allow flexibility should tank shifting occur. The riser from the yard piping shall be located not more than three

(3) inches (horizontally) from the walls of the tank. The propane tank shall be placed on reinforced concrete supports and securely attached thereto.

C. The second stage regulator and riser pipe shall be installed on the gable end of the building at least twenty (20') feet from or out of the direct line of discharge of adjacent shedding roofs. The riser shall have swing joints below grade and be 1.5 - 3.5 inches from the wall surface and securely supported/braced to the wall approximately ten inches below the regulator so as to prevent bending of the pipe by lateral snow/ice loads. Second stage regulators installed on the front of a garage shall be protected by a bollard in conformance with the California Fire Code.

Exception 1: On round, octagon or similarly-shaped structures (without gable ends) the riser may be located under the eaves when approved by the Building Official.

Exception 2: On existing services that are reconnected after service is interrupted, where relocation of the riser is not possible due to structural or topographical constraints the riser may be located under the eave with the approval of the Building Official.

D. A protective cover, engineered for the snow load of the area, shall be installed over the second stage regulator and securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing for the supports shall be founded 18 inches below finished grade and the supporting posts shall be securely fastened to the footing and the cover to prevent dislocation of the supports. When supported diagonally to the wall, the supports shall extend from the drip edge of the cover back to the wall. The angle formed by the supports and the wall shall not exceed forty-five (45) degrees from vertical. Existing decks that are used to cover the second stage regulator shall be designed for the snow load.

E. The riser pipes for the yard piping shall not be imbedded in concrete. Concrete placed around such riser shall be held back at least one (1") inch from all sides

of the pipe.

F. Location of the shutoff valve at the LPG tank shall be permanently marked by the use of a color-coded snow stake identifying the gas supplier. This stake shall be placed direction adjacent to the tank at the center line of the valve cover and on all sides opposite the yard piping riser. Such stake shall be sufficient height to be visible through anticipated maximum snow depth at the respective location. Installation and maintenance of this snow stake in the responsibility of the LPG user. An LPG shutoff valve shall also be installed at the house under the regulator cover. This valve shall be identified by a placard on the wall directly over the regulator cover and above the anticipated depth of snow. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 8: CALIFORNIA MECHANICAL CODE AMENDMENTS

Sections:

Section 14.08.010	Amendments Adopted
Section 14.08.020	California Mechanical Code
Section 14.08.030	Division II Administration Section: 107.0 Board of Appeals, General (change to read)
Section 14.08.040	Division II Administration Section 104.5: Fees (change to read)
Section 14.08.050	Division II Administration Section 104.3.2: Plan Review Fees (change to read)
Section 14.08.060	Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
Section 14.08.070	Division II Administration, Section 104.4.3 Expiration (change to read)
Section 14.08.080	Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
Section 14.08.090	Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances
Section 14.08.100	Section 802.2.6: Direct-Vent Appliances (add the following)
Section 14.08.110	Section 802.3.3.5 Exit Terminals (add the following)
Section 14.08.120	Section 802.6.1 Gas Vent Termination (add the following)

Section 14.08.010 Amendments Adopted

The California Mechanical Code as adopted by 14.01.140 is adopted incorporating the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.020 California Mechanical Code

Adopt the following Appendix Chapters from the 2022 California Mechanical Code: Appendix B and Appendix C. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.030 Division II Administration Section: 107.0 Board of Appeals, General (change to read)

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.020 of the Nevada County . (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.040 Division II Administration Section 104.5: Fees (change to read)

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.050 Division II Administration Section 104.3.2: Plan Review Fees (change to read)

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.060 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)

Refer to 14.02.070, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.070 Division II Administration, Section 104.4.3 Expiration (change to read)

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.080 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)

Refer to 14.02.100, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.090 Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances

A three (3") inch gravity drain shall be provided at the low point of the space, installed so as to provide a one-quarter inch (0.25") per foot grade and terminate at an exterior point of the building protected from blockage. The opening shall be screened with a corrosion-resistant wire mesh with mesh openings of one-quarter inch (0.25") in dimension. Lengths of the gravity drains over ten (10') feet in length shall be first approved by the Building Official. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.100 Section 802.2.6: Direct-Vent Appliances (add the following)

Vent terminals of direct-vent appliances shall terminate above the anticipated snow depth.

Direct vent appliance terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all direct vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Vent terminations which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.110 Section 802.3.3.5 Exit Terminals (add the following)

Exit terminals and combustion air intakes shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all vent exit terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing

and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge. EXCEPTION: Exit terminals which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.08.120 Section 802.6.1 Gas Vent Termination (add the following)

Gas Vents shall terminate above the anticipated snow depth.

Gas vent terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all gas vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than eight (8") inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of sixteen (16) gauge.

EXCEPTION: Gas vent terminations which are made within thirty-six (36") inches of the ridge or on roofs having a pitch of two (2) in twelve (12) or flatter shall not be required to have crickets. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 9: INTERNATIONAL SWIMMING POOL AND SPA CODE AMENDMENTS

Sections:

Section 14.09.100	Amendments Adopted
Section 14.09.200	Division II Administration, Section 105.4 Time Limitation of Application (change to read)
Section 14.09.030	Division II Administration, Section 105.5.3 Expiration (change to read)
Section 14.09.040	Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)
Section 14.09.050	Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)
Section 14.09.060	Section 108 Means of Appeal (change to read)

Section 14.09.010 Amendments Adopted

The International Swimming Pool and Spa Code as adopted by 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.09.020 Division II Administration, Section 105.4 Time Limitation of Application (change to read)

Refer to 14.02.070 of this Chapter, Section 105.3.2. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.09.030 Division II Administration, Section 105.5.3 Expiration (change to read)

Refer to 14.02.080, Section 105.5. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.09.040 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)

Refer to 14.02.1009, Section 109.4. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020);

Ord.
2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531.
(10/24/2023))

Section 14.09.050 Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.09.060 Section 108 Means of Appeal (change to read)

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in 14.02.020 of the Nevada County Zoning Code. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 10 LANDFORM GRADING FOR AGRICULTURE

Sections:

Section 14.10.010	Intent
Section 14.10.020	Applicability
Section 14.10.030	Criteria
Section 14.10.040	Procedure
Section 14.10.050	Fees
Section 14.10.060	Appeals

Section 14.10.010 Intent

In adopting this Section, it is the intent of the Board of Supervisors to adopt, in addition to the exemption for cultivation of land to raise crops, a more comprehensive exemption from grading permit requirements for other clearing and grading of land for agricultural operations, subject to criteria and procedures to avoid abuse. The purpose of this Section is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and to provide reasonable minimum standards that will prevent man-induced land failures while controlling erosion, drainage and sediment discharge. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.10.020 Applicability

Clearing and grading of land for agricultural operations may be exempted from grading permit requirements by the Building Department upon verification that a bona fide agricultural project is involved and a permit exemption has been recommended by the Agricultural Commissioner. An exemption under this Section shall only be approved upon: (1) written verification by the landowner, which shall be deemed to be binding upon the landowner and any successors in interest; and (2) the permit-exempted lands shall be used for agricultural operations for a period of at least five (5) years following the granting of the exemption, provided all of the criteria established in this Section are met and there is full compliance with all of the procedures set forth in this Section 10. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.10.030 Criteria

To qualify as other clearing and grading of land for agricultural operations that may be exempted from grading permit requirements pursuant to this Section, all of the following criteria must be met:

- A. The land to be cleared and/or graded is zoned for agricultural use as:

1. “AG” (General Agriculture), or
2. “AE” (Agricultural Exclusive), or
3. “RA” (Residential Agriculture) where the parcel is three (3) acres or more in size and the General Plan designation is Rural;

B. The clearing and/or grading is exclusively for agricultural purposes not associated with buildings that require a building permit;

C. Any vegetation removal or soil disturbance is outside any floodplain, watercourse, wetland or riparian area and any non-disturbance buffer for those areas as defined in the Section governing “Zoning” and “Comprehensive Site Development Standards, Resource Standards”;

D. The work occurs on slopes of thirty percent (30%) or less;

E. The work does not disturb cultural resources;

F. Any excavated material remains on site, without changing the natural terrain or drainage and without creating any cuts or fills, except as follows:

- 1 The work, if associated with construction or maintenance of a pond for livestock raised on site, aquaculture or irrigation, does not create a dam that exceeds two feet in height above grade, an excavation in excess of six (6') feet or a storage capacity of more than ten acre (10') feet and results in no adverse hydrological impacts upon surrounding properties that are not mitigated to a level of insignificance, or
2. The work, if associated with construction of a farm or ranch road, is solely for the purpose of providing on-site access to water supplies, storage areas, grazing/crop lands or fence lines, does not service a structure requiring a building permit, and does not create a cut or fill greater than two (2') feet in height;

G. Projects potentially impacting heritage oak groves or trees, as defined in 12.04.315 (.B and verified by a field inspection conducted by the Agricultural Commissioner or their agent, shall provide a management plan as defined in Section 12.04.315. A Management Plan to mitigate the impacts of the proposed project on landmark trees or groves shall be required.” An Agricultural Grading Exemption shall be denied to parcels or sites where these resources exist, and no mitigation and/or avoidance is available through the Management Plan process;

H. To the extent possible, all work will be conducted between April 15th and October 15th to avoid the rainy season. Any work before April 15th or after October 15th of any year shall be permitted only if disclosed in the application and approved in the Permit Exemption. To secure such approval, the applicant shall submit an erosion and

sediment control plan, including an effective re-vegetation program to stabilize all disturbed areas, expressly approved in writing by a State Certified Professional Erosion and Sediment Control (CPESC). If grading occurs, or if the land is left open and unplanted during the period from October 15th to April 15th, all projects over 2,500 square feet on slopes over fifteen (15%) in areas of moderate to high erosion potential as defined by the Soil Survey of Nevada County, shall have an Erosion and Sediment Control Plan expressly approved in writing by the State Certified Professional Erosion and Sediment Control (CPESC) and shall be implemented after October 15th, and maintained through April 15th;

I. Projects shall be in compliance with the RWQCB regarding Clean Water Act requirements, and all other applicable laws;

J. The following conditions of approval shall be applied to all projects approved through this agricultural grading exemption:

1. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of the proposed project.
2. Fugitive dust emissions resulting from site clearing shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved roads, etc. Control measures shall be noted on grading plans.
3. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended to prevent excessive windblown dust when winds are expected to exceed twenty (20 mph) miles per hour;

K. Verification of NSAQMD clearance shall be filed with the Agricultural Commissioner prior to any surface disturbance (including clearing and grubbing) associated with agricultural (or other) road construction in any of the sections listed in the table. Mapping of areas of ultramafic rock/serpentine occurrence within the project area shall be on file at the Agricultural Commissioner's office. In addition, if naturally occurring ultramafic rock/serpentine is discovered once grading for a road commences, the NSAQMD must be notified no later than the next business day and requirements in CCR, Title 17, Section 93105 must be implemented within 24 hours.

Sections Mapped as Containing Ultramafic Rock/Serpentine in Nevada County

Range—East	Township—North	Sections
6	14	23, 25, 26
7	14	1, 12, 13

8	14	4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32
	15	29, 32, 33
	16	4, 5, 8, 9, 10, 11, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27
	17	29, 30, 31, 32
9	16	19, 30, 31
	18	13, 24
10	16	13, 24
	17	1, 2, 11, 12, 13, 14, 16, 17, 23, 24
	18	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 26, 35, 36
11	16	5, 6, 7, 8, 17, 18, 19
	17	18, 19, 32
12	17	24, 25
13	17	19, 30

(Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.10.040 Procedure

A. Exceptions pursuant to this Section must be applied for and a permit exemption may be granted hereunder only if each of the following procedures is fully complied with and completed in the order specified:

1. The applicant obtains, completes and submits to the Agriculture Commissioner:
 - a. An “Agricultural Clearing/Grading Permit Exemption Form” provided by the Building Department;
 - b. An Agricultural Project Plan acceptable in form and content to the Agricultural Commissioner; and
 - c. A binding commitment of five (5) years to continue use of the permit-exempted lands for agricultural operations acceptable in form and content to County Counsel.
2. The Agriculture Commissioner reviews the submitted “Agricultural Clearing/Grading Permit Exemption Form and Agricultural Project Plan and, based upon field verification of the information therein, determines that the clearing or

grading proposed is for a bona fide agricultural project and recommends approval of the requested exemption to the Building Department.

3. The Agricultural Commissioner shall review applications for positive occurrence of rare or threatened species. Applications within proximity to endangered, rare or threatened species as shown on the California Natural Diversity Database (CNDDB) shall provide biologist report to verify if occurrence or absence of resource. Applications with State or Federally listed species shall require permit through jurisdictional agency (USFWS or CDFG) prior to issuance of an exemption.
4. To verify potential riparian resources for applicants for the agricultural grading exemption, all applications submitted to the Agricultural Commissioner shall include a mapping of the parcel or parcels for which the application is made, a map showing all Lakes, Rivers, FEMA Flood Zone on a background map of the USGS topographic maps, as provided by the County of Nevada GIS system public mapping resources. Mapping shall be verified during field inspection by staff biologist for other wetland habitats.
5. The Building Department reviews the application and considers the recommendation of the Agriculture Commissioner, determines that the proposed project meets all of the criteria and satisfies all of the procedures required for exemption, and approves the exemption request, notifying the applicant in writing of a favorable decision.
6. Notification of granting of the Agricultural Grading Exemption by the Building Department shall include the following statement: "Any person involved in any form of ground disturbance is advised of the remote possibility of encountering subsurface cultural or historic resources. If such resources are encountered or suspected, all subsurface work within 200 feet of the potential cultural or historic discovery shall be halted immediately, and the Planning Department and a professional archaeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment."

B. Applications shall be processed by the Agriculture Commissioner within thirty (30) days of receipt of a complete application and by the Building Department within thirty (30) days of submittal to it of the approval by the Agriculture Commissioner.

C. Any clearing or grading work done pursuant to a Permit Exemption shall be

subject to a site inspection upon completion of the work or prior to October 15th of each year, whichever first occurs, by a CPESC to determine compliance with the project plan and erosion control and stabilization of the site.

D. Permit Exemptions may be issued for up to two (2) years.

E. If it is determined during the term of the Permit Exemption that the actual clearing or grading is not for agricultural purposes as represented to and approved by the Agriculture Commissioner, all further work shall cease, the site shall be stabilized and revegetated in accord with recommendations of a CPESC, and a grading permit shall be required for any further work, provided, however that a grading permit shall not be granted earlier than five (5) years from the date of application for the exemption.

F. In the event that work is done on property pursuant to a Permit Exemption that is determined to be subject to the requirements of subsection E and application is made within the five (5) year period during which no grading permit can be granted for any development or project unrelated to agricultural operations or involving construction of a structure or structures for which a building permit is required, it may be required as a condition of approval that the site be restored to its original condition prior to such clearing or grading to the extent feasible, and to the extent full restoration is not possible, mitigation measures shall be imposed to remediate any damage caused. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.10.050 Fees

The costs of providing the services of the Building Department, Agriculture Commissioner and CPESC required by this Section shall be paid by the applicant for an exception to the grading permit requirement. Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424, 12/13/16; Ord. 2374, (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.10.060 Appeals

Appeals from discretionary orders, decisions or determinations pursuant to this Section shall be heard by the Building and Accessibility Standards Board of Appeals established pursuant to Section 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 11 CALIFORNIA ELECTRICAL CODE

Sections:

- Section 14.11.010 Amendments Adopted**
- Section 14.11.020 California Electrical Code Adopted**
- Section 14.11.030 Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)**
- Section 14.11.040 Annex "H," Section 80.19, E: Fees (changed to read)**
- Section 14.11.050 Annex "H," Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)**
- Section 14.11.060 Annex "H," Section 80.27, A-D: Inspector's Qualifications (changed to read)**

Section 14.11.010 Amendments Adopted

The California Electrical Code as adopted by Section 14.01.140 is adopted with the following amendments. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.11.020 California Electrical Code Adopted

Adopt the following Annex Chapters from the 2022 California Electrical Code): Annex "H." (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.11.030 Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section 14.02.020 of this Code.

Section 14.11.040 Annex "H," Section 80.19, E: Fees (changed to read)

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.11.050 Annex “H,” Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)

CRIMINAL ENFORCEMENT. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation within a twelve (12) month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. (Ord. 2515. (12/13/2022); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.11.060 Annex “H,” Section 80.27, A-D: Inspector’s Qualifications (changed to read)

Inspectors shall retain certifications as required in their job classification as adopted by the County of Nevada based on the job classification they are appointed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 12: GRADING

Sections:

Section 14.12.010	Purpose
Section 14.12.020	Scope
Section 14.12.030	Permits Required
Section 14.12.040	Hazards
Section 14.12.050	Definitions
Section 14.12.060	Grading Permit Requirements
Section 14.12.070	Grading Fees
Section 14.12.080	Bonds
Section 14.12.090	Cuts
Section 14.12.100	Fills
Section 14.12.110	Setbacks
Section 14.12.120	Drainage and Terracing
Section 14.12.130	Road and Driveway Standards
Section 14.12.140	Erosion Control
Section 14.12.150	Grading Inspection
Section 14.12.160	Completion of Work

Section 14.12.010 Purpose

The purpose of this Section is to safeguard life, limb, property and the public welfare by regulating grading and construction activities that result in a land disturbance on private property. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.020 Scope

A. This Section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes standards of required performance in preventing or minimizing water quality impacts from storm water runoff; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, drainage, and erosion and sediment controls at construction sites.

Vehicular ways shall conform to the grading requirements of this Chapter.

B. The standards listed below are recognized standard:

1. Testing.

- a. ASTM D 1557, Moisture-Density Relations of Soils and Soil Aggregate Mixtures.
- b. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method.
- c. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method.
- d. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method.
- e. ASTM D 6938, In Place Moisture Content and Density of Soils by Nuclear Methods. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.030 Permits Required

A. Except as specified in subsection 3B below of this section, no person shall do any grading without first having obtained a grading permit from the Building Official.

- 1. No drainage culvert, piping, V-ditch or energy dissipater shall be installed, replaced, altered or repaired without first obtaining a permit from the Building Official.
- 2. No pond shall be installed, repaired or altered without first obtaining a permit from the Building Official.

EXCEPTION: Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

B. Except in flood plains as regulated in 12.04.210 of this Code, a grading permit is not required for the following, provided no unstable or erodible slopes are created and no encroachment onto sewage disposal systems, water supply systems or hazardous material sites, areas or setbacks is created. NOTE: Owners/operators of sites may still need NPDES storm water permit coverage with the State if the construction activity is part of a larger common plan of development or sale that would result in a land disturbance of greater than or equal to one (1) acre.

- 1. When approved by the Building Official, grading which does not exceed 250 cubic yards in an isolated, self-contained area, with cuts, fills and erosion control conforming to the requirements of this Section, provided there is no danger to private or public property, it does not pose a significant erosion or sediment discharge hazard and is not intended to support a building or structure on fill.

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5') feet (1,524 mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers, engineering geologists, or registered environmental health specialists limited to sewage disposal systems. Such work shall be backfilled and shaped to the original contour of the land after the investigation.
8. An excavation that is less than two (2') feet (610 mm) in depth, does not create a cut slope greater than five (5') feet (1,524 mm) in height and steeper than one (1) unit vertical in one and one half (1.5) units horizontal (66.7% slope) and does not exceed fifty (50) cubic yards.
9. A fill less than one (1') foot (305 mm) in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope), or less than three (3') feet (914 mm) in depth, not intended to support structures, that does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.
10. Land disturbance by plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or steeper or any amount of vegetation, up to one acre, on slopes flatter than ten percent.
11. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work to the extent required by this law.
12. Cultivation of land to raise crops, or other clearing and grading of land for agricultural operations pursuant to criteria enacted and codified in 14.10, Landform

Grading for Agriculture, of this Chapter.

13. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.
14. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities that are not exempt from the local regulation pursuant to Cal. Pub. Res. Code § 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
15. Clearing for fire protection purposes within 100 feet of a dwelling unit. Any additional clearing for fire prevention, control or suppression purposes is exempt when authorized or required in writing by a fire prevention or suppression agency.

C. The County may prepare and adopt a more comprehensive exemption for grading for agricultural operations than the existing exemption for cultivation of land to raise crops as part of 14.10 of this Chapter, provided that the exemption does not involve construction of any building or site preparation for any development project and that the purpose of such exemption is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and provide reasonable minimum standards that define desired performance in the prevention of man-induced land failures, and control erosion, drainage, and sediment discharge.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.040 Hazards

Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Adequate protection from hazards shall be provided at excavations. All pits, shafts, etc.

shall be barricaded or covered. Upon completion of exploratory excavations and other similar operations, temporary trenches, wells, pits, shafts, etc. shall be backfilled. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.050 Definitions

A. For the purpose of this Section, the definitions listed hereunder shall be construed as specified in this section.

1. AGRICULTURAL OPERATION for grading purposes is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pit operations.
2. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) is a membership society that is the foremost United States source of information on the specifications and testing of materials.
3. APPROVAL shall mean that the proposed work or completed work conforms to this chapter in the opinion of the Building Official.
4. AS-GRADED is the extent of surface conditions on completion of grading.
5. BEDROCK is in-place solid rock.
6. BENCH is a relatively level step excavated into earth material on which fill is to be placed.
7. BORROW is earth material acquired from an off-site location for use in grading on a site.
8. BEST MANAGEMENT PRACTICES (BMPs) are physical and managerial practices that, when used separately, or in combination, prevent or reduce erosion, sedimentation, or pollution of water. An example of a guide for BMPs is the State Water Resources Control Board Best Management Practices Construction Handbook.
9. CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) is a recognized specialist in soil erosion and sediment control.
10. CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.

11. CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
12. CLEARING is the destruction or removal of vegetative surface cover by manual, mechanical, or chemical methods resulting in exposed soils that may be subject to erosion. This does not include clearing techniques that retain vegetation and natural drainage patterns.
13. COMPACTION is the densification of a fill by mechanical means.
14. CONSTRUCTION ACTIVITIES include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas that receive run-off from the construction project such as discharge points into a receiving water. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
15. CUT. See Excavation.
16. DEPTH OF FILL is the vertical dimension from the exposed fill surface to the original ground surface.
17. DEPTH OF EXCAVATION (CUT) is the vertical dimension from the exposed cut surface to the original ground surface.
18. EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.
19. EMBANKMENT. See Fill.
20. ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.
21. ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
22. ENGINEERED GRADING PLAN is a plan prepared by registered design professional authorized to do so by the state of California, describing the vertical and horizontal alignment and/or arrangement of grading.

23. EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.
24. EXCAVATION is the mechanical removal of earth material.
25. EXPANSIVE SOIL is any soil which exhibits expansive properties in excess of index rating of 20 as determined by the procedures defined in the California Building Code.
26. FILL is a deposit of earth material placed by artificial means.
27. GEOLOGIC HAZARD is any condition in naturally occurring earth materials which may endanger life, health or property.
28. GEOTECHNICAL ENGINEER. See “Soils engineer”.
29. GRADE is the vertical location of the ground surface.
30. GRADING PLAN See engineered grading plan.
31. EXISTING GRADE is the grade prior to grading.
32. FINISH GRADE is the final grade of the site that conforms to the approved plan.
33. ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.
34. GRADING is any excavating or filling or combination thereof.
35. GRADING WORK is grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.
36. KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
37. LAND DISTURBANCE is any activity that results in a change in the soil cover or the soil topography that may result in soil erosion from water or wind and the movement of sediments off site, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.
38. PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or

geologists and shall be sufficient to form an opinion relating to the conduct of the work.

39. RAINY SEASON is the period of the year during which there is a substantial risk of rainfall. For the purpose of this Chapter, the rainy season is defined as from October 15th to April 15th, inclusive.
40. REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (REHS) is an environmental health professional educated and trained within the field of environmental health who is registered with the State.
41. SEDIMENT is any material transported or deposited by water, including soil debris or other foreign matter.
42. SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
43. SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
44. SLOPE, DETERMINATION OF means the cross-slope of a parcel by measurement, at established intervals not crossing defined grade breaks, of the average slope perpendicular to the contour lines.
45. SOIL is naturally occurring superficial deposits overlying bedrock.
46. SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.
47. SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.
48. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) is a plan required for various construction and industrial activities pursuant to the Federal Clean Water Act and related State regulations.
49. TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
50. VEHICULAR WAY is any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

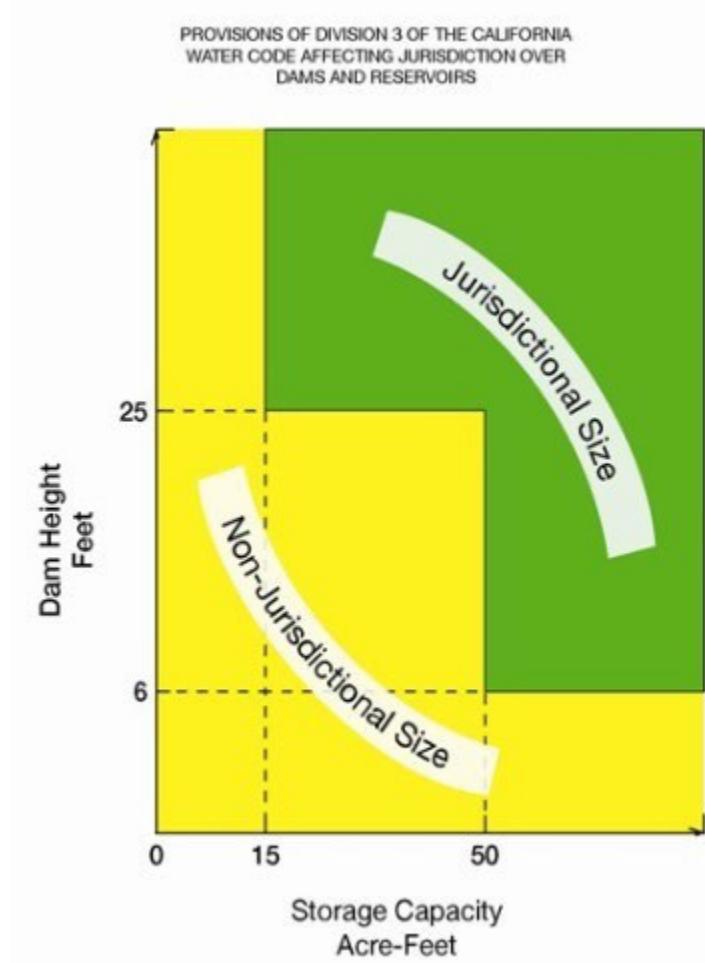
51. WATERCOURSE is any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the Building Official, the definition of natural Channel may be limited to those channels having a watershed area of 50 acres or more, and this definition will be commonly used in connection with the administration of this Chapter except for those cases in which the Building Official determines that the definition must be extended to a natural channel with a watershed smaller than 50 acres in order to prevent a condition which is a menace to life and limb, endangers property, is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses were the definition not extended to a particular natural channel with a watershed below Fifty (50) acres. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.060 Grading Permit Requirements

- A. Except as exempted in 14.12.030 of this Code, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site and may cover both excavations and fills.
1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.
 2. No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to, these permit requirements.

Dam construction of “Jurisdictional Size” are regulated and permitted by the Department of Water Resources, Division of Dam Safety. Dam construction of “Non-Jurisdictional Size” are regulated and permitted by the Building Department” (See Figure A).

Figure A



The construction of dams and reservoirs in excess of five (5') feet in height but twenty-five (25') feet or less in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, regardless of storage capacity, or which have a storage capacity in excess of fifteen (15') acre feet but less than fifty (50') acre feet, regardless of height, shall be subject to County regulatory jurisdiction administered by the Building Department as part of this Chapter. Construction of all dams and reservoirs shall follow the current practices of the Department of Water Resources, Division of Safety of Dams, as dictated in the publication, "Guidelines for the Design and Construction of Small Embankment Dams" (with the exception of contact agency and application process).

3. Pond Construction and design shall be done in conformance with the most recent Conservation Practice Standard, "Pond" (Code 378) as published by the Natural

Resources Conservation Service.

B. The provisions of Section 105, Chapter 1, Division II, are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

C. Grading shall be performed in accordance with the approved grading plan prepared by registered design professional, and shall be designated "engineered grading" The Building Official may waive this requirement if the proposed grading is minor in nature and would not endanger the public health, safety and welfare. This grading shall be designated "regular grading."

D. Engineered Grading Requirements.

1. For engineered grading requirements applications for a grading permit shall be accompanied by three set of plans and two sets of specifications and supporting data. A soils/geotechnical engineering report shall be provided in accordance with the California Building Code.

a. When the proposed grading includes a cut or fill exceeding ten (10') feet in-depth at any point, or a cut or fill exceeding seven feet in depth at any point with the slope of the natural ground exceeding twenty (20%) percent;

b. When highly expansive soils are present; or

c. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

An engineering geology report shall be included with the supporting data when the proposed grading is in excess of 5,000 cubic yards. (See 14.12.060(F))

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

2. The plans shall include the following information:

a. General vicinity of the proposed site.

- b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
 - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
 - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
 - e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15') feet (4,572 mm) of the property or that may be affected by the proposed grading operations.
 - f. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
 - g. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
 - h. Cross sections (not less than two (2)) of existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills.
 - i. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
 - j. A detailed erosion and sediment control plan including specific locations, construction details and supporting calculations for temporary and permanent sediment control structures and facilities.
 - k. A landscaping plan, including temporary erosion control plantings, permanent drought-resistant slope plantings, replacement or temporary groundcover, and irrigation facilities.
 - l. The location of any borrow site or location for disposal of surplus material.
- E. The soils engineering report required by Subsection 13.12.060.6D shall

include:

1. An index map showing the regional setting of the site;
2. A site map that shows the topographic features of the site and locations of all soil borings and test excavations accompanied with a log for each soil boring and test excavation;
3. Classification of the soil types and data regarding the nature, distribution and strength of existing soils;
4. A suitable scaled map and cross sections showing all identified areas of land slippage;
5. A description of any encountered groundwater or excessive moisture conditions;
6. Conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary;
7. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

F. The engineering geology report required by Subsection 14.12.060.6D shall include:

1. An adequate description of the geology of the site and geology of the adjacent areas when pertinent to the site;
2. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;
3. Opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors; and
4. Recommendations for mitigation of geologic hazards.

G. The Building Official may require a geotechnical investigation in accordance with the California Building or Residential Code when, during the course of an investigation, any of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, fifty (50') feet (15,240 mm) or less;

2. Unconsolidated sandy alluvium;
 3. Seismic Design Category C, D, E or F.
- H. Regular Grading Requirements.

1. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- a. General vicinity of the proposed site;
- b. Limiting dimensions and depth of cut and fill;
- c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures with fifteen (15') feet (4,572 mm) of the proposed grading;
- d. Property limits and accurate contours of existing ground;
- e. Typical cross section(s) of the existing and proposed graded area(s) at locations of maximum cut and fill;
- f. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.

I. The provisions of those applicable sections of Division II of the California Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

J. The Building Official may require professional inspection and testing. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

K. In issuing a permit, the Building Official may impose conditions as prescribed by this Chapter necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings;

2. Improvement of any existing unstable grading affected by this permit to comply with the standards of this Section;
3. Protection of grading which would otherwise be hazardous;
4. Dust, erosion and sediment control, and season of work, weather conditions, sequence of work, access roads and haul routes;
5. Safeguard watercourses from excessive deposition of sediment or debris;
6. Safeguard areas reserved for on-site sewage disposal, water supply and hazardous material storage;
7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion;
8. Compliance with all applicable provisions of the Nevada County Codes.

L. If grading operations are commenced before first securing a proper permit, no permit will be issued until illegal grading has stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition to the extent feasible, and to the extent full restoration is not possible mitigation measures may be imposed to remediate any damage caused. Restoration shall be in conformity to an approved restoration plan.

M. Winter operations shall not be allowed if an immitigable high potential for accelerated erosion exists due to slope, rock or soil type, proximity to a stream or drainage course, magnitude or duration of disturbance, or other characteristics of the project and the site. Approval shall be obtained from the Building Official prior to any grading activity during the Rainy Season. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.070 Grading Fees

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.080 Bonds

A. As a condition for the issuance of a permit, the Building Official may require the deposit of improvement security in sufficient amount deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. The form of security shall be acceptable to County Counsel. Public agencies are exempted from this provision by law.

B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work and subdivision improvements as being complete or until the subdivider has entered into an agreement to complete all unfinished work and improvements and furnished improvement security pursuant to Section 14.12080, whichever first occurs.

C. For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work as being complete.

D. In addition to the improvement security, the Building Official may also require the deposit of maintenance security in a sufficient amount deemed necessary by them to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one (1) year after the date of expiration of the improvement security as designated in Subsections B and C above.

E. Any bond or deposit required by the Building Official pursuant to this Section shall be payable to the Nevada County Building Department.

F. Upon satisfaction of applicable provisions of this Section, the improvement and maintenance security deposits or bonds will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done, and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the County of the cost of the work. (Ord. 2515.

(12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.090 Cuts

A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

B. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one (1) unit vertical in two (2) units horizontal (fifty (50%) percent slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTION: A cut surface may be at a slope gradient of one and one-half (1.5) horizontal to one (1) vertical (67 percent) provided that all of the following are met:

1. It is not intended to support structures or surcharges.
2. It is adequately protected against erosion.
3. It is no more than eight (8') feet in height.
4. The soil is not classified as CH, CL, or MH.
5. It is approved by the Building Official. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.100 Fills

A. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this Section.

B. Where fill is intended to support any permanent structure, an engineered grading plan shall be required. The placement and compaction requirements shall be as stated in the engineering report.

1. Where fill is intended to support any paved surface, or is part of a fire access road or driveway, the requirements of this Section shall be followed.

2. The guidelines of this Section shall be followed for all other fills except compaction to a minimum of ninety (90%) percent of maximum density need not be provided for minor fills not intended as a buildable area. Lots with non-engineered fills or fills not compacted in compliance with Subsection 14.12.100 (D) shall be documented. Future development on the lots shall require a qualified person to determine the proposed work is not within the fill area or can adequately be built in the fill area.

C. Fill slopes shall not be constructed on natural slopes steeper than one (1) unit vertical in two (2) units horizontal (fifty (50%) percent slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope) and the height is greater than five (5') feet (1,524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than one (1) unit vertical in five (5) units horizontal (twenty (20%) percent slope) shall be at least ten (10') feet (3,048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least ten (10') feet (3,048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

D. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than twelve (12") inches (305 mm) shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

E. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;

1. Rock sizes greater than twelve (12") inches (305 mm) in maximum dimension shall be ten (10') feet (3,048 mm) or more below grade, measured vertically;
2. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

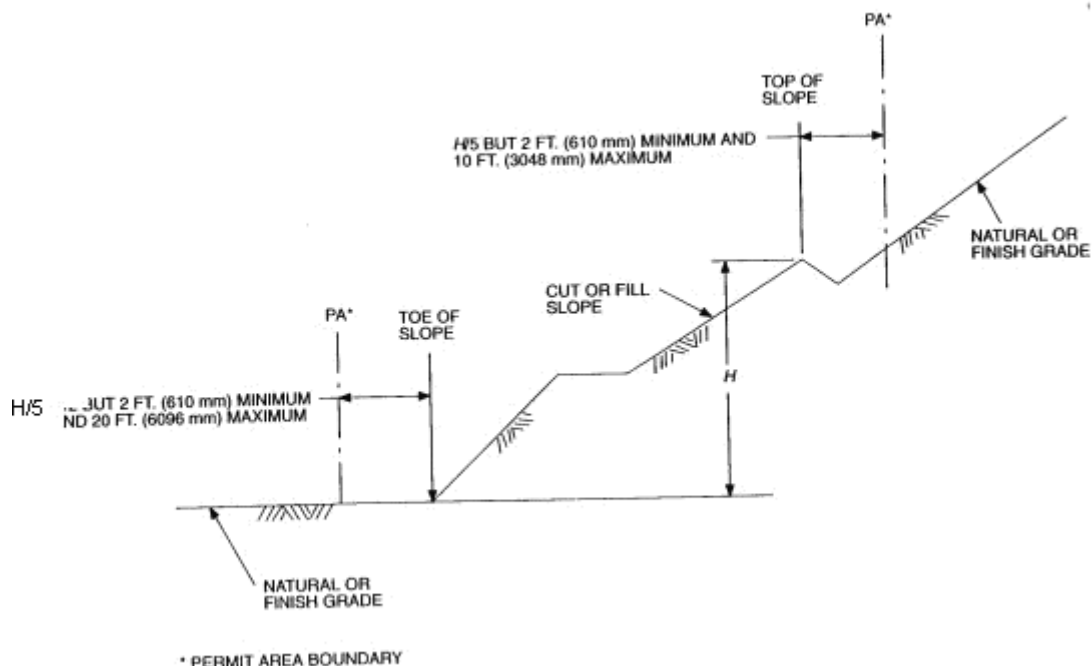
F. All fills shall be compacted to a minimum of ninety (90%) percent of maximum density.

G. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one (1) unit vertical in two (2) units horizontal (fifty

(50%) percent slope). (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.110 Setbacks

A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-33-1.



B. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of two (2') feet (610 mm) and a maximum of ten (10') feet (3,048 mm). The setback may need to be increased for any required interceptor drains.

C. The toe of fill slope shall be made not nearer to the site boundary line than one fifth the height of the slope with a minimum of two (2') feet (610 mm) and a maximum of twenty (20') feet (6,096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to:

1. Additional setbacks;
2. Provision for retaining or slough walls;
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
4. Provisions for the control of surface waters.

D. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.120 Drainage and Terracing

A. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

EXCEPTION: Drainage facilities and terracing need not be provided where the ground slope is not steeper than three (3) horizontal to one (1) vertical (thirty-three (33%) percent).

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

Storm drainage and design standards not otherwise specified herein shall comply with 16.12.010 the County of Nevada Code.

B. Terraces at least six (6') feet (1,829 mm) in width shall be established at not more than thirty (30') foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than sixty (60') feet (18,288 mm) and up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-height shall be twelve (12') feet (3,658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five (5%) percent and must be paved with reinforced concrete not less than three (3") inches (76 mm) in

thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of five (5') feet (1,524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m²) (projected) without discharging into a down drain.

C. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of five (5%) percent toward approved drainage facilities, unless waived by the Building Official.

EXCEPTION: The gradient from the building pad may be two (2%) percent if all of the following conditions exist throughout the permit area:

E. No proposed fills are greater than ten (10') feet (3048 mm) in maximum depth.

1. No proposed finish cut or fill slope faces have a vertical height in excess of ten (10') feet (3,048 mm).

2. No existing slope faces steeper than one (1) unit vertical in ten (10) units horizontal (ten (10%) percent slope) have a vertical height in excess of ten (10) feet (3,048 mm).

When surface drainage is discharged onto any property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. A grading and discharge plan shall be required which includes the analysis of the effect of the discharge.

F. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty (40') feet (12,192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of three (3") inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12") inches (305 mm) and a minimum paved width of thirty (30") inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official.

G. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains and other devices. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.130 Road and Driveway Standards

A. The construction and design of all roadways shall be done in conformance with 12.04.310 under this Code.

B. The construction and design of all driveways shall be done in conformance with 04.03 of this Code.

1. At no place along the length of a driveway shall the grade be in excess of the established grades in 04.03. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.140 Erosion Control

A. The following shall apply to the control of erosion and sediment from grading and construction activities resulting in land disturbance:

1. Plans shall be designed with long-term erosion and sediment control as a primary consideration;
2. Grading and construction activities during the rainy season shall provide erosion and sediment control measures except upon a clear demonstration to the satisfaction of the Building Official that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;
3. Should land disturbance be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;
4. Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of land disturbance shall be clearly defined and marked to prevent damage by construction equipment;
5. Permanent drought-resistant vegetation and structures for erosion and sediment control shall be installed as soon as possible;

6. Provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation;
7. No topsoil shall be removed from the site unless otherwise directed or approved by the Building Official. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;
8. Runoff shall not be discharged from the site in quantities or at velocities substantially above those that occurred before land disturbance, or channeled, concentrated or redirected except into drainage facilities whose design has been specifically approved by the Building Official;
9. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.

B. Should increase sediment discharge occur or become imminent, the permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal, or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this Chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the Building Official may take such actions as required to abate a hazardous public nuisance.

C. Erosion and sediment control plans prepared pursuant to this Chapter shall comply with all of the following:

1. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.
2. An erosion and sediment control plan shall be required for any grading project required to have a grading permit.

EXCEPTION: The Building Official determines that the grading and/or construction activity will not impose a significant erosion or sediment discharge hazard.

3. Erosion and sediment control plans shall include an effective re-vegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas

where construction activities have been completed between April 15th and October 15th shall be planted no later than November 1st. Land disturbance areas completed at other times of the year shall be planted within fifteen (15) days. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.

4. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and construction activities from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.
5. Erosion and sediment control plans shall comply with the recommendations of any Civil Engineer, Geotechnical Engineer, Engineering Geologist, Architect, or Soil Erosion Control Specialist involved in preparation of the grading plans.
6. The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a Civil Engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.
7. Erosion and sediment control plans shall be designed to meet anticipated field conditions.
8. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season, and for specific sediment clean-out and vegetation maintenance criteria.
9. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the Erosion and Sediment Control Guidelines for Developing Areas of the Sierras published by High Sierra Resource Conservation and Development Council.
10. For projects subject to the State requirements to prepare a SWPPP (Storm Water Pollution Prevention Program) a preliminary SWPPP may be submitted in lieu of the erosion and sediment control plan required by these regulations.
11. Erosion control measures shall be installed in accordance with the issued grading

and/or construction plans prior to any rain event. Any grading completed between October 15th and April 15th shall have all erosion control materials that are required be installed in accordance with the issued construction and grading plans onsite. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.150 Grading Inspection

A. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with Subsection E herein for engineered grading and as required by the Building Official for regular grading.

B. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work, they shall be prepared by the civil engineer.

C. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the civil engineer.

D. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such

change and shall provide revised plans for approval.

Periodic progress reports may be required to be rendered by the permittee at commencement and completion of major key grading and erosion and sediment control operations.

No permittee shall be deemed to have complied with this Section until the Building Official has made a final inspection of the work and has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit.

The permittee shall provide adequate access to the site for inspection by the Building Official during the performance of all work and for a minimum period of one (1) year after acceptance by the Building Official of all improvements pursuant to this Section.

F. The Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. If, in the course of fulfilling their respective duties under this Section, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official.

H. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

I. As a condition of the permit, the Building Official may require the permittee to provide, at permittee's expense, a Geotechnical Engineer or Civil Engineer to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that they have inspected the work and that in their professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a Geotechnical Engineer or Civil Engineer shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five (5') feet in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously

inspected when fills exceed ten (10') feet in height.

2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.
3. During the installation of subsurface drainage facilities.

Reports filed by the Geotechnical Engineer or Civil Engineer regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

The use of a Geotechnical Engineer or Civil Engineer for inspections shall not preclude the Building Official from conducting inspections using their own or other authorized inspectors as may be necessary. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.12.160 Completion of Work

A. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 14.12.150(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 14.12.150(C) of this Section, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this Section.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 14.12.150(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this Chapter.

4. The grading contractor shall submit, in a form prescribed by the Building Official, a statement of conformance to said as-built plan and the specifications.

B. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion- control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER13: ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS

Sections:

Section 14.13.010 Purpose

Section 14.13.020 Applicability

Section 14.13.030 Definitions

Section 14.13.040 Electric Vehicle Charging Station Requirements

Section 14.13.050 Application Standards

Section 14.13.060 Expedited Permitting Process and Permit Review

Section 14.13.010 Purpose

The purpose of the Section is to adopt an expedited, streamlined permitting process that complies with AB 1236 and Cal. Gov't Code § 65850.7 to achieve timely cost- effective installation of electric vehicle charging stations. This Section encourages the installation and use of electric vehicle charging stations by removing obstacles to and minimizing the cost of permitting for charging stations, and by expanding the ability of residential, agricultural and commercial property owners to install electric vehicle charging stations. This Section allows the county to achieve these goals while protecting the public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.13.020 Applicability

This Section applies to the permitting of electric vehicle charging stations in the unincorporated area of the County of Nevada. Electric vehicle charging stations legally established or permitted prior to the implementation of this expedited permitting process are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type or components of an electric vehicle charging station in such a way as to require new permitting. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.13.030 Definitions

A. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, as it reads on the effective date of this Section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

B. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet; or
3. Facsimile.

C. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

D. “A feasible method to satisfactorily mitigate or avoid the specific adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit.

E. “Building Official” means the officer or other designated authority charged with the administration and enforcement of the Nevada County Code, or a duly authorized representative.

F. An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/16); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.13.040 Electric Vehicle Charging Station Requirements

A. All electric vehicle charging stations shall meet applicable health and safety standards and requirements of local, state and federal law.

B. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.13.050 Application Standards

A. No later than September 30, 2017, the Building Official of Nevada County

or their designee shall implement an expedited permitting process, after consulting with the local fire department or district, that will allow the Building Official to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit.

B. The Building Official shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. The checklist and all required permitting documentation shall be published on the County of Nevada's Internet Website.

C. In developing the expedited permitting process and checklist, the Building Official may refer to the recommendations contained in the most recent version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" and/or the "Zero- Emission Vehicles in California: Community Readiness Guidebook" published by the State of California's Office of Planning and Research. The Building Official may modify the checklist and standards found in the Guidebook due to unique climatic, geological, seismological, or topographical conditions.

D. Electronic submittal of the required permit application and supporting documents shall be made available for all electric vehicle charging station permit applications. The method of electronic submittal shall be at the County's discretion. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.13.060 Expedited Permitting Process and Permit Review

A. The applicant may submit the permit application and supporting documents to the Building Department by electronic submittal. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature.

B. An application and supporting documents that satisfy the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information that is required to be eligible for expedited permit issuance.

C. Upon confirmation by the Building Official that the application is complete and meets the requirements of the checklist and is consistent with this Section, the Building Official shall administratively approve the application and issue all required permits or authorizations. The Building Official may establish a process to prioritize competing applications for expedited permits.

1. If the County makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, the County may require the applicant to apply for a use permit.
2. The County may withhold issuance of the permit or authorization if there is a violation on record for any structure associated with the application under review.
3. The County shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an “Association”, as that term is defined in Cal. Civ. Code § 4080.

D. The County shall not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

E. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific adverse impact upon the public health or safety at the lowest cost possible.

F. This expedited permitting process is intended to apply only to applications for permits for electric vehicle charging stations and will not expedite the review of any other permit applications.

G. The Building Official’s decision pursuant to Subsection C or D may be appealed to the Nevada County Building and Accessibility Standards Board of Appeals in accordance with Nevada County Code Section 14.02.020. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2424. (12/13/2016); Ord. 2374. (01/14/2014); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 14: SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Sections:

Section 14.14.010 Purpose

Section 14.14.020 Applicability

Section 14.14.030 Definitions

Section 14.14.040 Solar Energy System Requirements

Section 14.14.050 Duties of the Building Department and Building Official

Section 14.14.060 Permit Review and Inspection Requirements

Section 14.14.010 Purpose

The purpose of this Section is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Section encourages the use of solar systems by reducing costs to property owners and the County, and expanding the ability of property owners to install solar energy systems. This Section allows the County to achieve these goals while protecting public health and safety. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.14.020 Applicability

This Section shall apply to the permitting of all small residential rooftop solar energy systems in the County of Nevada as defined by Section 14.14..3(B).

Solar energy systems legally established or permitted prior to the effective date of this Section are not subject to the requirements of this Section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.14.030 Definitions

A. “Solar energy system” means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. A “small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than ten (10 kw) kilowatts alternating current nameplate rating, or thirty (30 kw) kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County and all state and County health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the County.

C. “Electronic submittal” means the utilization of one or more of the following:

1. Email;
2. The Internet;
3. Facsimile.

D. An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

E. A “common interest development” means any of the following:

1. A community apartment project.
2. A condominium project.
3. A planned development.
4. A stock cooperative.

F. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety

standards, policies, or conditions as they existed on the date the application was deemed complete.

G. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

H. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten (10%) percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding ten (10%) percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten (10%) percent as originally specified and proposed. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.14.040 Solar Energy System Requirements

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the California Building Standards Codes and Chapter 14, governing Building of the County Code.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Codes.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.14.050 Duties of the Building Department and Building Official

A. All documents required for the submission of an expedited solar energy

system application shall be made available on the publicly accessible County Website.

B. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's

Office of Planning and Research. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

Section 14.14.060 Permit Review and Inspection Requirements

A. The County Building Department shall adopt an administrative, non-discretionary review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the adoption on this Section. For permit applications submitted over-the-counter and electronically, the Building Department shall issue a building permit or other non-discretionary permit within five (5) business days of receipt. The time to issue a permit begins upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. All fees prescribed for the permitting of small residential rooftop solar systems must comply with Cal. Gov't Code § 66016 and Cal. Health & Safety Code § 17951.

B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.

C. The Building Official may deny the application if the Building Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such findings shall be made in writing based on substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Findings shall include a basis for the rejection of the potential feasible alternative for preventing the adverse

impact. Such decisions may be appealed to the Building and Accessibility Standards Board of Appeals in accordance with this 14.02.020, which may be further appealed to the Board of Supervisors.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Cal. Civ. Code §714, defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The County shall not condition approval of an application on the approval of an Association, as defined in Cal. Civ. Code § 4080.

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review unless additional inspections are determined necessary by the Building Official based on specific climatic, geographic and/or topographical conditions.

I. The inspection(s) shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and the applicant shall be provided with a two (2) hour inspection window.

J. Inspections.

1. All solar energy systems shall be inspected for compliance with the manufacturer’s installation requirements and the California Electrical Code.
2. The systems shall be ready for inspection with all electrical equipment/components accessible and in clear view.
3. The County’s Building Inspector shall have access to all parts of the system.

4. The permit, approved plans, and specifications shall be readily available on site at the time of inspection.
5. Any changes to approved plans must be reviewed and approved by the Building Department prior to scheduling the inspection.

If a small residential rooftop solar energy system fails inspection, a subsequent re-inspection is authorized and may include a re-inspection fee in accordance with the County's adopted fee schedule. (Ord. 2515. (12/13/2022); Ord. 2473. (01/14/2020); Ord. 2397. (09/08/2015); Ord. 2515. (12/06/2022); Ord. 2531. (10/24/2023))

CHAPTER 15: WOOD STOVES AND FIREPLACES

Sections:

- Section 14.15.010 Applicability**
- Section 14.15.020 Definitions**
- Section 14.15.030 Permit and Inspection Required**
- Section 14.15.040 Standards for Solid Fuel Burning Appliances**
- Section 14.15.050 Prohibited Fuels**
- Section 14.15.060 Fees**
- Section 14.15.070 Violations/Infractions**
- Section 14.15.080 Enforcement Official**

Section 14.15.010 Applicability

The provisions of this Chapter shall apply to all unincorporated areas within the County of Nevada. (Ord. 2384. (09/9/2014); Ord. 2522. (04/18/2023))

Section 14.15.020 Definitions

As used in this Chapter, the following words, phrases and abbreviations are defined as follows:

- A. “Dwelling” means a structure designed and used for long-term residential occupancy. “Dwelling Unit” means that portion of a dwelling designed or used for occupancy of one (1) family or living group separated from and living independently of others in the same dwelling, e.g. a duplex constitutes one (1) “dwelling” but two (2) “dwelling units”
- B. “EPA” means the United States Environmental Protection Agency.
- C. “EPA certified appliance” means any solid fuel burning appliance utilized for aesthetic, water heating or space heating purposes that has been certified by the EPA as meeting the performance and emission standards for new residential wood heaters (as set forth in Title 40 Code of Federal Regulations [C.F.R.] Part 60, Subpart AAA February 26, 1988).
- D. “EPA Phase II certified appliance” means an EPA certified appliance that meets the emission requirements of no more than 4.1 grams per hour particulate matter emission for catalytic and 7.5 grams per hour for non-catalytic appliances. Pellet fueled wood heaters, gas fueled appliances or fireplace inserts, as defined herein, shall be considered as meeting Phase II requirements. Any other solid fuel burning appliances, including fireplaces

not qualifying as factory-built fireplaces, shall be considered non-certified appliances that must be proven, based upon evidence including manufacturer's documentation, to be at least an equivalent alternative before use may be authorized.

- E. "Factory-built fireplace" means a prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a "wood heater" as defined in 40 C.F.R §60.531 (1988). It does not mean open masonry fireplaces, barbecue devices, gas-fired fireplaces or cook stoves.
- F. "Pellet fueled wood heater" means any heater designed to heat the interior of a building that operates only on pelleted wood fuel and has an automatic feed manufactured and included as an integral part of the unit.
- G. "Permanently inoperable" means modified in such a way that the appliance can no longer function as a solid fuel heater or easily be re-modified to function as a solid fuel heater. Conversion to other fuels, such as gas, is prohibited.
- H. "Gas fueled appliances" means any heater designed to heat the interior of a building that operates on either propane, natural gas or oil.

"Solid fuel burning appliance" means any fireplace, heater, stove or structure that burns wood, coal or any other non-gaseous or non-liquid fuels, or any similar device burning any solid fuel used for aesthetic, water heating or space heating purposes and includes pellet fueled wood heaters, fireplaces and factory-built fireplaces, airtight wood stoves and any other such appliance that is a "wood heater" or wood-fired "boiler" as defined in 40 C.F.R. §60.531 (1988). It does not mean a cook stove or a furnace as those terms are defined in 40 C.F.R. §60.531 (1988). (Ord. 2384. (09/9/2014); Ord. 2522. (04/18/2023))

Section 14.15.030 Permit and Inspection Required

No solid fuel burning appliance shall be installed without first obtaining a permit from the County Building Department. All installations shall require an inspection and approval by the County Building Inspector prior to operation. The Building Inspector shall verify that appliances comply with the required emissions standards and with this Chapter and such verification shall remain on file with the County Building Department. Effective January 1, 2003, where any project to be permitted involves installation of any solid fuel burning appliance, no building or installation permit may be issued for such project unless the plan indicates any new or replacement solid fuel burning appliance proposed complies with standards set forth in this code.

Section 14.15.040 Standards for Solid Fuel Burning Appliances

A. All new solid fuel burning appliances shall be EPA Phase II certified appliances or such alternate appliances meeting or exceeding EPA clean air emission standards

as the Chief Building Inspector may approve. Additionally, whenever an existing solid fuel burning appliance installed prior to January 1, 2003, is voluntarily replaced, the replacement unit shall be an EPA Phase II certified appliance.

Section 14.15.050 Prohibited Fuels

A. Materials that are allowed to be burned in a solid fuel burning appliance are listed below:

1. Dried and untreated wood;
2. Uncolored paper;
3. Manufactured logs, pellets and similar manufactured fuels;
4. Cardboard;
5. Undyed organic cloth.

B. Burning of any other fuels or materials in a solid fuel burning appliance is prohibited within the unincorporated area of the County of Nevada. Burning of any fuels or materials other than those recommended by the manufacturer in pellet fueled wood heaters and gas fueled appliances is prohibited within the unincorporated areas of Western Nevada County.

Section 14.15.060 Fees

A fee shall be charged for the inspection and permitting services of the County pursuant to this Chapter, payable before a permit is issued. The fee shall be established and adopted by the Board from time to time by resolution.

Section 14.15.070 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 which increases for subsequent violations of the same section within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

Section 14.15.080 Enforcement Official

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with the right of enforcing the provisions of this Chapter along with the Chief Building Official of Nevada County, or their designee. To the extent violations are designated to be infractions, the Nevada County Code Compliance Manager is authorized to enforce the provisions of this Chapter.

CHAPTER 16: ART IN PUBLIC PLACES

Sections:

Section 14.16.010	Intent
Section 14.16.020	Construction of Public Buildings
Section 14.16.030	Funding

Section 14.16.010 Intent

In adopting this Chapter it is the intent of the Board of Supervisors to foster culture and the arts within the County of Nevada by acquiring art for public display within any new buildings that may hereinafter be built by the County.

Section 14.16.020 Construction of Public Buildings

Whenever any new building is to be constructed by the County of Nevada, the Board of Supervisors shall determine whether the building layout and use are conducive to the public display of art, and in such cases as the Board finds to be suitable, the Board of Supervisors shall endeavor to provide funding in an amount up to one percent (1%) of the total estimated cost of construction thereof for the express purpose of acquiring and displaying art therein.

Section 14.16.030 Funding

In order to establish a funding mechanism for art acquisitions, the County shall establish a separate budgetary account which shall be known as the "Art Acquisition Account". The Board of Supervisors shall annually during the budget adoption process allocate such funds to the account as the Board deems appropriate

TITLE 15: SANITATION

CHAPTER 1: SEWAGE

Sections:

- Section 15.01.010 Purpose**
- Section 15.01.020 Definitions**
- Section 15.01.030 Applicability of this Chapter**
- Section 15.01.040 Sewage Disposal**
- Section 15.01.050 System Permit Required**
- Section 15.01.060 Department Fees**
- Section 15.01.070 Connection to Public Sewer System**
- Section 15.01.080 Site Evaluation Required**
- Section 15.01.090 Soil Testing Required**
- Section 15.01.100 Site Approval Report**
- Section 15.01.110 Sewage Disposal System Construction Permit Application**
- Section 15.01.120 Action on Permit Application**
- Section 15.01.130 Inspections**
- Section 15.01.014 System Monitoring and Maintenance**
- Section 15.01.150 Sewage Disposal System Abandonment**
- Section 15.01.160 Variances**
- Section 15.01.170 Advisory Group Established**
- Section 15.01.180 Appeals**
- Section 15.01.190 Requirements for Land Use Projects**
- Section 15.01.200 Centralized Sewage Disposal Criteria**
- Section 15.01.210 Violations, Nuisances and Abatement**

Section 15.01.010 Purpose

The purpose of this Chapter is protection of public health through establishment of minimum standards for design, construction, installation, operation, maintenance, replacement, alteration, enlargement, repair and abandonment of facilities for disposal of sewage within the unincorporated area of the County of Nevada. The procedural and regulatory framework is contained in this Chapter. All work shall be done pursuant to this Chapter with the applicable permits in compliance with accepted engineering practice. The Board of Supervisors, by separate Resolution, may adopt per Assembly Bill 885 and State of California Water Resources Control Board a Local Area Management Plan (LAMP) and State Water Resources Control Board On-Site Wastewater Treatment System (OWTS) Policy, delineating in specific detail implementing standards and regulations reflecting acceptable practices and procedures. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.020 Definitions

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. **BLACKWATER** - Human or commercial kennel wastes including feces, urine, the carriage water generated through toilet usage, other extraneous substances of body origin, toilet paper and wastes discharged from kitchen sinks and dishwashers.
- B. **BOARD OF SUPERVISORS** - The Nevada County Board of Supervisors.
- C. **CENTRALIZED SEWAGE DISPOSAL SYSTEM** - Facilities for the collection, transportation, treatment and disposal of any sewage from two (2) or more sources by any method which meets State and local minimum standards.
- D. **CONSULTANT** - One of the following persons (exclusive of Department personnel):
 - 1. Certified Engineering Geologist;
 - 2. Certified Professional Soil Scientist;
 - 3. Registered Civil Engineer;
 - 4. Registered Environmental Health Specialist; or
 - 5. Registered Geologist.
- E. **CONTRACTOR** - A person who possesses an active Class A, B-1, or C-42 contractor's license in accordance with the provisions of the California Business and Professions Code.
- F. **DEPARTMENT** - The Nevada County Department of Environmental Health, it's director, and designated employees.
- G. **DIRECTOR** - The Director of the Nevada County Department of Environmental Health, or their designated employee.
- H. **GRAYWATER** - Untreated wastewater that has not come into contact with toilet wastes. It includes used water from bathtubs, showers, bathroom wash basins, and from clothes washing machines and laundry tubs. It does not include wastewater from kitchen sinks, dishwashers or laundry water from soiled diapers.
- I. **OWNER** - Any person who alone, or jointly, or severally with others:
 - 1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
 - 2. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or as the owner's authorized representative.
- J. **OWNER'S AUTHORIZED REPRESENTATIVE** - A person authorized in writing by an owner of or holder of an easement sufficient to authorize the work on the

land on which the system is to be installed, to represent the owner's or easement holder's interests, (e.g., consultant, contractor, real estate agent, etc.)

K. **QUALIFIED PROFESSIONAL** - one of the following persons (exclusive of Department personnel)

1. Certified Engineering Geologist;
2. Certified Professional Soil Scientist;
3. Registered Civil Engineer; or
4. Registered Environmental Health Specialist.

L. **PERSON** - Any individual, corporation, association, firm, organization, partnership, or company.

M. **PUBLIC ENTITY** - A local agency, as defined in Cal. Gov't Code §§ 53090 – 54999.7 which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual sewage disposal systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from individual sewage disposal systems and to conduct any monitoring of surveillance programs as required for water quality control purposes.

N. **PUBLIC SEWER SYSTEM** - Any sewer system constructed, installed, maintained, operated and owned by or for a municipality or taxing district established for sewage disposal purposes.

O. **PUBLIC WATERS** - Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or underground waters, natural or artificial, public or private, which are wholly or partially within or bordering the County of Nevada or within its jurisdiction.

P. **PUBLIC WATER SYSTEM** - A system for the provision of water for human consumption through pipes or other constructed conveyances that has fifteen (15) or more service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

Q. **SEWAGE** - Blackwater, graywater, and/or any liquid contaminated with materials thereof.

R. **SEWAGE DISPOSAL REGULATIONS** - The implementing standards and requirements of this Chapter developed by the Department and the community, and

subsequent amendments thereto, adopted by the Board of Supervisors by Resolution. The Sewage Disposal Regulations include specific detail on acceptable sewage disposal systems and permitting.

S. SOURCE - Point of origin of a wastewater discharge from any residential, commercial, or recreational building and/or establishment.

T. SYSTEM - A sewage disposal facility, including replacement area, commencing with the building sewer, designed for the collection, treatment and disposal of sewage, or sewage storage only, on a site. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.030 Applicability of this Chapter

The requirements of this Chapter, as supplemented by LAMP and OWTS Policy, shall apply to all sewage disposal and for any division of land in Nevada County approved after the adoption of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.040 Sewage Disposal

A. It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to treat or dispose of sewage in any manner other than by a sewer, septic tank and leaching system, centralized sewage disposal system, public sewer system or other method of sewage disposal meeting the standards set forth in this Chapter and LAMP and OWTS Policy.

B. A system shall be constructed, operated and maintained in compliance with all requirements of the permit allowing its installation and operation and so as not to permit sewage to rise to the ground surface or to discharge sewage onto the ground or into the groundwater or surface water. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.050 System Permit Required

It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to construct, install, replace, alter, enlarge, abandon or repair a system, or any portion thereof, in or upon any property in the County without first having obtained a permit to do so from the Department, except as provided in this Chapter.

Section 15.01.060 Department Fees

Fees for permits and other services of the Department required by this Chapter shall be established by resolution of the Board of Supervisors. The applicable fee shall be paid at

the time of filing a permit application or in advance of the service. In the event that a permit application is denied in writing by the Department, fees will be charged when a new application is made.

Section 15.01.070 Connection to Public Sewer System

A. Connection to a public sewer system shall be required for all new construction when the public sewer system is within two hundred (200') feet of any boundary of an existing property or within five hundred (500') feet of any boundary of a proposed parcel map or tentative map, as measured in a straight line, so long as a connection can be legally and physically achieved. A system permit shall not be required in said instance so long as connection is made in accordance with the rules and regulations of the public entity operating the public sewer system.

B. In the event that an existing on-site wastewater disposal system fails, the Department may compel connection to a public sewer system if the property boundary is within two hundred (200') feet of the public sewer system as measured in a straight line, so long as a connection can be legally and physically achieved.

Section 15.01.080 Site Evaluation Required

A site evaluation of the property, in conformance with LAMP and OWTS Policy, shall be conducted by the Department and the applicant's consultant prior to issuance of a system permit in order to provide sufficient information to prepare the site approval report as required in Section 15.01.110 of this Chapter. The property owner or owner's authorized representative shall make application for a site evaluation to the Department and pay the required fee before applying for a system construction permit. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.090 Soil Testing Required

A. A minimum of two (2) soil test pits are required in an area proposed for sewage disposal prior to applying for a system permit, provided, however, that the Department may waive this requirement where sufficient information already exists. The soil test pits shall be witnessed by the Department and the applicant's consultant. All soil test pit excavations shall be adequately protected and backfilled following logging of the soil by a qualified professional.

B. "Wet weather testing" to determine the depth to water below the surface of the ground may be required by the Department prior to approving a site for a system. Wet weather testing will be performed during that time of year representative of soil saturation as determined by the Department according to LAMP and OWTS Policy.

C. System sizing shall be based on percolation tests or soil type. Where percolation tests are utilized for sizing the system, a minimum of three (3) percolation tests shall be performed in the area where a system is to be located. Percolation tests shall be conducted by the applicant's qualified professional.

D. For parcels tested after the effective date of this Chapter, the applicant's qualified professional shall prepare a site evaluation report for the site, including the results of all soil testing, in conformance with LAMP and OWTS Policy. The site evaluation report shall be submitted to the Department by the applicant's qualified professional within sixty (60) days of the date the site evaluation is completed on the property. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.100 Site Approval Report

A site approval report in conformance with LAMP and OWTS Policy shall be prepared by the Department after receipt of the site evaluation report from the qualified professional or owner. The site approval report shall specify the type(s) of system(s), if any, that can be approved for the parcel. (Exception: a site approval report is not required where soils testing was conducted prior to the adoption of this Chapter and the Department finds that the site and prior test results are acceptable.) (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.110 Sewage Disposal System Construction Permit Application

A. The property owner, qualified professional, or contractor shall make application for a system permit on a form provided by the Department for that purpose.

B. All information and documents required by LAMP and OWTS Policy, including a consultant's design and certification where required, shall be provided and completed at the time of application and shall, at a minimum, include:

1. The required number of site plans;
2. Results of all soils testing, if not on file at the Department;
3. A site approval report, unless not required; and
4. System design work and calculations for systems which are designed by a qualified professional. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.120 Action on Permit Application

A. The Department will act on a system construction permit application to approve, conditionally approve, or deny it, based upon its compliance with the requirements of this Chapter and LAMP and OWTS Policy.

B. The Department may issue a permit only when all of the requirements of this Chapter and LAMP and OWTS Policy have been met. The permit may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. System construction permits shall expire and become void one (1) year from the date they are issued. Upon written request, an unexpired permit may be renewed for a maximum of one (1) year beyond the initial expiration date. An unexpired valid permit may be transferred to a new property owner. The new owner shall make a written request for transfer of the permit upon the change of ownership.

C. The Department shall deny any permit application that fails to comply in any regard with the requirements of this Chapter or LAMP and OWTS Policy.

D. The applicant or any person interested in the permit application may appeal any decision of the Department pursuant to Section 15.01.180 of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.130 Inspections

A. The system components and construction shall be inspected by the Department as required by the construction permit for compliance with permit conditions, this Chapter and LAMP and OWTS Policy. Final approval of the construction permit shall only be granted after the Department has completed all necessary system inspections. Department inspection(s) of the system may be waived by the Department on a case-by-case basis for good cause as provided for in LAMP and OWTS Policy.

B. All special design system installations shall also be inspected by the applicant's qualified professional who shall certify in writing to the Department that the installation has met the design as approved by the Department. The final approval of the system by the Department cannot be given until this certification is received.

C. The Department shall issue a Certificate of Satisfactory Completion for a system upon determination that the system as constructed and installed complies with the requirements of the permit and this Chapter, as supplemented by LAMP and OWTS Policy. No system constructed after the effective date of this Chapter shall be placed into operation without a Certificate of Satisfactory Completion. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.140 System Monitoring and Maintenance

A. Any system identified in LAMP and OWTS Policy or in conditions imposed upon permit approval as requiring ongoing monitoring and maintenance after being placed in operation shall be operated and maintained in compliance with all applicable requirements. All owners of such systems shall obtain and maintain a current annual operating permit for the system, issued by the Department. The Department may suspend or revoke an operating permit for failure to comply with the applicable monitoring and maintenance requirements in which event further operation of the system shall cease until the suspension is lifted or a new annual operating permit issued.

B. Monitoring, inspection and maintenance of these systems shall be performed by persons who possess a current registration, license, or certification in a related field by the State of California under the Business and Professions Code, and who demonstrate current knowledge and competency in the requirements of this Chapter and LAMP and OWTS Policy as provided for in LAMP and OWTS Policy.

C. The Department may make periodic quality assurance checks to ensure that certified service providers are adhering to the requirements of LAMP and OWTS Policy and specific permit conditions for monitoring and maintenance. The Department may suspend or revoke a person's certification for failure to comply with LAMP and OWTS Policy and this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.150 Sewage Disposal System Abandonment

A system shall be abandoned if the Department has issued a notice or an order to abandon the system or shall be abandoned if the system will no longer be used because the facility served by the system has connected to another approved sewer system or the use requiring the system has permanently terminated. A system shall only be abandoned in accordance with LAMP and OWTS Policy. An abandoned system shall no longer be utilized for sewage disposal. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.160 Variances

A. A variance from the requirements of this Chapter or LAMP and OWTS Policy may be granted as provided therein on a case-by-case basis with written approval of the Director under the following circumstances:

1. Because of special circumstances applicable to the specific parcel (e.g. size, shape, topography, soil characteristics, location, surroundings), a strict application of this Chapter and LAMP and OWTS Policy would otherwise cause the property owner

to suffer unique hardship or deprivation of property privileges enjoyed for other property in the vicinity and zoning district in which such property is located;

2. The hardship was not intentionally caused by the action of the applicant;
3. Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
4. Reduction of requirements would not present a health hazard or the pollution or degradation of public waters.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district.

B. Applications for variances shall be made in writing on a form provided by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a variance should be granted under the provisions of this Section. After conclusion of the investigation, the Director, or their designee, shall prepare a written order of specific findings of fact and reasons for granting or denying said variance.

C. The Director, or their designee, shall approve, conditionally approve or deny the variance in writing within fifteen (15) working days from the date a completed application is received, unless that time period is waived by the applicant due to the uniqueness, length, or complexity of the application or the issues raised.

D. The applicant, or any person interested in the variance, may appeal any decision of the Director or their designee pursuant to Section 15.01.180 of this Chapter. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.170 Advisory Group Established

A. There shall be and is hereby created a Sewage Disposal Technical Advisory Group as established in LAMP and OWTS Policy by separate Resolution.

B. The purpose of the Sewage Disposal Technical Advisory Group shall be to review and recommend proposed revisions and additions to the sewage ordinance and LAMP and OWTS Policy in an advisory capacity; to review and recommend new methods, techniques and materials for on-site sewage disposal in an advisory capacity; and to serve as an appeal body pursuant to the provisions of Section 15.01.180. The Group shall not be empowered to waive requirements of either this Section nor of LAMP and OWTS Policy. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.180 Appeals

A. Any decision of the Department or the Director or their designee pursuant to this Chapter and LAMP and OWTS Policy may be appealed to the Sewage Disposal Technical Advisory Group following the procedures set out in LAMP and OWTS Policy. Any appeal shall be filed with the Department within twenty (20) working days of the date of the decision, on forms provided by the Department with the appropriate fee.

B. A hearing of the Sewage Disposal Technical Advisory Group shall be scheduled within twenty (20) working days of receipt of a completed appeal application and appropriate fee. The Sewage Disposal Technical Advisory Group shall provide a written decision on the appeal that may affirm, modify, or reverse the Department's decision, within twenty (20) working days of the hearing.

C. The decision of the Sewage Disposal Technical Advisory Group may be appealed to the Nevada County Board of Supervisors. The application and fee for the appeal shall be submitted to the clerk of the Nevada County Board of Supervisors within ten (10) calendar days from the date of the Group's decision. A hearing will be scheduled, and a decision rendered according to the procedure established for land use appeals in Section governing Appeals in the Chapter on Administration and Enforcement of this Code. The decision of the Nevada County Board of Supervisors is final. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.190 Requirements for Land Use Projects

A. Requirements of LAMP and OWTS Policy shall be utilized in determining the suitability of the site for proposed land use projects. Unless otherwise approved by the Department, the site evaluation process of 15.01.180 governing Prohibited Acts under Subdivisions in this Code shall be used to demonstrate sewage disposal feasibility for all land use projects. The written site evaluation report prepared by the applicant's qualified professional shall be submitted to the Department concurrently with the project application to the Nevada County Planning Department.

B. For subdivisions, all proposed parcels shall have a site approval report as specified in Section 15.01.110 above prior to recordation of the map. This requirement may be waived by the Department for creating parcels of forty (40) acres or greater as provided for in LAMP and OWTS Policy. For subdivisions with on-site systems proposed, a minimum usable disposal area shall be delineated on each lot of the map to be recorded. Minimum usable sewage disposal area requirements for subdivisions proposing centralized systems will be considered on a case-by-case basis in accordance with the Centralized System Design Package and Centralized Wastewater Collection, Treatment and Disposal Systems in this Chapter.

C. An experimental system shall not be permitted for the creation of parcels or additional building sites and no variance may be granted to allow utilizing an experimental system. (Ord. 2448. (05/08/2018); Ord. 2531. (10/24/2023))

Section 15.01.200 Centralized Sewage Disposal Criteria

Centralized systems shall be authorized only under the provisions of 15.02, Centralized Wastewater Collection, Treatment and Disposal Systems, of this Chapter.

Section 15.01.210 Violations, Nuisances and Abatement

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

CHAPTER 2: CENTRALIZED WASTEWATER COLLECTION TREATMENT AND DISPOSAL SYSTEM

Sections:

Section 15.02.010	Purpose
Section 15.02.020	Definitions
Section 15.02.030	Centralized Wastewater Collection, Treatment & Disposal Systems
Section 15.02.040	Centralized Wastewater System Construction and Operation
Section 15.02.050	Centralized Wastewater System Permit Fee and Certificate of Operation
Section 15.02.060	Sewage Entity Approval Required for Small or Large Systems
Section 15.02.070	Centralized Wastewater Disposal Permit Application Process
Section 15.02.080	Location of Treatment System and any Soil Absorption Fields
Section 15.02.090	Percolation Test and Soil Mantle
Section 15.02.100	Centralized Wastewater System Design
Section 15.02.110	Applicable Standards
Section 15.02.120	Responsibilities and Administrative Authority
Section 15.02.130	Environmental Health Director's Responsibility
Section 15.02.014	Relationship to a Regional Water Quality Control Board of the State of California
Section 15.02.150	Inspections and Performance Monitoring
Section 15.02.160	Violations, Nuisances, Abatement
Section 15.02.170	Conflict of Interest

Section 15.02.010 Purpose

The purpose of this Chapter on is to establish minimum standards for the protection of public health for the design, construction, maintenance and operation of centralized wastewater collection, treatment and disposal systems when such methods of collection, treatment and disposal have been approved for use by the Board of Supervisors.

This Section shall apply to all sewage entities whether public or private which are located in the unincorporated areas of the County of Nevada; provided, however, that where any public agency which functions as a sewage entity has adopted its own standards and regulations by ordinance for the disposal of sewage through the operation of a centralized wastewater system, the provisions of this Chapter shall not apply as to such public agency.

Section 15.02.020 Definitions

For the purposes of this Chapter and in addition to the definitions provided in Sections 15.01) of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

- A. **CENTRALIZED WASTEWATER SYSTEM** means a system of conduits, treatment and disposal facilities in which wastewater is collected and transported to a central area where treatment and/or final disposal is affected. TYPES:
1. **Cluster Wastewater Collection, Treatment and Disposal System (CWCTDS)** means a system for the collection, transportation, treatment and disposal of any wastewater from at least two (2) but no more than five (5) sources (source shall be defined as a wastewater discharge from any single-family residential, commercial unit, recreational, institutional building and/or establishment with a maximum of 2500 gallons per day wastewater discharge) by any method which meets State and local minimum standards.
 2. **Small Wastewater Collection, Treatment and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from at least six (6) but no more than ninety-nine (99) single-family residential sources or the equivalent flow.
 3. **Large Wastewater Collection, Treatment, and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from more than ninety-nine (99) single-family residential sources or the equivalent flow.
- B. **APPLICANT** means any person, firm, company, corporation, association, public agency, sewage entity or organization that proposes to design, construct, maintain, and operate a centralized wastewater collection, treatment and disposal system.
- C. **COMMUNITY SERVICES DISTRICT** means any District formed in an unincorporated territory to construct and operate works for the collection, transportation, treatment, and disposal of sewage in accordance with procedures, rules and regulations of the California Government Code.
- D. **COUNTY SANITATION DISTRICT** means a District organized within an incorporated or unincorporated territory empowered to build and operate sewers and sewage disposal or treatment plants for the collection, transportation and disposal of wastewater within or without the District. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

- E. COUNTY SERVICE AREA means an area in an unincorporated territory within the County that has been designated by the Board of Supervisors in accordance with the procedures, rules and regulations of the California Government Code for the collection, transportation, treatment, and disposal of sewage within that County service area.
- F. PUBLIC SEWER means any sewer constructed, installed, maintained, operated, and owned by a municipality or taxing District established for that purpose.
- G. PUBLIC UTILITY DISTRICT means a District organized in an unincorporated territory to acquire, construct, own or operate revenue producing utilities for the disposition of sewage in accordance with the procedures, rules and regulations of the California Public Utilities Code.
- H. SANITARY DISTRICT means a District organized within any territory empowered to acquire, construct and operate works for the collection, transportation, treatment and disposal of wastewater. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.
- I. SANITARY SEWER means a sewer which carries sewage and into which storm, surface, and groundwaters are not intentionally admitted.
- J. SEWER means a pipe or conduit for carrying sewage.
- K. SEWAGE ENTITY means a public District or private organization responsible for the collection, transportation, treatment and disposal of sewage under one (1) administrative authority.
- L. OTHER DISTRICTS means any other lawful entity formed under California law for the collection, transportation, treatment, and disposal of sewage either as of the date of this act or in the future.

Section 15.02.030 Centralized Wastewater Collection, Treatment & Disposal Systems

The Environmental Health Director shall allow centralized wastewater collection, treatment and disposal systems where the requirements of this Section, the California Environmental Quality Act, and the California Subdivision Map Act and all other provisions of law have been satisfied. This applies to repairs or new construction. The Environmental Health Director shall adopt and modify as conditions warrant a Centralized Wastewater Collection, Treatment and Disposal Design Package to accomplish the purposes of this Section and ensure the protection of the public health and safety. Centralized systems shall require special application and permit provisions. If a sewage entity exists in the proposed project area, inclusion in that entity must be assured before a permit can be issued for the system. Such systems shall require performance review, monitoring, and sampling. The additional cost of design review, monitoring and sampling shall be borne by the owner or an administrative authority responsible for the operations and maintenance of said centralized system. Centralized systems shall be divided into three categories. Said categories are:

- A. Cluster Wastewater Collection, Treatment and Disposal Systems (CWCTDS)
- B. Small Wastewater Collection, Treatment and Disposal Systems (SWCTDS)
- C. Large Wastewater Collection, Treatment and Disposal Systems (LWCTDS)

Section 15.02.040 Centralized Wastewater System Construction and Operation

It shall be unlawful for any person, whether as principal, servant, agent or employee, owner or tenant, to construct or operate a centralized wastewater collection, treatment and/or disposal system, sanitary sewer, public sewer, or sewage entity without meeting the standards set forth in this Chapter and approved by the Environmental Health Director and without first having obtained a permit to do so from the Environmental Health Department.

Section 15.02.050 Centralized Wastewater System Permit Fee and Certificate of Operation

For each centralized wastewater disposal permit application a fee shall be charged. Said fee shall be based upon the man hours spent on design review and field time by staff of the Nevada County Environmental Health Department (NCDEH), plus overhead expenses. An initial fee shall be paid to the Environmental Health Department at the time an application for a centralized permit is filed. Said initial fee shall be set by the Board of

Supervisors.

The subsequent design review and field time shall be paid before a permit is issued. An estimate of the costs for design review and field time shall be provided to the applicant prior to the Environmental Health Department commencing said process. In the event a permit is denied for a centralized system, such fees shall still be due and payable and the Environmental Health Department may seek such remedies as are necessary to receive such costs including, but not limited to, placing a lien on the property. When an application for a centralized permit is denied in writing by the Environmental Health Director fees will be charged when a new application is made. The minimum design review fee for a centralized system shall be set by the Board of Supervisors. For each centralized collection treatment and disposal system a certificate of operation shall be required in accordance with 06.03, Environmental Health Certificate of Operation. A certificate of operation shall be issued upon completion and approval of each system. Annual renewal and fee provisions shall apply.

Section 15.02.060 Sewage Entity Approval Required for Small or Large Systems

No application shall be accepted for a centralized wastewater system containing six (6) or more connections, until the property to be served thereby is accepted for inclusion into public entity as required by Section 15.02.120.

Section 15.02.070 Centralized Wastewater Disposal Permit Application Process

The property owner, or their designated representative, must make application for a centralized wastewater disposal permit on a form provided by the Nevada County Department of Environmental Health (NCDEH) for that purpose. A completed Design Package completed by a qualified Septic Design Professional, pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package, shall be submitted to the NCDEH at the time of application. Said design package shall contain the following information and/or documents:

A. Current Site Evaluation Report (SER) within accepted date parameters of NCDEH. Past and present conditions including but not limited to, all prior soil mantles, soils work, percolation tests, previous proposals, existing wastewater treatment, collection and disposal systems.

B. Completed Design Package including, but not limited to, proposed dwelling structures, flow projections, topography, hydraulic design factors, materials, manholes, inspection chambers and well pumps and pressure pipes, objectives and standards, the design basis for the sewage treatment and final disposal, and the predicted quality and quantity of the final effluent. Note: Two copies of all documents are required for hard copy submittal.

C. Scaled Site Plan, no less than 1 (1”) inch equals fifty (50’) feet.

1. Proposed location of all components for the Centralized System, including the disposal field and 100% repair area defined in the SER.
2. Location of all wells, water service connections, water distribution systems, or other water source.
3. All required setback distances(wells, including on adjacent parcels; property lines; easements; deed restrictions; pools; structures etc).
4. Location of ponds, creeks, springs, cut banks, rock out-croppings, grading, mining features, etc.
5. Direction and percent of slope in the wastewater disposal areas.
6. Location and description of all proposed or existing structures, driveways, roads, etc.

D. Completed Design of the Centralized System view drawing of all components of the system conforming to American Standard drawings and drafting room practice. The view drawings must be sufficient to clarify all component design.

E. Full calculations showing the system type and size.

F. A statement of justification, alternative analysis and certification of the proposed system by the designer.

G. A contingency plan, which outlines the immediate actions to be taken should a failure occur and an action plan for repairs, expansion or replacement of the system as is appropriate.

H. Monitoring and Maintenance Program, which provide brief and simple guidance regarding the operation, maintenance, and monitoring of the system to be done by the Certified System Service Provider (CSSP) or Public Utility Worker (PUW) .

I. Grant easement for access by Nevada County Department of Environmental Health (NCDEH)and Regional WaterBoard personnel and agents for periodic inspection as necessary.

J. For sites that have shared ownership a legal body must be formed with the

recorded document submitted for final approval of the Centralized System such as a Homeowners Association (HOA). Any change to this document must be reviewed by NCDEH before recording. The Association cannot be dissolved without forming another such entity in its place. At minimum the following will be included:

1. Individual property owner responsibility with clause that if the components of the system have an issue that is not being addressed that the Association has the right to access and repair if warranted.
2. Outline of the requirement to obtain a Certificate of Operation with Right of Entry for the Centralized System through NCDEH and requirements of the permit including payment of fees.
3. Requirement to notify NCDEH of any contact changes.
4. Requirement to maintain a current contract with a CSSP or Public Utility and obtain an annual monitoring and maintenance report that is submitted to NCDEH for review.

Section 15.02.080 Location of Treatment System and any Soil Absorption Fields

Those distances as prescribed in 15.01 shall apply as follows:

- A. For any primary/secondary treatment system or pumping well, location requirements shall be the same as for a septic tank.
- B. Non-acceptable areas shall be the same as 15.01 of this Chapter.

Section 15.02.090 Percolation Test and Soil Mantle

Minimum of six (6) percolation test holds and two (2) soil mantles are required in any proposed absorption field and the same in the proposed repair expansion area for the initial design review. Additional soils testing may be required to demonstrate soil consistency throughout the disposal area. Percolation tests shall be performed in a manner as prescribed by the Environmental Health Director. Any alternative percolation test procedure may be utilized only with the written approval of the Environmental Health Director. All mantle excavations must be adequately protected under applicable regulations and backfilled following logging of the soil profile by a registered civil engineer, registered engineering geologist, or registered sanitarian.

Section 15.02.100 Centralized Wastewater System Design

A. The standards for design of centralized wastewater systems shall be adopted by the Environmental Health Director so as to ensure protection of the public health and safety. All centralized systems shall be designed and certified by a registered civil engineer, registered sanitarian, or registered engineer geologist. All such system designs shall be submitted to the Environmental Health Department prior to the issuance of the sewage disposal permit. Each centralized system design will be considered on an individual case-by-case basis in accordance with the latest sewage disposal Centralized System Package as adopted by the Environmental Health Department. Such consideration may result in additional mitigating requirements or denial.

B. All centralized system installations shall be directly supervised by the designer who shall certify in writing to the permit file upon completion that the installation has met the design criteria as approved by the Environmental Health Department. The final approval by the Environmental Health Department of the sewage disposal system cannot be given until this certification is received.

C. Each centralized system design shall be reviewed in accordance with the following:

1. Cluster systems shall be directly reviewed and evaluated by Environmental Health Department staff on a man hour costs plus overhead basis. External technical consultants may be retained by the Health Department for evaluation of the system if necessary. The cost of such consultants shall be borne by the applicant or owner. An estimate of the costs for said evaluation shall be borne by the applicant or owner.

2. Small systems may be reviewed and evaluated by the Environmental Health Department staff or by an engineering consultant in accordance with the rules for selection of consultants established by the Board of Supervisors and included in this Chapter as Appendix I. The cost of such consultants shall be borne by the applicant or owner.

3. Large systems shall be reviewed and evaluated by the appropriate regional office of the State Water Quality Control Board.

Section 15.02.110 Applicable Standards

All construction performed under this Section shall be performed under the direct supervision of the designer and in accordance with the Centralized System Design Package and the standards set forth in the approved design. The systems design and parcel/sewage disposal site maps as approved by the Environmental Health Department shall remain on the job site during construction.

Section 15.02.120 Responsibilities & Administrative Authority

After the date of enactment of this document the following responsibilities and administrative authority requirements shall apply to centralized wastewater collection, treatment and disposal systems.

A. For Centralized Systems all owners of dwellings or commercial establishments attached to said system shall be required to accept responsibility for operation and maintenance of said system collectively. Said obligations shall be recorded on the deeds of parcels connected to the system. Easements shall be granted and recorded between each and every parcel to allow for repairs, maintenance and inspection of said system. Easements shall be granted and recorded by the owners allowing access to the property by the organization conducting any required monitoring. This easement must allow representatives of the Nevada County Department of Environmental Health (NCDEH) to accompany representatives of the monitoring organization onto the property. (Ord. 1486. (03/15/1988); Ord. 2531. (10/24/2023))

a. For sites that have shared ownership a legal body must be formed with the recorded document submitted for final approval of the Centralized System such as a Homeowners Association (HOA). Any change to this document must be reviewed by NCDEH before recording. The Association cannot be dissolved without forming another such entity in its place. At minimum the following will be included:

1. Individual property owner responsibility with clause that if the components of the system have an issue that is not being addressed that the Association has the right to access and repair if warranted.
2. Outline of the requirement to obtain a Certificate of Operation with Right of Entry for the Centralized System through NCDEH and requirements of the permit including payment of fees.
3. Requirement to notify NCDEH of any contact changes.
4. Requirement to maintain a current contract with a Certified System Service Provider (CSSP) or Public Utility and obtain an annual monitoring and maintenance report that is submitted to NCDEH for review

B. Notwithstanding the above provisions of this Section, any properties connected to a clustered system which system was developed prior to April 1982, shall not be required to be collectively responsible for the maintenance and operation of the system, provided, however, that any such property shall have been an easement recorded in its favor authorizing the disposal of the sewage effluent from the property in the

clustered wastewater system. No new parcels (property) may be connected to a clustered system unless easements are provided in the form required by Section 15.02.012.A.1.. (Ord. 1486. (03/15/1988); Ord. 2531. (10/24/2023))

C. For small and large wastewater collection treatment and disposal systems, either a public entity must be formed or the system must be approved for inclusion in an existing public entity. As of the date of the enactment of this Chapter, the following public entities exist for the collection, treatment and/or disposal of wastewater. They are:

1. County Sanitation District;
2. Sanitary District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. Sewer Maintenance District;
7. Other Districts.

The formation of or approval for inclusion in a public entity must be assured before a permit can be issued for a centralized wastewater collection treatment and disposal system requiring such an entity.

Section 15.02.130 Environmental Health Director's Responsibility

In individual cases, the Environmental Health Director may be required to make more stringent requirements than these standards where such higher requirements are essential to maintain and protect public health and safety.

Section 15.02.140 Relationship to a Regional Water Quality Control Board of the State of California

When a large, centralized wastewater system (100 connections or more) is proposed and a discharge permit may be issued by a Regional Water Quality Control Board, review by the Nevada County Environmental Health Department may not be required.

Section 15.02.150 Inspections and Performance Monitoring

A. An On Site Soils Evaluation (OSSE) shall be conducted pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package with subsequent Findings Report issued by Nevada County Department of Environmental Health (NCDEH).

B. A completed Design Package, pursuant to the current Local Area Management Plan (LAMP) and the Centralized Disposal System Design Package, shall be submitted to the NCDEH by a qualified Septic Design Professional. A permit application will be denied if the Environmental Health Specialist determines the centralized disposal system could not be expected to function in a manner that will protect the public health and safety.

1. Changes to a permitted Centralized System must be submitted by application by a qualified Septic Design Professional and permitted by NCDEH.

C. Trenches may be required to be inspected prior to placement of any filter media.

D. Final inspection of each installation shall be made by the Environmental Health Specialist along with the Septic Design Consultant before any portion of the subsurface system is backfilled or covered. Annual inspections may be required.

E. Each Centralized System is required to have the following completed:

1. Certificate of Installation submitted by the Design Consultant.

2. Notarized and recorded Right of Entry document for Monitoring and Maintenance.

3. Certificate of Operation for Centralized System and annual Fee.

4. Signed contract with a Certified System Service Provider (CSSP) approved by Nevada County Department of Environmental Health (NCDEH) or with a Public Utility.

a. CSSP or Public Utility contract for Centralized Systems must include the full scope of Monitoring and Maintenance required by the centralized design. Changes to the monitoring program must be submitted by a qualified professional and approved by NCDEH before being implemented. NCDEH can assign additional monitoring requirements to protect public health and safety.

5. Accurate septic as-built.

6. Electrical components to receive final sign off by the Building Department for the jurisdiction.

7. Additional documentation may be required by NCDEH and/or the Septic Design Professional.

F. As part of the centralized septic design package the Septic Design Professional shall include a monitoring and maintenance program for the specific Centralized System, which shall be conducted by the contracted CSSP or Public Utility. Said monitoring shall be performed to ensure that the centralized wastewater collection, treatment, and disposal system is functioning satisfactorily to protect the public health and safety. The specific requirements will be based primarily upon recommendations of the Septic Design Professional and the NCDEH. Monitoring requirements will normally be expected to include:

1. Water usage or waste flow metering be recorded in a log book at determined intervals.
2. Effluent level measurements in the disposal system.
3. Water quality sampling (bacterial) at least quarterly in monitoring wells or drainages, to be conducted by a qualified CSSP or Public Utility Worker (PUW) and delivered to the laboratory under a chain of custody.
4. Systems that accept high-strength wastewater from commercial food service buildings shall perform a BOD analysis of the combined waste stream of the centralized system to show that the system meets the requirements of the LAMP. Wastewater that exceeds 900 mg/L BOD must provide documentation that the Regional Water Board has been contacted and that the subsequent Regional Water Board requirements have been met.
5. Systems that accept high-strength wastewater from commercial food service buildings shall include a properly sized and functioning oil/grease interceptor (a.k.a grease trap). Annual monitoring and maintenance reports by a County and State licensed commercial Inedible Kitchen Grease (IKG) pumper must be provided with the annual CSSP or Public Utility report.
6. Systems that require holding for waste including, but not limited too, high-strength wastewater from commercial food service buildings, must provide annual disposal receipts from a licensed septic pumper.

G. All centralized sewage disposal systems shall possess a valid annual certificate of operation issued by NCDEH. Said certificate permit may be revoked for due cause. The permit fee will cover annual review of the CSSP or Public Utility report, which is to be submitted annually to NCDEH. .

H. Nevada County Code Administration, Department of Environmental Health, directs the Nevada County Department of Environmental Health (NCDEH) to charge and collect fees for services and enforcement provided by NCDEH to parties responsible for these sites at the hourly rate; additional time and expense relating to NCDEH services, outside of the annual review of the CSSP or Public Utility report, will be billed to the permit holder. This will include time spent for correspondence, travel, inspections, enforcement, report review and issuance, and any other work related to this site.

Section 15.02.160 Violations, Nuisances, Abatement

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance, and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

Section 15.02.170 Conflict of Interest

County personnel performing any work covered by this Ordinance shall comply with the latest conflict of interest policy adopted by the Nevada County Board of Supervisors.

CHAPTER 3: GRAYWATER SYSTEMS

Sections:

Section 15.03.010	Definitions
Section 15.03.020	Graywater Use Permitted
Section 15.03.030	Standards of Graywater Use
Section 15.03.040	Capturing and Storing Graywater
Section 15.03.050	Prohibited Uses of Graywater
Section 15.03.060	Alternate Disposal of Graywater
Section 15.03.070	Revocation of Graywater Discharge Permit
Section 15.03.080	Permit Fees

Section 15.03.010 Definitions

For the purpose of this Chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

- A. BLACKWATER means liquid and solid human body waste and the carriage waters generated through toilet usage.
- B. DWELLING means any housing unit constructed for the purpose of housing one or more families and includes mobile homes, trailers, etc.
- C. GRAYWATER means that wastewater from a dwelling which does not contain human or animal excreta, offal, or food matter and includes waste from sinks, washing machines, and other plumbing fixtures but not toilets, bidets, and kitchen sinks.
- D. ENVIRONMENTAL HEALTH DEPARTMENT means the Environmental Health Department of the County of Nevada.
- E. ENVIRONMENTAL HEALTH DIRECTOR means the Environmental Health Director of the County of Nevada, or their duly authorized representative.
- F. PERSON means any person, firm, association, organization, partnership, business, corporation or company.
- G. SEPTIC TANK means a watertight receptacle which receives the discharge of a drainage system or part thereof designed and constructed so as to retain solids, digest organic matter during a period of detention, and allow the effluent to drain into an absorption system.
- H. SEWAGE means any and all waste substances, liquid or solid, associated

with human habitation, which contain or may be contaminated with human or animal excreta or excrement, offal or any feculent matter and includes all liquid waste from toilets, bidets and kitchen sinks.

I. SEWAGE DISPOSAL SYSTEM means any sewer system, sewage disposal plant, septic tank, drainage system, seepage pit, chemical toilet, privy or any other facility constructed for the purpose of receiving sewage or its effluent. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.020 Graywater Use Permitted

Graywater may be utilized for purposes of irrigation of plants if the owner of the building has in their possession a current valid graywater discharge permit from the County. Such a permit is revocable for noncompliance with standards of graywater use as outlined in this Section. Graywater usage shall not be permitted if plumbing fixtures have been utilized for the purposes of cleaning Sections contaminated with feculent matter, such as diapers, animal bedding, incontinent garments, and related. Additionally, graywater shall not be discharged onto the ground if it is contaminated with hazardous chemicals, such as resulting from changing vehicle oils, photographic developing, degreasing, drain cleaners, and related materials. (Ord.1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.030 Standards of Graywater Use

A. PLUMBING: Graywater may be collected and disposed of as allowed for under this Section if, at the time of installation of plumbing in the building, a dual waste water plumbing system was installed in such a way that no waste water from kitchen sinks, toilets, or bidets can, under any circumstances, intermingle with the other waste water system (graywater system). No cross connection between the two systems shall be allowed.

Alternatively, a building may be retrofitted with plumbing to allow the reuse of some graywater by directing wastewater from the washing machine, sinks other than kitchen sink, bathtub, shower, or other fixture excluding toilets, bidet and kitchen sink.

In the case of both approaches above, the Nevada County Building Department must attest to the Environmental Health Department at the time for which the graywater discharge permit is applied that the separate graywater plumbing system conforms to these requirements.

B. GRAYWATER TREATMENT SYSTEMS: Treatment of graywater before it is applied as irrigation to plants may be accomplished in a number of ways at the discretion of the owner of the building. These may include, but shall not be limited to the following:

1. Direct application with no treatment.
2. Sand filtration with subsequent application.
3. Disinfection with chlorine or other substance, and subsequent application.
4. Settling and biological treatment in a buried septic tank which is not contaminated by untreated sewage (blackwater), with subsequent application.
5. Filtration with some method other than sand filter.
6. Some other method as proposed by the owner of the building and acceptable to the Environmental Health Department.

C. APPLICATION METHODS: Graywater may be applied in irrigation of plants by any of the following methods:

1. Distribution through a drip irrigation system under the pressure of gravity alone.
2. Distribution through a drip irrigation system under pressure generated by a pump, pressure tank, or elevated holding tank.
3. Subsurface distribution by way of buried perforated pipes or leaker hose, or trenches and beds specifically designed for that purpose.
4. Episodic application into irrigating wells consisting of pipes installed vertically into the ground and filled with gravel to allow a temporary reservoir within the pipe which oozes out and is absorbed into the soil from the bottom of the pipe. This method is usually utilized for irrigating large trees.

D. The following application methods will not be allowed:

1. Spraying or sprinkling into the air.
2. Flooding of an area in such a manner that standing water accumulates for a period of time to contribute to nuisances such as odors and insect breeding.
3. Discharge to the surface which can run off into seasonal streams, or any other geological formation which could allow the graywater to come to flow directly into surface water.
4. Application by any method within the setback distances applicable to sewage as

referenced in the rules and regulations for private sewage systems pursuant to 15.01.

5. Application which would lead to graywater flowing onto the surface of adjacent property. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.040 Capturing and Storing Graywater

Graywater may be collected in a reservoir as it leaves the building through a separate graywater plumbing system and may then be discharged to the irrigation system or be pumped to another reservoir for subsequent discharge to the irrigation system.

Reservoirs in which graywater is collected and stored shall be maintained in such a way that bacterial growth will not reach levels such that nuisances including odors and insect breeding will develop, and shall be designed in such a way that accidental drowning or human contact with the water in the reservoir is prevented.

Stored graywater may be reserved for use in fire protection but must be maintained to prevent nuisance as discussed above and must be labeled “used water - do not drink”. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.050 Prohibited Uses of Graywater

The following uses of graywater shall be prohibited:

- A. Drinking.
- B. Bathing.
- C. Used as swimming pool or wading pool water.
- D. Irrigation of edible crops where the irrigating water will have routinely come into contact with the edible vegetation such as root crops. Crops where the edible portion grows on the surface of the ground and surface application methods were used. Examples of root crops are carrots and potatoes; examples of crops growing on the surface of the ground include lettuce and strawberries.
- E. Discharge through a garden hose which might be inadvertently picked up by someone and either drunk or sprayed at another human being.
- F. Returning the graywater to the building for utilization in any way including use in the tank of the toilet for flushing, unless specifically approved by the County Building Department. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.060 Alternate Disposal of Graywater

The plumbing of the graywater system exterior to the house shall be such that the graywater can be immediately diverted to an approved sewage disposal system by the process of simply turning some valves. In cases of ground saturation during rainy season, revocation of the graywater discharge permit, malfunction of the graywater accumulation or distribution system, or need to work on the graywater application distribution system, the graywater should be able to be diverted into the sewage disposal system. The calculation of leachfield size for the approved sewage disposal system shall be performed in such a way that all water discharged from the building, both blackwater and graywater, shall be able to be accommodated by the leachfield. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

Section 15.03.070 Revocation of Graywater Discharge Permit

A permit to discharge graywater in the County of Nevada may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the graywater system.
- C. Determination by the Environmental Health Department that graywater systems of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed elsewhere.
- D. Determination by the Environmental Health Director that continued functioning of the graywater system poses an imminent health hazard.

Section 15.03.080 Permit Fees

Fees for a graywater discharge permit may be set by the Board of Supervisors from time to time by ordinance. (Ord. 1802. (09/08/1992); Ord. 2531. (10/24/2023))

CHAPTER 4: WATERLESS TOILET SYSTEMS

Section:

Section 15.04.010	Definitions
Section 15.04.020	Waterless Toilet Use Permitted
Section 15.04.030	Standards of Waterless Toilet Use
Section 15.04.040	Alternate Disposal of Waterless Toilet Waste
Section 15.04.050	Sewage Disposal System Sizing
Section 15.04.060	Revocation of Waterless Toilet Permit
Section 15.04.070	Permit Fees

Section 15.04.010. Definitions

For the purpose of this Chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

- A. BLACKWATER means human body waste, toilet paper, water used to flush human body waste, and any other material intended to be deposited in a receptacle designed to receive urine and/or feces.
- B. COMMUNICABLE DISEASE TRANSMITTED BY BLACKWATER means that group of pathogenic bacteria, viruses, protozoans and helminths which transmit diseases such as Hepatitis, Giardiasis, Dysentery, Salmonellosis, Shigellosis, Diarrhea or any other pathogenic illness transmitted through blackwater.
- C. COMPOSTING TOILET means a device specifically designed for holding and processing blackwater and/or graywater. Composting devices employ the process of biological degradation, in which organic material is converted into a compost-like substance through action of microorganisms.
- D. GRAYWATER is defined in “Graywater Systems” of this Chapter.
- E. GRAYWATER DISPOSAL SYSTEM means any approved disposal system for the disposal of graywater including associated piping, tanks, pumps, disposal field or area, or any other facility constructed for the purpose of receiving graywater.
- F. INCINERATING TOILET means a device specifically designed to reduce blackwater and/or graywater material to ashes through the process of incineration.
- G. NATIONAL SANITATION FOUNDATION, or NSF, means the listing agency incorporated under the laws of Michigan which develops standards and criteria

for products that bear upon health.

H. WATERLESS TOILET means a composting toilet or incinerating toilet as defined in this Section, or some other device as may be approved in the future for the holding and processing of blackwater and/or graywater.

Section 15.04.020 Waterless Toilet Use Permitted

A waterless toilet may be utilized for purposes of treatment and disposal of blackwater and/or graywater if the owner of the property has in their possession a current valid waterless toilet permit from the Department of Environmental Health. Said permit is revocable for noncompliance with standards of waterless toilet use as outlined in this Section. Disposal of waterless toilet waste shall not be permitted if the waste has been contaminated with any material other than blackwater or graywater waste.

Section 15.04.030 Standards of Waterless Toilet Use

A. Any waterless toilet proposed for use under this Section shall be a commercially manufactured unit, installed in accordance with the manufacturer's recommendations or instructions, and accepted by any other governmental agency for a similar application.

B. The structure to be served by the waterless toilet shall also contain rough plumbing which will enable the installation of a conventional water flushing toilet as otherwise required by the Uniform Plumbing Code. In the case of connection of a graywater disposal system to the waterless toilet, all applicable provisions of "Graywater Systems" of this Chapter shall be observed. The Nevada County Building Department must attest to the Environmental Health Department that the plumbing system conforms to these requirements.

EXCEPTION (For HCE 1): Limited density owner-built rural dwellings served by waterless toilets in compliance with this Section as the sole means of disposal of blackwater and graywater shall not be required to also contain rough plumbing pursuant to this subsection.

C. A waterless toilet shall only receive wastes for which it has been designed.

D. Waterless Toilet Treatment Systems: The treatment of waterless toilet wastes shall be conducted in strict observance of the manufacturer's specifications, including the addition of any materials, the turning of drums, and the utilization of heating elements and timers. Adequate access to service and maintenance of all necessary components of the waterless toilet and its accessories shall be provided.

E. Composting Toilet Waste Disposal Methods: Disposal of the waste from composting toilets shall be disposed of only after such time as the material is thoroughly and completely decomposed and rendered noninfectious. Total and fecal coliform organisms shall not exceed the levels specified in the NSF Standard Number 41. The composted material may be disposed of as follows:

1. At an approved solid waste disposal facility capable of accepting human waste.
2. By an approved licensed septic tank pumper.
3. On the property containing the waterless toilet. Said disposal shall be performed in a manner which prevents contamination of humans, animals, surface waters or groundwaters. The process of removing the waste material shall be done with care for personal safety, with protective non-permeable gloves worn. Disposal methods permitted are:
 - a. Direct burial under a minimum of twelve inches (12") of compacted soil.
 - b. Shallow subsurface tilling or a similar technique approved by the Department. Sites proposed for shallow subsurface disposal shall have access restricted to the operator of the waterless toilet system, excluding children, pets, and persons not associated with the compost disposal, by fencing or other method approved by the Environmental Health Department. Surface distribution of end product prior to tilling shall be a maximum thickness of one-half inch (1/2"). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.
4. Disposal of the waste on the property shall not be carried out by methods designated in subsections 3.a or 3.b of subparagraph E above whenever an individual with a communicable disease transmittable by blackwater is utilizing the system.

F. Incinerating Toilet Waste Disposal Methods: Disposal of the material from an incinerating toilet shall be permitted by any of the methods listed above for the composting toilet, but shall also include disposal directly on the ground surface, so long as the waste has been completely reduced to an ash, and no odor is present.

G. The waterless toilet shall be maintained and operated in a sanitary condition. Screening, mechanical parts and structural soundness shall be kept in working order.

H. The following waste disposal methods for composting toilets are prohibited:

1. Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

2. Any disposal in areas subject to seasonal water runoff or areas seasonally inundated by water, or any other application which could permit the discharge to come to flow into surface or subsurface water.
3. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to 15.01.170 of this Section.
4. Application which would lead to runoff from the composed material or ash flowing onto an adjacent property.
5. Any other manner which would otherwise result in a potential public health hazard or nuisance as determined by the Department of Environmental Health.

Section 15.04.040 Alternate Disposal of Waterless Toilet Waste

The plumbing of the structure serving the waterless toilet shall be such that the waterless toilet can be discontinued from use and the structure converted to a conventional flush toilet, or other methods of disposal approved by the Environmental Health Director. Disposal of the wastes from a waterless toilet shall be prohibited under the following circumstances:

- A. During periods of ground saturation.
- B. When the waterless toilet is inoperative or malfunctioning.
- C. Upon revocation of the operating permit for the waterless toilet.

Waterless toilet waste shall be disposed of pursuant to subsections E.1 and E.2 of 15.04.030 under these circumstances.

Section 15.04.050 Sewage Disposal System Sizing

The calculation of the sewage disposal system sizing, including a 100% repair area, shall not be reduced or downsized as a result of the use of a waterless toilet.

Exception: When an approved waterless toilet is used with an approved graywater and kitchen waste disposal system as permitted in other sections of this Chapter, no other type of septic system is required. The waterless toilet shall be sized for the maximum potential occupancy of the structure to be served.

Section 15.04.060 Revocation of Waterless Toilet Permit

A permit to utilize a waterless toilet in Nevada County may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the waterless toilet to meet design or operating specifications.
- C. Determination by the Environmental Health Department that waterless toilets of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed.
- D. Determination by the Environmental Health Department that continued functioning of the waterless toilet poses an imminent health hazard.
- E. Excessive odors generated by either the waterless toilet or the application of the by-product. (Ord. 181., (01/12/1993); Ord. 2531. (10/24/2023))

Section 15.04.070 Permit Fees

Fees for a waterless toilet permit shall be set by the Board of Supervisors by Resolution. (Ord. 1817. (01/12/1993); Ord. 2531. (10/24/2023))

CHAPTER 5: WATER SUPPLY AND RESOURCES, GENERAL PROVISIONS

Sections:

Section 15.05.010	Definitions and Interpretation
Section 15.05.020	Connection Required
Section 15.05.030	Permit Required
Section 15.05.040	Minimum Yield
Section 15.05.050	Determination of Yield
Section 15.05.060	Storage Requirements
Section 15.05.070	Potability
Section 15.05.080	Surface Water Uses
Section 15.05.090	Pressure
Section 15.05.100	Issuance of Building Permit
Section 15.05.110	Inspection
Section 15.05.120	Fees
Section 15.05.130	Right of Entry and Inspection
Section 15.05.140	Protection of Water Supply
Section 15.05.150	Enforcement - Generally
Section 15.05.160	Applicable Standards
Section 15.05.170	Effect of Partial Invalidity
Section 15.05.180	Appeal Procedures
Section 15.05.190	Criminal Enforcement
Section 15.05.200	Notice of Violation
Section 15.05.210	Civil Enforcement - Nuisance
Section 15.05.220	Remedies Cumulative
Section 15.05.230	Notification of Licensing Agencies

Section 15.05.010 Definitions and Interpretation

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

- A. **ABANDONED WELL** means any of the following:
1. A well, other than a monitoring well, which has been in continuous disuse for one (1) year or more, unless such disuse is attributable to removal of the pump for repair or replacement and efforts to repair or replace the pump are being diligently pursued;
 2. A monitoring well from which no monitoring data has been taken for a period of three (3) years;
 3. A well which is in such a state of disrepair, that it cannot be made functional for its original use or any other use regulated by this Chapter.
- B. **ADMINISTRATIVE AUTHORITY** means the private or public entity operating a water production, conveyance, and/or distribution system. As of the date of the enactment

of this Chapter, the following public entities exist for the production, conveyance and/or distribution of water. They include but are not limited to:

1. Irrigation District;
2. Municipal Utility District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. County Water District;
7. California Water District;
8. Municipal Water District;
9. County Water Works District;
10. Reclamation District;
11. Water Storage District.

C. AN APPROVED WATER SUPPLY means any of the following:

1. A public water system under permit from the State Department of Health Services.
 2. A public water supply approved by the Nevada County Environmental Health Department as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§ 116760 – 116762.60).
 3. An approved individual water supply system.
- D. ANNULAR SPACE means the space between an excavation and the casing of a well or the space between two (2) concentric casings.
- E. BENTONITE means bentonite chips which are naturally mined, non-pelletized sodium montmorillonite and listed by the National Sanitation Foundation.
- F. BOARD means the Nevada County Board of Supervisors.
- G. CONCRETE “Class A” means concrete with six (6) ninety-four (94) pound sacks of Portland cement per yard; “Class B” shall mean concrete with five (5) ninety-four (94) pound sacks of Portland cement per yard.
- H. CONCRETE GROUT means a mixture composed of not more than two (2) parts of sand and one part of Portland cement, and not less than four and one-half (4.5) nor more than six and one-half (6.5) gallons of water per sack of cement (ninety-four (94 lbs) pounds).
- I. CONTAMINANT means any physical, chemical, biological, or radiological substance or matter in water.
- J. CONTAMINATION means an impairment of the quality of water by waste to a degree which creates a hazard to the public health.
- K. DIRECTOR means the Nevada County Director of Environmental Health or their authorized representative.
- L. DISINFECTION means a chemical or physical process which kills or inactivates all pathogenic microorganisms. The type of disinfectant must be approved for domestic water usage.
- M. DISTRIBUTION SYSTEM means system of conduits and their appurtenances by

which a water supply is distributed to the users.

- N. DRY HOLE means a well that produces less than one (1 gal.) gallon per minute.
- O. ENFORCEMENT AGENCY means the Nevada County Department of Environmental Health.
- P. HEALTH OFFICER means the Public Health Officer of the County of Nevada.
- Q. INDIVIDUAL WATER SUPPLY SYSTEM means a source of water consisting of a well, spring, treated surface water, storage facilities, equipment or distribution system which is not a public water supply.
- R. NEAT CEMENT means a mixture composed of one sack of Portland cement (ninety-four [94] lbs.) to not less than four and one-half (4.5) nor more than six and one-half (6.5) gallons of water.
- S. PERSON means any individual, firm, corporation, partnership, or governmental agency, to the extent authorized by law.
- T. PLANNING AGENCY means Nevada County Planning Department.
- U. POLLUTION means an alteration of the quality of water by waste to a degree which unreasonably affects: (1) such waters for beneficial uses or; (2) facilities which serve beneficial uses. Pollution may include contamination.
- V. POTABLE GROUNDWATER means water below the surface of the ground at a depth such that it has been protected from surface pollution or contamination by impervious soil stratum, or which has received an acceptable degree of natural treatment by filtration through a considerable amount of soil, and which is free from contaminants injurious to health.
- W. PUBLIC ENTITY means a local agency, as defined in Cal. Gov't Code §§ 53090 – 53097.5, which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any water system or expansion of any water system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual water systems within a land development; and to design, finance, construct, operate and maintain any facilities necessary for the production, conveyance, and distribution of water pumped from water sources; and to conduct any monitoring or surveillance programs as required for water quality control purposes.
- X. PUBLIC WATER SUPPLY means a system for the provision of piped water to the public for human consumption which has five (5) or more service connections or regularly serves an average of at least twenty-five (25) individuals daily, at least sixty (60) days out of the year.
- Y. SANITARY SURVEY means an on-site review of an individual water supply system for the purpose of evaluating the adequacy of the water source, facilities, equipment operations, and maintenance for providing and distributing safe drinking water.
- Z. SANITARY WELL SEAL means a device placed into the topmost part of a well casing which, by means of an expanding gasket, excludes foreign material from entering the top of the well casing or a device producing an equivalent effect, and is equipped with a pipe or plug through which disinfecting agents may be introduced directly into the

well. Such a device shall be leakproof to prevent the entrance of surface water to the well.

- AA. SEALING MATERIAL means neat cement grout, sand-cement grout, concrete, special quick-setting cement, or bentonite clay as defined in this Chapter or, if not defined in this Chapter, as defined in Bulletin 74-81 of the Department of Water Resources.
- BB. SERVICE CONNECTION means any connection or arrangement, physical or otherwise, between a potable water source from an approved public water supply and any plumbing fixture, tank, receptacle equipment, or device.
- CC. SEWAGE DISPOSAL SYSTEM means a septic tank and subsurface disposal field or other type of system or appurtenance thereto, whether public or private, receiving domestic or industrial sewage waste. Sewage disposal system does not include a sewer pipeline.
- DD. SEWER LINE means a pipe conveying sewage waste matter from any building or premises to a point of disposal such as to a septic tank or sewage treatment or disposal plant.
- EE. SHALLOW WELL means any well thirty (30') feet or less in depth.
- FF. SMALL PUBLIC WATER SYSTEMS shall be as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60).
- GG. SPRING means a naturally occurring flow of groundwater reaching the surface of the ground.
- HH. STATE SMALL WATER SYSTEM means a public water system which meets one of the following criteria: (1) serves from five to fourteen (5-14) service connections and less than twenty-five (25) individuals any part of the year; (2) serves fifteen (15) or more service connections and any number of non-resident individuals less than sixty (60) days per year;
(3) serves five to fourteen (5-14) service connections and twenty-five (25) or more individuals less than sixty (60) days per year.

II. SURFACE WATER means all those waters found on or immediately below the surface of the earth and that have not been filtered through any considerable amount of soil, and which normally do not meet California drinking water standards and are not protected so as to exclude real or potential sanitary hazards. In the event that a conflict of opinion arises as to whether or not any waters are “surface waters” within the meaning of this Chapter, the burden and expense of proving that said waters are not surface waters shall be upon the person or persons making such claim, and in the absence of finding to the contrary, the opinion and/or findings of the Director shall be final.

JJ. TEST HOLE means any excavation constructed in the earth exceeding a depth of fifteen (15') feet below the ground surface for the purpose of exploration of the earth.

KK. TRIMMIE means a tube, device or pipe which may be used to place sealing material into the annular space.

LL. WATER WELL OR WELL is defined as any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground.

This does not intend that potholes, drainage trenches or canals, wastewater ponds, shallow root zone piezometers, stock ponds, or similar excavations be included within the definition of wells.

MM. WATER WELL DRILLER'S REPORT means Department of Water Resources Report Form DWR 188, or any subsequent form adopted by the Department of Water Resources.

NN. WELL COVER means a device to cover the topmost part of a well casing. The device must be so constructed as to be resistant to tampering, structurally sound, impervious, and prevent the entrance of foreign material.

OO. WELL DESTRUCTION means certain work done to an existing water well, the intent of which is to effectively seal the entire well up to the surface in such a manner that each intersected water stratum is sealed and isolated from every other stratum and from surface water.

PP. WELL RECONSTRUCTION means certain work done to an existing water well in order to restore its production, replace defective casing, seal off certain strata or surface water, or similar work, not to include hydrofracking, developing, the cleaning out of sediments, surging or work related to the well pump.

QQ. AS DEFINED IN OTHER DOCUMENTS: Except as otherwise required by the context of this Chapter, the terms used in this Chapter should have the same meaning as in Chapter 10 of Division 7 of the California Water Code and the Department of Water Resources Bulletin 74-81 and subsequent supplements or revisions.

RR. SECTION HEADINGS, when contained in this Chapter, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any section.

SS. TENSE OR GENDER: Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural, and plural includes the singular. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.020 Connection Required

Every habitable building or structure shall be connected to an approved water supply in accordance with the provisions of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.030 Permit Required

No construction, reconstruction, or destruction of a water treatment system, well or individual or public water supply system shall be commenced on any property until a permit to do such work shall have first been obtained from the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.040 Minimum Yield

If the source of the individual water supply system is a well or spring, then there shall be flow of not less than one (1) gallon per minute per service connection. Individual wells may be combined to provide the minimum flow requirement. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.050 Determination of Yield

The determination of yield shall be made by a licensed well driller, licensed pump installer, registered civil engineer, registered engineering geologist, or registered environmental health specialist.

A. The procedure for testing the yield of wells for an individual water supply system with yields of less than three (3 gal.) gallons per minute shall be to draw down the water in the well until the water level stabilizes. The well shall then be pumped continually for a minimum of four (4) hours or longer, if needed, to produce a minimum of seven hundred and twenty (720 gal.) gallons of water as registered by an accurate meter or other approved method.

B. The procedure for testing the yield of wells for an individual water supply system with yields of three (3 gal.) gallons per minute or more shall be in accordance with the standards specified in Bulletin 74-81 of the Department of Water Resources and its supplements or by an alternate method approved by the enforcement agency.

C. The procedure for testing the yield of wells for public water systems shall be, as a minimum, the requirements specified in 15.05050.(B) above, and for an amount of time as determined by the enforcement agency. Information regarding sustained yield and recovery rate shall be provided in a report and submitted to the enforcement agency.

D. The yield of a spring shall be tested in August or September. The period may be extended into October by decisions of the enforcement agency, depending on seasonal conditions. Yield shall be determined by pumping down and calculating recovery rate or by measuring an existing discharge flow rate from the spring. Historical data may be utilized for determination of production rates during the dry season on a case-by-case basis.

E. No release shall be given for issuance of a building permit for new construction of a building which requires a potable water supply until an adequate quantity of water is determined as follows:

1. The yield specified on the Water Well Driller's Report shall be valid for a period of one (1) year from the "Date of Completion" noted on the report. A well without a valid Water Well Driller's Report shall be tested by a pump test in accordance with Section 15.05.050.A, B or C, as appropriate. The pump test report shall bear the original signature of the tester and shall be valid for one (1) year from the date inscribed on the

report. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.5.060 Storage Requirements

A water supply system consisting of a well or spring having a yield of less than three (3 gal.) gallons per minute per service connection shall have a water storage tank of construction and materials approved by the enforcement agency of the following size:

A. INDIVIDUAL WATER SUPPLY SYSTEM - a 1,000-gallon storage tank shall be required for each habitable structure.

B. PUBLIC WATER SUPPLY SYSTEM - storage shall be determined by a California registered civil engineer or environmental health specialist and shall take into consideration population served, fire flow requirements, and the quantity of water available, and shall comply with California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60)). (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.070 Potability

An individual water supply system shall provide water which is pure, wholesome, potable, and does not endanger the lives or health of human beings as defined by the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60).

The determination of bacteriological potability shall be by means of a bacteriological test conducted by a water laboratory approved by the State Department of Health Services.

Where the enforcement agency deems necessary, an analysis for contaminant(s) shall be conducted to demonstrate that the water supply meets the standards as set forth in California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60)).(Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.080 Surface Water Uses

Use of surface water for drinking and domestic purposes shall be authorized only under the provisions of 15.07. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.090 Pressure

The individual domestic water system shall be capable of providing an adequate supply of potable water under a minimum pressure of 15 p.s.i. at all times. Where pressure exceeds 80 p.s.i., the provisions of the Uniform Plumbing Code latest adopted edition shall apply. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.100 Issuance of Building Permit

No building permit shall be issued for any building for human habitation until compliance with this Chapter is ascertained. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.110 Inspection

Prior to final occupancy of a building for which a plumbing permit was issued, the enforcement agency may perform a sanitary survey, obtain water samples and approve the individual water supply system. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.120 Fees

Fees will be set by Resolution of the Board for plan review, inspection, sampling of water sources and supply system, variance, permit to construct, destruction permit, surface water treatment permit, sanitary survey, and reinspection. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.130 Right of Entry and Inspection

Representatives of the enforcement agency shall have the right to enter upon any premises at all reasonable times to make inspections and tests for the purpose of enforcement and administration of this Chapter. If any such premises are occupied, they shall first make a reasonable effort to locate the owner and any person having charge or control of same and demand entry. If such entry is refused, they shall have recourse to such remedies as are provided by law to secure entry. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.140 Protection of Water Supply

No person shall install or maintain a well or test hole in any manner that will result in the pollution or contamination of groundwater or which allows the entrance of surface waters into the well. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.150 Enforcement - Generally

The enforcement agency shall be empowered to enforce the provisions of this Chapter and of Bulletin 74-81 of the Department of Water Resources, including the amendments herein or hereafter adopted. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.160 Applicable Standards

All approved water supplies shall comply with standards as set forth in the most recently Board adopted edition of the Uniform Plumbing Code. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.170 Effect of Partial Invalidity

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code provision enacted by any ordinance-making body within the limits of the County of Nevada, California on July 12, 1991, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. If any provision of this Chapter should for any reason be declared invalid, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect, and to this end the provisions of this Chapter are hereby declared to be

severable.

Section 15.05.180 Appeal Procedures

A. **RIGHT OF HEARING:** Any person whose application for a permit has been denied or granted conditionally, or whose permit has been suspended or revoked, or whose Well Permit Completion has been denied, or whose application for variance has been denied, may appeal to the Health Officer, in writing, within fifteen (15) calendar days after any such denial, conditional granting, suspension, or revocation. Such appeal shall specify the grounds upon which it is taken and shall be accompanied by the appropriate fee. The Health Officer shall set such appeal for hearing within fifteen (15) calendar days.

B. **ACTION BY THE HEALTH OFFICER:** After such hearing, the Health Officer may affirm, reverse wholly or partly, or modify the order or determination appealed from.

C. **APPEAL TO THE BOARD OF SUPERVISORS:** Any person shall have a right to appeal an adverse decision of the Health Officer to the Board of Supervisors within ten (10) calendar days of the adverse decision.

An appeal shall be filed with the Clerk of the Board of Supervisors on the required form. Any such appeal shall be accompanied by a fee, the sum of which shall be the same as that for appeals of land use matters under 12.05.120 and which shall be paid to the Clerk of the Board of Supervisors. The purpose of a statement on the appeal is to facilitate the Board's initial determination as to the propriety and merit of the appeal as per subsection D below.

D. An appeal shall only be filed on the official form to be provided by the Clerk of the Board of Supervisors, together with such additional pages as may be necessary. A statement of appeal shall include:

1. Identification of the project and the decision of the enforcement agency action which is the basis of the appeal.
2. A statement of the reasons for the appeal.
3. A statement of specific provisions which are being appealed.
4. A statement of the changes or action requested of the Board of Supervisors.
5. A summation of the arguments to be raised by the appellant.
6. Identification of the appellant.

E. Upon the filing of an appeal with the Board of Supervisors, the Clerk shall present any such appeal to the Board of Supervisors at their next regular meeting. At that time, the Board shall determine if the appeal was filed within the applicable time limits and shall summarily reject any appeal which is filed beyond the time limits. Further, the Board shall determine if the appeal contains sufficient information as required by "D" above. If the Board determines that the information as supplied in the appeal is incomplete, it may:

1. Summarily reject the appeal for any such insufficiency of statement on appeal; or it may
2. Instruct the Clerk of the Board of Supervisors to immediately notify the appellant of the insufficiency and allow the appellant an additional seven (7) working days in which to correct any such deficiency. If upon the expiration of any additional time the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.

F. Upon presentation of the Notice of Appeal, together with the required statement on appeal to the Board of Supervisors, the Board may summarily reject the appeal if it finds that the matter being appealed is a requirement of law or if, by unanimous vote, it finds the appeal unmeritorious; or the Board may set the matter for public hearing as soon as time on its agenda permits, and in accordance with any other time requirements of law.

G. **DECISION BY BOARD:** The Board may reverse or affirm, wholly or in part, or modify the decision and may make such order as should be made. Such action shall be final. (Ord. 1717, (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.190 Criminal Enforcement

A. The Director shall be the person primarily responsible for enforcing the provisions of this Chapter. To the extent any violation is designated to be an infraction, the Code Enforcement Division of the County of Nevada is also authorized to enforce such provisions and both shall have the authority to issue citations for infractions.

B. Any act in violation of the terms of this Chapter and the standards established pursuant thereto is hereby declared to constitute a public nuisance which shall be punishable as an infraction as provided for in 12.05.120. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.200 Notice of Violation

A. **NOTICE OF VIOLATION RECORDATION:** Whenever the enforcement agency determines that a well (1) has not been completed in accordance with a well permit or the plans and specification relating thereto, or (2) has been constructed without the required permit, or (3) is abandoned and has not been destroyed in accordance with this Chapter, the enforcement agency may record a notice of violation with the Office of the County Recorder. The owner(s) of the property, as revealed by the assessment roll, on which the violation is situated and any other person responsible for the violation shall be notified of the recordation, if their address is available.

If the property owner(s) or authorized agent disagree with the determination, they may submit evidence to the enforcement agency indicating that there is no violation and then shall have a right to appeal an adverse decision of the enforcement agency to the Health Officer in accordance with the provisions of 15.05.180..

B. **REMOVAL OF VIOLATION NOTICE:** The enforcement agency shall submit a removal of notice of violation to the County Recorder when (1) it is determined by the enforcement agency or the Health Officer, after review, that no violation of this Chapter exists; or (2) all required and corrective work has been completed and approved by the enforcement agency; or (3) when so directed by the appeal decision of the Health Officer or the Board. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.210 Civil Enforcement - Nuisance

A. Any well dug, bored, drilled, deepened, modified, reconstructed, repaired or maintained contrary to the provisions of this Chapter or conditions attached to any permit or variance is unlawful and a public nuisance and the duly constituted authorities of the County of Nevada may commence any action or proceeding for the abatement, removal or injunction thereof in the manner provided by law.

B. Failure to comply with the conditions attached to a permit or variance to dig, bore, drill, deepen, modify, reconstruct, repair or maintain a well, or operate, monitor or maintain an approved water supply may result in the revocation of the permit by the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.220 Remedies Cumulative

The remedies available to the enforcement agency to enforce this Chapter are in addition to any other remedies available under ordinance or statute and do not replace or supplant any other remedy but are cumulative thereto. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.05.230 Notification of Licensing Agencies

The enforcement agency shall notify licensing agencies of any contractor that performs unauthorized work that violates this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

CHAPTER 6 WATER WELLS

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Section 15.06.010 Classes of Well Permits

Well permits shall be classified as follows:

A. Class I Permits shall be issued for the installation of a well where such well location conforms with the minimum distances set forth in Table 1 of Section 15.06.100 below and where the enforcement agency deems conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class I Well shall be constructed with a minimum annular seal depth of twenty (20') feet below ground surface and shall be required for individual domestic wells, agricultural

wells, observation and monitoring wells, and other wells if so determined by the enforcement agency. Class I Wells shall meet all minimum distances as set forth in 15.05.010. Permits shall be required and issued for the installation of a well where such well location is closer than the minimum distances set forth in Table 1 of Section 15.06.100 below or where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination unless special construction features are included in the well construction.

A Class II Well shall be constructed with a minimum annular seal depth of fifty (50') feet below ground surface and into an impervious stratum and shall be required for public water supply wells, industrial wells, and other wells where the enforcement agency determines conditions may exist that threaten the potable groundwater with contamination.

B. Class III permits shall be issued for a shallow well which conforms with the minimum distances set forth in Table 1 of Section 15.06.100 below and where the enforcement agency deems that conditions do not exist that would result in pollution or contamination of the potable groundwater.

A Class III shallow well shall be sealed to the top of the water-bearing stratum and in no case less than ten (10') feet below ground surface.

C. A reconstruction permit shall be required for any well reconstruction as defined in Section 15.05.010.

D. A destruction permit shall be required for any well destroyed in accordance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.020 Permit Application

A. WHEN REQUIRED: No person shall dig, bore, drill, deepen, modify, reconstruct, repair, or destroy a water well, cathodic protection well, observation well or monitoring well without first obtaining a permit as provided in this Chapter exempted by law.

B. EMERGENCY WORK: The above provisions shall not apply to emergency work required to maintain drinking water or agricultural supply systems. For the emergency work, when County offices are closed, a permit may be issued after such work has begun, provided all of the following conditions are met:

1. The permit application is made the first day County offices are open following said work; and
2. The well system serves an existing structure or facility or agricultural operation; and
3. The person responsible provides written documentation to the enforcement agency that such work was urgently necessary; and
4. The permittee can demonstrate that all work performed was in conformance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.030 Permit Application Procedure

A. A permit shall be issued only to a person licensed under State law as per 1506.040.B of this Chapter.

B. Applications for permits shall be made to the enforcement agency on forms approved by the agency and shall contain all such information the enforcement agency requires to accomplish the purposes of this Chapter. The application shall be accompanied by the required filing fee.

C. The application for permit shall be deemed to be received by the enforcement agency only when the form is complete as detailed in subsection E below.

D. If the enforcement agency finds the application contains all necessary information and that the proposed work will comply with this Chapter, it shall issue to the applicant a comprehensive permit containing such conditions as are necessary to fulfill the purpose of this Chapter.

E. An application is complete only when the form (on its face) is completed in full, is signed by the licensed well driller and is accompanied by all required exhibits and fees. The exhibits shall include all of the following:

1. A vicinity map and clear directions to the property and well site.
2. Plans and specifications for the proposed work, including method of sealing the annular space.
3. Two (2) copies of an accurate site plan drawn to scale showing the proposed well location and all features of potential contamination (e.g., on-site sewage systems, sewer lines, animal feed lots, etc.) and property lines within 150 feet of the proposed well site. A scaled assessor's plot map may be used for this purpose.
4. Copy of assessor's plot.
5. Location of any restrictions such as easements on the property.
6. Any other information the enforcement agency finds necessary to complete the permit application.
7. Submission of appropriate permit filing fee.

F. DRY HOLES: In the event the primary well site results in a dry hole, one or more alternative sites may be drilled. The permittee shall advise the enforcement agency by submitting a revised site plan prior to the reinspection. A resulting abandoned well must be destroyed in accordance with Section 15.06.280 and so indicated by the permittee on the revised site plan. Said abandoned well destruction shall be performed under a separate permit and shall be the responsibility of the property owner. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.040 Permit Conditions

A. LIMITATIONS: When the enforcement agency issues a permit pursuant to this Chapter, it may condition the permit in any manner necessary to carry out the purposes of this Chapter. Conditions may include, but are not limited to, such quantity and quality testing methods as the enforcement agency finds necessary.

B. PERSONS PERMITTED TO WORK ON WELLS: All construction,

reconstruction, or destruction work on wells shall be performed by a person who possesses a valid C-57 contractor's license in accordance with the provisions of the California Business and Professions Code, or their designated employees.

C. ABANDONED WELLS: As a condition of a construction or modification permit, any abandoned wells on the property shall be destroyed in accordance with standards provided in this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.050 Permit - Denial

A. The enforcement agency shall deny, in writing, a permit when, in its judgment, issuance of a permit is not in the public interest. Upon receipt of a completed application, the enforcement agency shall deny the permit if:

1. The application contains false information.
2. The proposed work would not comply with this Chapter.
3. There are abandoned wells on the property and no application for permits has been made to destroy such wells.
4. The proposed construction will contaminate or put groundwater at a risk of contamination.

B. The enforcement agency shall either issue or deny the permit within seven (7) calendar days after receipt of the completed application. Unless the permit is issued or denied within seven (7) calendar days, it shall be deemed approved.

C. Denied permits may be appealed pursuant to 15.05.080 of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.060 Permit - Expiration

The permittee shall complete the work authorized by the permit within one year of permit issuance. Upon the expiration of the permit, no further work shall be done unless and until the applicant has received a new permit or renewal of the permit. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.070 Permit Issuance and Renewal

A. A permit issued pursuant to this Chapter shall be effective for one (1) year from the date of issuance for the authorized work. The permit is non-transferable. Once a well is installed pursuant to the permit, conditions imposed as requirements for permit issuance shall continue in force as long as the well is used.

B. Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for permit renewal shall conform to the requirements 15.06.030. The permit shall be renewed or denied consistent with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.080 Permit Suspension, Revocation and Stop-Work Order

A. CIRCUMSTANCES FOR SUCH ACTION: The enforcement agency may suspend or revoke any permit issued pursuant to this Chapter whenever it finds that the permittee has violated any of the provisions of this Chapter or has misrepresented any material fact in their application or any supporting documents for such a permit. Prior to ordering any such suspension or revocation, the enforcement agency shall give the permittee an opportunity for a hearing thereon, after reasonable notice. The hearing shall be before the Director. An appeal within fifteen (15) calendar days may be made as set forth in 15.05.080 of this Chapter.

B. STOP-WORK ORDER: In addition to suspension and revocation, the enforcement agency may issue a stop-work order.

C. CONSEQUENCES: No person whose permit has been suspended or revoked or for which a stop-work order has been issued shall continue to perform the work for which the permit was granted until, in the case of suspension, such permit has been reinstated by the enforcement agency or, in the case of a stop-work order, the order has been released, in writing, by the enforcement agency.

D. ORDERED ADDITIONAL WORK: Upon issuance of a stop-work order, suspension or revocation of any permit, the enforcement agency may order the permittee to perform any work reasonably necessary to protect the groundwaters from pollution or contamination if any work already done by the permittee has left a well in such condition as to constitute a hazard to the quality of the groundwater. No permittee or person who has held any permit issued pursuant to this Chapter shall fail to comply with any such order. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.090 Building Permits

A. The enforcement agency shall not issue a release for building permit issuance if wells drilled on the property are not in compliance with this Chapter.

B. The enforcement agency shall not issue a release for building permit issuance if there are any abandoned wells on the property that have not been destroyed or permitted to be destroyed pursuant to this Chapter.

C. The enforcement agency shall not issue approval for a Certificate of Occupancy or temporary occupancy for a building on property whereupon a well has been drilled unless the well is in compliance with this Chapter. Wells drilled prior to the effective date of this Chapter shall be exempt from the requirements of 15.06180. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.100 Well Location

All wells shall be located as prescribed in Table 1.

TABLE 1
Minimum Distance*

From property line**	50 feet
From easements	5 feet
From septic tank and septic system sumps	100 feet
From public or private sewer pipe line of approved water-tight piping and joint materials	25 feet
From other public or private approved sewer line	50 feet
From individual sewage disposal field	100 feet
From community sewage disposal field	200 feet
From pit privy	150 feet
From animal or fowl enclosures (pasturage excluded)	100 feet
From seepage pit	150 feet
From sanitary landfill	As approved by the enforcement agency
From water storage tank	10 feet

*For Class I, II, and III Wells where, in the opinion of the enforcement agency, adverse conditions exist (e.g., petroleum storage or pipelines, hazardous materials storage or pipelines, etc.) these distances may be increased as determined by the enforcement agency.

**1. A five (5') foot minimum setback shall be permitted for a Class I well if the adjoining property(s) meets one or more of the following:

- a. Is three (3) acres or greater in size.
- b. Has a developed or approved sewage disposal system (including repair area) that is 100 feet or more from the proposed well location.
- c. Has features that would preclude the development of a sewage disposal system (including repair area) within 100 feet of the proposed well location.
- d. Has a well which precludes development of a septic system within 100 feet of the proposed well location.

2. A five (5') foot minimum setback shall be permitted for a Class II well.

If the property cannot comply with either 1 or 2 above, then a fifty (50') foot setback shall be required.

(Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.110 Protection

At all times during construction, the well shall be protected in such a manner as to prevent tampering with the well, accidents to persons, the entrance of foreign matter into the well or the entrance of drilling mud into streams, etc. Water and drilling mud used in drilling shall be free from contamination. (Ord. 1717. (06/11/1991))

Section 15.06.120 Well Standards

Except as otherwise specified, the standards for the construction, modification or destruction of wells shall be as set forth in the California Department of Water Resources Bulletin 74-81 "Water Well Standards, State of California," as modified by subsequent revisions or supplements. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.130 Casings

A. All metal casing used in well construction shall be new and shall have a minimum thickness of twelve (12) gauge for wells up to and including eight (8") inches in diameter, and a minimum thickness of ten (10) gauge for wells ten (10") inches in diameter or over. Casings shall be placed to a sufficient depth to insure well integrity and to prevent well-collapse.

B. All casings shall be placed with sufficient care to avoid damage to casing sections or joints. The uppermost perforation shall be at least five (5') feet below the annular seal.

C. All concrete pipe casing used in well construction shall be new, free of defects, and shall conform to California Department of Water Resources Bulletin 74-81, as modified by subsequent supplements or revisions.

D. All polyvinylchloride casing used shall be new, free of defects, and shall meet ASTM standard F480.

E. The casing shall extend at least eight (8") inches above the ground surface or at least two (2") inches above the surface of the concrete slab.

F. Any well construction utilizing a pitless adapter shall only be constructed with steel casing meeting standards specified in Bulletin 74-81 and its supplements.

G. Other casing materials may be approved by the enforcement agency when such materials are approved for use by the Department of Water Resources. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.140 Sealing of the Annular Space

A. The annular space shall be effectively sealed with a sealing material to prevent surface or sub-surface pollution entering the well through casing joints or flowing down the outside of the casing and into the well at the lower end.

B. In unconsolidated formations the annular space shall be filled with sealing material having a minimum thickness of two (2") inches, except in the case of a concrete pipe cased well, which shall have a minimum thickness of three (3") inches.

C. Prior to sealing, a packer of cement, concrete, steel or other approved material shall be installed at the bottom of the annular space to be grouted. The seal shall be applied in one continuous process either by pressure or by gravity in accordance with proper construction practice and in such a manner as to exclude surface and other undesirable water from the well.

D. If bentonite clay is used as the sealing material, the uppermost two (2') feet of the annular space shall be sealed with cement. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.150 Well Pits

Well pits or below ground discharge pipes may be permitted at the discretion of the enforcement agency. Where the well casing terminates in a pit below the ground surface, the pit shall be constructed so as to be drained with a minimum three (3") inch diameter pipe discharging water by gravity to the ground surface. The drain shall be screened at both ends. The casing shall be carried at least eight (8") inches above the pit floor. The well pit shall be so constructed and protected that floodwaters cannot enter the pit. Pits shall have easy access for proper operation, maintenance and inspection of the equipment. Doorways or hatches shall at all times effectively keep water out of the pit. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.160 Access Openings into Well Casings

Access openings into the well casing or conductor pipe for addition of gravel to a gravel packed well, for sounding the well, for air release, for disinfection, and for any other purpose necessary for maintenance and operation of the well are required but must terminate above flood and high water levels or have a watertight seal. These openings shall be protected against entry of small animals, insects, floodwater, drainage or pump drippage, and other contaminating matter, by caps. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.170 Special Groundwater Protection

The enforcement agency may designate areas where groundwater quality problems are known to exist and where a well will penetrate more than one aquifer. The enforcement agency may require special well seal(s) in these designated areas to prevent mixing of water from several aquifers. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.180 Inspections

The enforcement agency shall make an inspection of the annular seal construction work. It may make an initial inspection of each proposed drilling site prior to the issuance of a well permit, an inspection at the completion of the work, and inspections at such other times as

it deems appropriate. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.190 Inspection of Well Seal

The enforcement agency shall inspect the annular space grout depth prior to the sealing.

A. REQUIRED NOTICE: The well driller shall notify the enforcement agency a minimum of two (2) hours prior to sealing the annular space of a well. Notification consists of submitting:

1. A valid Assessor's Parcel Number;
2. Date and specific time of well sealing;
3. Location of well sealing;
4. Permittee name.

B. SHOULD ENFORCEMENT AGENCY FAIL TO BE PRESENT: If the enforcement agency fails to be present at the requested seal inspection time, the driller shall seal the well in accordance with the standards of this Chapter and any permit conditions.

C. FAILURE OF WELL DRILLER TO APPEAR: If the well driller fails to appear and perform the well construction work as specified by the required confirmation notice indicating date and time, after fifteen (15) minutes the enforcement agency may leave the site. The well driller shall notify the enforcement agency of the need for reinspection for any future inspection of the work. The well driller shall pay a reinspection fee within two (2) working days following the reinspection.

D. FAILURE OF THE WELL DRILLER TO BE READY: The well driller may postpone the seal time without any consequences, providing the driller notifies the enforcement agency at least one (1) hour prior to the previously arranged well seal inspection time. If the notification is less than one (1) hour and the enforcement agency appears at the well site, the well driller may be required to proceed as in subsection C above.

E. AFTER THE FACT INSPECTIONS: In the event that reliable technology exists, then the enforcement agency may, at its option, waive inspection of the sealing of a well's annular space. It may choose to inspect such seal installations after the fact, using such means as will determine the presence of a seal and not damage the well. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.200 Completion

Upon completion of a well, the driller shall be responsible for the sanitary well seal or a well cover. The driller shall also submit a completed water well driller's report or photocopy of same, completed in detail on the State Department of Water Resources reporting form, to the Health Department. Said photocopy shall contain the assessor's parcel number of the subject property and permit number. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.210 Final Inspection

If requested by the enforcement agency, the driller shall notify the enforcement agency within seven (7) calendar days of the completion of their work at each drilling site. The enforcement agency may make a final inspection after completion of the work to determine whether the well was completed in accordance with this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.220 Completion Reports

A. SUBMITTAL OF STATE “WATER WELL DRILLER’S REPORT”: A copy of the Water Well Driller’s Report shall be submitted by the permittee to the enforcement agency within ninety (90) days of construction, alteration, or destruction of any well. This report shall document that the work was completed in accordance with the standards as set forth in the Department of Water Resources Bulletin 74-81 and all additional permit conditions. This Section shall not be deemed to release any person from the requirement to file said report with the State Department of Water Resources.

B. CONFIDENTIALITY OF REPORT: In accordance with Cal. Water Code § 13752, reports shall not be made available for inspection by the public but shall be made available for inspection by governmental agencies for use in making studies. Reports shall be made available to any person who obtains written authorization from the owner of the well.

C. OTHER AGENCY’S REQUIREMENTS: Nothing in this Chapter shall be deemed to excuse any person from compliance with the provisions of Cal. Water Code §§ 13750.5 - 13755 relating to notices and reports of completion or any other federal, state, or local reporting regulations.

D. Well drillers that fail to comply with this Section shall not be issued any future well construction permits. Permits may be issued once all required reports are on file with the enforcement agency. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.230 Well Permit Completion

A. No person shall connect to or use any well subject to this Chapter for which a Well Permit Completion has not been issued. The enforcement agency shall issue a Well Permit Completion only if, upon inspection of the work, the work complies with this Chapter and the conditions of the permit.

B. If inspected work does not comply with this Chapter and the conditions of the permit, the permittee shall be notified in writing. Work deficiencies shall be explained and satisfactory well completion or well destruction required. A Well Permit Completion shall be issued upon satisfactory completion.

C. A Well Permit Completion shall only be issued where the enforcement agency has the Water Well Driller's Report.

D. Denial of a Well Permit Completion may be appealed in accordance with Section 15.05. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.240 Disinfection

Newly constructed or repaired wells shall be adequately treated with chlorine to a strength of at least fifty (50) PPM of available chlorine, in such a manner as to disinfect all parts of the well before or as the pump is set, and shall not be pumped for at least eight (8) hours. Prior to use for domestic purposes, the well shall be pumped sufficiently to eliminate the disinfectant residual. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.250 Pump Installation

All pumps shall be installed so as to prevent contamination of the water supply by surface water or other contaminants. The pump shall be mounted through a sanitary well seal. There shall be access for introduction of chlorine into the well and gravel pack as needed. A faucet shall be provided on the discharge line, ahead of the storage tank, constructed so that a representative sample of the water in the well may be obtained. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.260 Abandoned Wells

The owner of any property shall be responsible for destroying any uncapped or abandoned well, test hole, monitoring well or exploratory well located thereon. The well will not be considered abandoned if the owner declares their intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well a) has no defects in construction which would cause pollution or contamination of the potable groundwater by surface water; b) is covered with a well cover, c) is so marked as to be clearly seen; and d) the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.270 Wells Constructed After July 12, 1991

Wells constructed after July 12, 1991, and which are not in compliance with this Chapter shall be made to comply with this Chapter or destroyed pursuant to this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.280 Destruction Methods

Prior to destroying a well, a detailed evaluation and report on the well shall be submitted to the enforcement agency by a licensed well driller. Such report shall indicate the type of well to be destroyed, all known geological conditions and the methods and material to be used in the destruction process. The methods and materials used in destroying wells and test holes shall be such that the potable or usable groundwater is protected from pollution

or contamination or the entrance of surface water thereto. All abandoned wells shall be destroyed as follows:

- A. Any obstruction in the well shall be removed when possible.
- B. As much casing or lining in dug wells shall be removed as is physically possible.
- C. Where necessary (depending on the type of casing) the remaining casing shall be ripped or perforated to fill any annular space or nearby voids.
- D. The well shall be entirely filled with impervious material such as class B concrete, concrete grout, neat cement or puddled clay.
- E. The placement of the material shall be done in such a way as to assure a dense seal, free of voids, in order to exclude surface water.
- F. Other methods of destroying wells and test holes may be approved by the enforcement agency if an equivalent effect will result, and no contamination or pollution to the potable or usable groundwater will occur. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.06.290 Variances

A. The enforcement agency shall have the power under the following specified conditions to grant a variance from any provision of the standards referenced within this Chapter and to prescribe alternative requirements in their place. Any variance from the requirements of this Chapter shall be granted only with written approval of the Director.

B. SPECIAL CIRCUMSTANCES: Variances from any requirements of this Chapter shall be granted in specific cases only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application and enforcement of the requirements of this Chapter would involve practical difficulties or unnecessary hardship depriving such property of privileges enjoyed by other similar property in the vicinity. In these instances, a variance may be granted by the enforcement agency only if, in the opinion of the Director, no public health or water quality hazard would be created. Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity.

1. An application for a variance shall be submitted to the enforcement agency by the property owner or licensed well driller on forms provided by the enforcement agency and accompanied by the appropriate filing fee. Upon receipt of the application and filing fee, the enforcement agency shall make an investigation to determine whether a variance should be granted under the provisions of this Chapter. After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying the variance. The enforcement agency shall respond to the filing of a completed application for a variance within fifteen (15) calendar days. If the enforcement agency fails to respond to the filing within fifteen (15) calendar days, the variance shall be deemed denied.
2. A representative from the enforcement agency must be present to witness the drilling,

casing, and sealing of the annular space of any well constructed pursuant to this variance procedure.

3. Where setback requirements are reduced pursuant to this variance procedure, the Director may require larger and/or deeper annular seals, special casings, or other construction features to protect the public health and the groundwater quality.
4. For any well constructed pursuant to this variance procedure, the enforcement agency may require the submittal of samples to a State licensed laboratory for analyses as determined by the enforcement agency. The results of these tests shall be submitted to the enforcement agency within fifteen (15) calendar days of the completion of the test.
5. The enforcement agency, at its discretion, may sample any well constructed pursuant to this variance procedure for chemical and/or bacteriological quality for a period not to exceed twenty-four (24) months from date of completion. Should such sampling reveal contamination or pollution of the well or groundwater, appropriate repairs or destruction of the well shall be required by the enforcement agency.
6. The decision of the Director regarding a variance request may be appealed by any interested party to the Health Officer within fifteen (15) calendar days of the variance decision pursuant to Section 15.05.180.
7. A variance shall not be granted to allow the creation of substandard or nonconforming lots or parcels.

C. INTENT OF CHAPTER NOT COMPROMISED: The granting of a variance shall be consistent with the purposes of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

CHAPTER 7: TREATMENT OF SURFACE WATER FOR DOMESTIC PURPOSES

Sections:

Section 15.07.010 Use of Surface Water for Domestic Purposes

Section 15.07.020 Prohibitions

Section 15.07.030 Treated Surface Water Availability

Section 15.07.040 Surface Water Treatment Permit

Section 15.07.050 Surface Water Treatment Requirements

Section 15.07.060 Disinfection

Section 15.07.070 Monitoring

Section 15.07.080 Alternative Surface Water Treatment Systems

Section 15.07.090 Surface Water Connection to an Existing Dwelling

Section 15.07.010 Use of Surface Water for Domestic Purposes

A. GENERAL

Treated surface water supplies used for domestic purposes must meet the provisions of: (1) The laws, standards and regulations of the California Safe Drinking Water Act; (2) California Domestic Water Quality Monitoring Regulations relating to certification of water treatment facility operation as excerpted from the California Health and Safety Code, California Code of Regulations, and the California Water Code. Surface water used for domestic purposes must be under administrative authority of a private or public entity formed for the purpose of collecting, treating, storing and distributing water for human consumption. All such entities treating surface water for drinking or domestic use shall be required to possess a valid Certificate of Operation issued by the enforcement agency and pay an annual inspection fee set by the Board of Supervisors or possess a Domestic Water Permit issued by the California Department of Health Services.

B. CONDITIONS

A surface water source with treatment may be utilized for domestic use on a case-by-case basis if the following conditions are fulfilled:

1. For existing developed parcels where there is a legal residence and wells or springs:
 - (a) yield less than one (1 gal.) gallon per minute, (b) are contaminated, or (c) setback requirements from the waste water disposal system prohibits the use of a well or spring; and
2. A raw water source approved by the enforcing agency for treatment is available from a public or private entity either existing or to be created; and
3. An affidavit stating a raw water service connection will be provided to the user is received by the enforcement agency from the Administrative Authority of said entity; and
4. Compliance with Sections 15.07.030 through 15.07.080 of this Chapter is ascertained.

The drilling and testing of a well as specified in Section 15.07.010.B.(1) above may be waived by the enforcement agency on a case-by-case basis provided that valid historical data are available as provided by a well driller, geologist, civil engineer, or enforcement agency records. Said data must show that groundwater resources are minimal or nonexistent and/or groundwater is contaminated. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.020 Prohibitions

After the effective date of this Chapter, it shall be unlawful for a person or persons to utilize untreated surface water for domestic purposes for any new construction other than as allowed under the provisions stated herein. No building permit shall be issued for a dwelling proposing to use treated surface water as its source of domestic water. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.030 Treated Surface Water Availability

For an existing dwelling proposing to use treated surface water as its source of domestic water, the treatment system and source shall be approved by the enforcement agency and the California State Department of Health Services. Before any water availability affidavit is issued by a private or public entity and can be approved by the enforcement agency, the water treatment system, all equipment specifications and design must meet the provisions of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.040 Surface Water Treatment Permit

A. The property owner or their designated representative must make application for a Surface Water Treatment System permit on a form provided by the enforcement agency. Said application shall include, as a minimum, the following:

1. A certificate bearing the original signature from a California registered civil engineer or a registered environmental health specialist stating that the proposed water treatment system, when properly installed and maintained, will produce water continuously meeting the California Safe Drinking Water Act, California Water Works Standards, and this Chapter. Said system shall be installed under the supervision of the designer signing the Certificate who, after the system is installed, shall certify in writing that the water treatment system has been installed in conformance with the approved design;
2. The reason and substantiation for request (e.g., hardship, less than one gallon per minute yield on well, well is contaminated, etc.), along with supporting data. Said reason shall be provided on a “request for waiver” form;
3. A Facilities Plan and Project Report prepared by a California registered civil engineer or environmental health specialist. Said report shall include, as a minimum, a detailed equipment plan, materials and specifications, flow calculations, retention time, treatment method, top and side views, and other information as is necessary to justify

- the treatment system;
4. Analyses of raw source water samples collected and tested by a State licensed laboratory;
 5. A contract agreement between the property owner and the designer or installer certifying that the contractor will maintain the system according to the approved system design.
- B. All documents, information, designs, analysis reports and plans required in subsection A above shall be submitted in triplicate. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.050 Surface Water Treatment Requirements

- A. The treatment plant, piping, and appurtenances shall be designed, located, constructed, and composed of materials sufficient to withstand the physical stresses imposed during normal operation and during all weather conditions. All portions of the treatment facilities shall be readily accessible for maintenance and operation.
- B. The treatment system is to be designed and installed so that there is disinfection at all times to provide potable water for domestic use.
- C. In systems with media-type filters, a proportional feed pump shall be used to add effective coagulation chemicals prior to filtration and filter in proportion to the rate of water flow. A suitable coagulant solution container shall be provided.
- D. An accurate pressure gauge shall be provided on both the inlet side and on the outlet side of the filter to provide a visual assessment of pressure loss due to filter clogging and thereby facilitate proper filter backwash frequency.
- E. All filters shall be constructed and installed so that the design filtration rate cannot be exceeded.
- F. Filters shall be constructed so that they can be backwashed only with clear, filtered, and chlorinated water meeting drinking water standards. Backwash flow rates shall effectively clean the filter media. Piping shall be valved so that filters can be isolated for repairs while the other units are functioning. Initial filter runs, after backwash, are to be directed to waste. There shall be no bypass or leakage of untreated or partially treated water to the point of use. Other approved methods of backwash may be approved on a case-by-case basis. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.060 Disinfection

Disinfection is to be by chlorination or other approved methods.

A. WHEN USING CHEMICAL DISINFECTION

1. A contact tank or tanks shall be provided to allow for a minimum of thirty (30)

minutes retention time to accomplish adequate disinfection during periods of peak water flow through the treatment plant. The chlorine contact facilities shall be installed in a manner which will effectively maximize retention time and reduce “short circuiting”.

2. Disinfectant Solution Storage Container. A container constructed of materials resistant to corrosion by the disinfectant shall be provided for the storage of the prepared solution being supplied to the proportional disinfectant feeder. The container shall be sized to provide at least a one (1) week supply of disinfectant solution during normal demand, but not more than a two (2) week supply.
3. When using chlorine, a DPD free chlorine residual test kit with appropriate reagents shall be supplied as part of each water treatment plant installation.

B. SAMPLING TAP. A faucet or other suitable fixture shall be provided immediately upstream and downstream from the contact facilities to permit collection of water samples for bacteriological, turbidity, and disinfectant residual measurements. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.070 Monitoring

A. For any installation of a surface water filtration and treatment system constructed after the effective date of this Chapter, monitoring shall be required to determine that the water system is performing satisfactorily as per the design. Monitoring shall be accomplished by any one of the following:

1. A contract agreement between the property owner and the designer or installer for sample collection and analysis by a State certified laboratory, or
2. By the enforcement agency on a fee for service basis.

B. The owner or contractor shall provide the enforcement agency a report of monitoring on a quarterly basis. Said monitoring shall include, as a minimum, quarterly bacteriological sample analysis, daily turbidity analysis, and daily chlorine residual.

C. If sample results demonstrate that the treatment system is not achieving minimum water quality requirements, the designer shall submit new plans and specifications to the enforcement agency, as per Section 15.07.040, to bring the treatment system performance within minimum potability standards. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.080 Alternative Surface Water Treatment Systems

Use of alternative surface water treatment systems may be considered on a case-by-case basis only. Said proposed systems must provide assurance of meeting minimum potability standards and equipment reliability and otherwise conform to this Section. The State Department of Health Services shall also approve of a proposed alternative surface water treatment system. Additional testing and monitoring requirements may be imposed as a result of approval of an alternative surface water treatment system. (Ord. 1717.

(06/11/1991); Ord. 2531. (10/24/2023))

Section 15.07.090 Surface Water Connection to an Existing Dwelling

No new hookup of an existing dwelling to an untreated surface water source shall be permitted after July 12, 1991, other than by the provisions of Section 15.06.290.

CHAPTER 8: WATER AVAILABILITY FOR DIVISION OF LAND

Sections

Section 15.08.010	Applicability of this Chapter
Section 15.08.020	Water Studies Required for Land Use Projects
Section 15.08.030	Connections to Public Water Supply
Section 15.08.040	Creation of Public Entity

Section 15.08.010 Applicability of This Chapter

The requirements of this Chapter shall apply to the determining of adequacy of water supply for any division of land in the County of Nevada approved as a tentative map after the adoption of this Chapter. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.08.020 Water Studies Required for Land Use Projects

For any proposed division of land where water is to be supplied by individual wells, the following standards shall be applicable as conditions of approval of the tentative and the final map:

A. For any division of land, the subdivider shall drill wells on a percentage of the lots and submit a Water Well Driller's Report indicating water availability in a quantity and quality adequate for domestic purposes. For purposes of this Section, quantity adequate for domestic purposes is a minimum of three (3 gal.) gallons per minute, as determined under procedures in Section 15.05.050 Water Well Driller's Reports for existing wells on the land to be divided may be used as part of this percentage where the "Date of Completion" disclosed on the Water Well Driller's Report is dated within one (1) year of the submittal of the land use application to the planning agency. Where the Water Well Driller's Report does not meet the aforementioned requirement or where a Water Well Driller's Report is not available, a valid report from a pump test conducted in accordance with Section 15.05.050 may be submitted. Such pump test report shall be accompanied by the Water Well Driller's Report if the driller's report is available.

In the event that the number of parcels in the subdivision is not evenly divisible by ten (10), an additional well shall be required for any remaining fractional requirement. When test wells are drilled, they shall be dispersed throughout the site in a manner approved by the enforcement agency in order to give a representative sample of groundwater availability on the lots.

The percentage of parcels requiring studies and wells are as follows:

WITH PLANNING AGENCY APPLICATION

1. Submit a licensed geologist's report to the enforcement agency certifying that groundwater adequate in amount to meet this Chapter for domestic water supply is

- available to every parcel in the subdivision; or
2. Drill wells on ten percent of the parcels and submit a Water Well Driller's Report indicating water availability.

PRIOR TO RECORDATION MINIMUM PARCEL SIZE

5 acres or less	50% of parcels

5.1-10 acres	30% of parcels

10.1-20 acres	10% of parcels

For divisions of land creating parcels of more than twenty (20) acres, proof of availability of groundwater shall only be required where the enforcement agency deems it necessary based on evidence of groundwater shortages in the area of the proposed subdivision.

B. For any division of land where water supply is to be by individual wells, every parcel map and final map to be recorded shall bear a statement that there is no guarantee that water is available on any lot or parcel on the recorded map.

C. **CONDITIONAL USE PERMIT, SITE PLAN, GENERAL PLAN AMENDMENT AND ZONE CHANGE.** The information required will be on a case-by-case basis. With the Planning Agency application, the results of water resource studies representative of the area shall be provided as required by the enforcement agency.

D. **AREA VARIANCE:** The information required will be on a case-by-case basis.

E. **ENVIRONMENTAL IMPACT REPORT:** If drilled wells are proposed, water resource information on each and every parcel of the project shall be provided at the time of application. This requirement may be waived if the enforcement agency has determined it possesses adequate information on said water resources.

F. For any land use project proposing to create a public water system, a Preliminary Basis of Design shall be submitted at the time of application to the planning agency. Said design shall include as a minimum the following information:

1. Information on source availability, including total quantity and quality of water available.
2. Projected water quantity demands, including peak flows, fire flows, and other

- applicable flows.
3. Storage requirements.
 4. Specifications on well construction demonstrating compliance with this Chapter.
 5. Proposed treatment facilities, if any.
 6. Proof of financial responsibility in accordance with the California Safe Drinking Water Act (Cal. Health & Safety Code §§116760 – 116762.60). (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.08.030 Connections to Public Water Supply

For any division of land where an approved public water supply system is available within 200 feet of the parcels, said parcel shall be connected to the approved system unless water meeting California Drinking Water Standards is proven to be available from other sources. A “will serve” letter from an approved water supply system shall be provided with the application to the planning agency. Proof of service from an approved water supply system shall be provided before final approval of the map can be given. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

Section 15.08.040 Creation of Public Entity

For any division of land where a public water system is to be created for the supply of water, either a public entity shall be formed, or the system must be approved for inclusion in an existing public entity. Said entity shall comply with the provisions of the California Health and Safety Code, California Code of Regulations, and/or Government Code for the creation of such entities. The formation of said entity shall be a condition of approval for the tentative map. (Ord. 1717. (06/11/1991); Ord. 2531. (10/24/2023))

CHAPTER 9: SEPTAGE HAULERS

Sections

Section 15.09.010	Liquid Waste (Septage, Greywater and Leachate) Hauler Registration Required
Section 15.09.020	Grease Hauler Requirements
Section 15.09.030	Cash Security Deposit
Section 15.09.040	Application Fee
Section 15.09.050	Duration of Registration
Section 15.09.060	Renewal

Section 15.09.010 Liquid Waste (Septage, Greywater and Leachate) Hauler Registration Required

It is unlawful for any person or firm to carry on or engage in the business of the cleaning of septic tanks, chemical toilets, cesspools or sewage seepage pits or to dispose of the cleanings therefrom in any city, town, county, or city and county unless they or it shall hold an unrevoked registration issued by the local health officer or their duly authorized representative of the city, town, county, or city and county for the carrying on of the business in accordance with Cal. Health & Safety Code § 117405.

Section 15.09.020 Grease Hauler Requirements

A Septage/Grease Hauler is required to have valid California Department of Public Health (CDPH) registration and permit with Nevada County Department of Environmental Health (NCDEH). All provisions of state and federal law and regulations apply, including but not limited to Cal. Penal Code § 374.5.

Section 15.09.030 Cash Security Deposit

As a condition to the issuance of liquid waste (septage) registration (license), the septage hauler shall be required to state the site which will receive the septage, the septage hauler shall state the site that will receive the septage and show proof from the facility that they have been approved to unload waste.

Any hauler who disposes of septage through facilities owned and/or operated by the Sacramento Regional County Sanitation District may be required to post a cash security deposit in the amount equal to the fees to be paid to the Sacramento Regional County Sanitation District for septage disposal at their facilities for a ninety (90) day period or such lesser period of time that the District may agree to, with the Nevada County Environmental Health Department. The amount of the security deposit shall be subject to the approval of the Sacramento Regional County Sanitation District and shall be used solely to guarantee the hauler's timely payment of fees to this disposal facility. The Board

of Supervisors shall be authorized to pay to the Sacramento Regional County Sanitation District from the security deposit, the amount due to the disposal facility upon a hauler's failure to pay such amount. Upon approval by the Board of Supervisors, and acceptance thereof by the Sacramento Regional County Sanitation District, the septage hauler may be allowed to substitute a performance bond in lieu of a cash security deposit. Within thirty (30) days of the date of the adoption of this ordinance, all septage haulers which are presently licensed by the County and who dispose of septage at the facilities owned and/or operated by the Sacramento Regional County Sanitation District shall post such security as would be required for the issuance of a new license, with the County Environmental Health Department. Failure to post the required security deposit within this time limit shall render any existing registration (license) issued by the County, null and void.

Section 15.09.040 Application Fee

The Environmental Health Department is hereby authorized to charge and collect a fee for the processing of an application for a septage hauler registration which amount shall be set by resolution of the Board of Supervisors.

Section 15.09.050 Duration of Registration

Registration shall be only for the unexpired portion of the fiscal year in which the application is made, and at the end of such fiscal year, the registration shall become void and of no effect.

Section 15.09.060 Renewal

At the expiration of the septage hauler registration, if there is a cash security deposit, it may be returned to the hauler unless the hauler specifies in their application for renewal that such amount be carried over to the registration for the next fiscal year.

CHAPTER 10: DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS

Sections:

Section 15.10.010 Definitions

Section 15.10.020 Threshold

Section 15.10.030 Diversion Requirements

Section 15.10.040 Diversion Requirement Exemption

Section 15.10.050 Compliance with the Diversion Requirement

Section 15.10.010 Definitions

For the purposes of this Chapter, the following definitions apply:

- A. “Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, contractor, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for applicable permits to undertake any construction, demolition, or renovation project within the unincorporated area of the County of Nevada.
- B. “Contractor” means any person or entity holding, or required to hold, a contractor’s license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures within the unincorporated area of the County of Nevada.
- C. “Construction” means all building, remodeling, addition, removal or destruction.
- D. “Construction and Demolition Materials” includes:
 - 1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, wood, concrete, asphalt, masonry, metals, cardboard, roofing, gypsum drywall, and inerts (rock, soil, and fines) from the construction, renovation, remodel or destruction of a commercial, agricultural or residential structure.

2. Small amounts of other non-hazardous wastes that are generated at construction or demolition projects.
- E. “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- F. “Department” means the Department of Public Works for the County of Nevada.
- G. “Divertible Materials” includes:
1. Masonry building materials generally used in construction including, but not limited to, rock, stone, tile, mortar, and brick.
 2. Wood materials including dimensional lumber, cabinetry, fencing, form wood, scrap wood, plywood, and engineered lumber. Painted and stained wood materials are currently divertible.
 3. Concrete materials including foundations, pier posts, blocks, and other structural concrete materials.
 4. Metals including all metal scraps such as, but not limited to, pipes, siding, window frames, doorframes, and fences.
 5. Roofing materials including wood shingles, asphalt composition shingles, tiles, and metal roofing.
 6. Inerts including rocks, soil, and fines that are not contaminated by controlled or hazardous materials.
 7. Cardboard including boxes, flats, cartons, and containers.
- H. “Divert” means to prevent material from being disposed in a landfill, through eventual recycling or reuse.
- I. “Project” means any activity involving construction, demolition or renovation, and which requires issuance of a permit from the County of Nevada.
- J. “Recycling” means the material will be processed and made into new products or materials.
- K. “Renovation” means any change, addition, or modification to an existing structure.
- L. “Reuse” means the material will be used again in its original form.
- M. “Structure” means anything constructed or erected.

Section 15.10.020 Threshold

A. Covered Projects: All construction, demolition, and renovation projects within the unincorporated area of the County for which a building or demolition permit is required shall comply with this Chapter if a project exceeds 600 square feet or if such project's cost estimates are greater than \$50,000. If a project exceeds either threshold value, it shall be considered covered by this Chapter. For the purposes of determining whether a project meets the foregoing threshold, all phases of a project and all related projects taking place on a single or adjoining parcel(s) shall be deemed a single project.

B. Non-Covered Projects: Construction, demolition, and renovation projects within the unincorporated area of the County that do not meet the established thresholds for "Covered Projects." Non-Covered Projects will still be encouraged to divert as much material as possible.

C. County-Sponsored Projects: All County-sponsored construction, demolition, and renovation projects shall comply with the same threshold values as non-government projects.

Section 15.10.030 Diversion Requirements

A. Applicants shall sign a Statement of Intent, as stated on the Nevada County Building Permit Application form, agreeing to use the Construction and Demolition Materials Recycling Facility at the McCourtney Road Transfer Station (MRTS), Construction Materials Recovery Facility sort line at the Eastern Regional Landfill in Truckee Region, use Construction and Demolition materials recycling services provided by franchise waste hauler agreement, or another Construction and Demolition recycling facility.

B. Materials that cannot immediately be salvaged or reused shall be transported by the contractor or by County-designated franchise waste hauler to the MRTS, where it will be deposited at the Construction and Demolition Area separate from the Solid Waste Area. Materials dropped at the MRTS Construction and Demolition Area will be further sorted and/or processed to achieve the maximum diversion that is feasible. Applicants from eastern Nevada County (Truckee region) may transport construction and demolition materials to the Eastern Regional Landfill Construction and Demolition Materials Recovery Facility outside of Truckee.

C. Although it may not be an explicit condition of the building or demolition permit, Contractors or property owners working on Non-Covered Projects are encouraged to divert material from construction and demolition projects to the maximum extent feasible.

D. All Applicants are encouraged to contact their waste service provider or

the Department for suggestions about how to minimize disposal costs and maximize diversion. Applicants shall be familiar with other requirements governing the disposal of solid waste in California, including identification of materials that are prohibited from disposal in landfills.

Section 15.10.0400 Diversion Requirement Exemption

- A. If an Applicant for a Covered Project experiences unique circumstances that the Applicant believes makes it infeasible to comply with established Diversion Requirements, the Applicant may request, in writing, an exemption from one or all of the waste diversion requirements during the building or demolition permit process.
- B. The Department of Public Works shall review all exemption request information supplied by the Applicant and may meet with the Applicant to assess alternative ways of meeting waste diversion requirements. Based on the information supplied by the Applicant, the Department of Public Works shall determine whether it is possible for the Applicant to meet any or all of the Diversion Requirements of the project.
- C. If it is determined that it is not feasible for the Applicant to meet all of the diversion requirements specified herein, the Department of Public Works shall determine alternative requirements and will inform the Applicant, in writing, of any such alternative requirements.

Section 15.10.050 Compliance with the Diversion Requirement

The Department may review the information submitted by Applicant and determine whether the Applicant has fully complied, made a good faith effort, or failed to comply with the diversion requirement. The Department's determination regarding compliance may be provided to the owner in writing.

- B. "Full compliance" means the Applicant fully complied with the requirements of this Chapter.
- C. "Good faith effort compliance" means the Applicant did not fully comply with the requirements of this Section but has made a good faith effort to comply. In making this determination, the Department shall consider the availability of markets for the specific construction and demolition materials disposed, the documented efforts of the Applicant to comply with this Chapter, and other relevant factors.
- D. "Failed to comply" means the Applicant did not fully comply with the requirements of this Chapter and did not make a good faith effort to comply. An Applicant's failure to comply may be considered an infraction, and upon conviction thereof there may be a potential maximum fine of \$100 imposed (see

Cal. Gov't Code § 25132).

CHAPTER 11: PROHIBITION OF RADIOACTIVE WASTE DISPOSAL

Sections:

Section 15.11.100 Prohibition of Radioactive Waste Disposal

Section 15.11.010 Prohibition of Radioactive Waste Disposal

- A. No person shall dispose of radioactive waste within the County of Nevada.
- B. As used herein, “radioactive waste” shall mean such amount of radioactive waste as poses a potential hazard to human health and safety and is more particularly defined in Federal EPA regulations contained in Title 40, Part 191, Subpart A, Section 191.02 of the Code of Federal Regulations.

Violation of this Section shall be a misdemeanor, punishable by a fine of up to \$1,000 for each violation and/or six (6) months imprisonment in county jail.

CHAPTER 12: RESPONSIBILITY FOR REPORTING DISCHARGES OF HAZARDOUS WASTES

Sections:

Section 15.12.010 Duty of County Health Officer

Section 15.12.020 Duty of Director of Environmental Health

Section 15.12.010 Duty of County Health Officer

For purposes of compliance with the reporting and disclosure requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, and in particular, Cal. Health & Safety Code § 25180.7, the official to whom illegal discharge or threatened illegal discharge of hazardous wastes shall be reported is the County Environmental Health Officer. The County Environmental Health Officer shall be responsible for notifying local news media and making such information available to the public. In addition, the County Environmental Health Officer shall have the further obligation of reporting any such discharge or threat of discharge of hazardous wastes to the Director of Environmental Health, or their designee, immediately and shall continue to inform the Director of Environmental Health on a regular basis of any changes in a previously reported discharge or of any preventive or corrective measures taken, or to be taken, by any person, business or entity.

Section 15.12.020 Duty of Director of Environmental Health

The Director of Environmental Health shall have the obligation of reporting any discharges or threats of discharges of hazardous wastes that they become aware of to the County Health Officer immediately and to keep the County Health Officer informed of any preventive or corrective measures taken or to be taken by any person, business or entity.

CHAPTER 13: SOLID WASTE

Sections:

Section 15.13.010	In General
Section 15.13.020	Collection—Mandatory Subscription and Payment Required
Section 15.13.030	Collection—Containers, Participation and Separation Required by all Generators.
Section 15.13.040	Commercial Education and Outreach Requirements
Section 15.13.050	Waste Removal Time Periods
Section 15.13.060	Pre-Collection and Storage Practices
Section 15.13.070	Waste Ownership and Responsibility
Section 15.13.080	Waivers
Section 15.13.090	Commercial Edible Food Generator Requirements
Section 15.13.100	Food Recovery Organizations and Services Requirements
Section 15.13.110	Franchised Collector Requirements
Section 15.13.120	Requirements for Facility Operators and Community Composting Operations
Section 15.13.130	Self-Hauler Requirements
Section 15.13.140	Waste Collection
Section 15.13.150	Convenience Station Services
Section 15.13.160	Waste Disposal
Section 15.13.170	Hazardous Wastes
Section 15.13.180	Financing and Fees
Section 15.13.190	Inspections and Investigations
Section 15.13.200	Enforcement of All Provisions of this Section Except Enforcement of Transfer Stations
Section 15.13.210	Enforcement of Transfer Stations
Section 15.13.220	Nuisance and Abatement
Section 15.13.230	Severability
Section 15.13.240	Trespass at Any County Waste Disposal or Treatment Facility
Section 15.13.250	Parcel Charges—Western Nevada County
Section 15.13.260	Parcel Charges—Eastern Nevada County
Section 15.13.270	Statue of Limitations

Section 15.13.010 In General

A. Purpose. As part of the State of California program for solid waste management and resource recovery and for the preservation of health, safety, and wellbeing of the public, the Board of Supervisors of the County of Nevada declares that it is in the public interest that the County make provision for solid waste handling services.

The reduction of solid waste landfilling, through waste prevention, reuse, recycling, and composting is a statewide mandate (California Integrated Waste Management Act of 1989). In addition, reduction of solid waste is a key component of meeting the statewide climate protection mandate (California Global Warming Solutions Act of 2006). Furthermore, AB 341, the Jobs and Recycling Act of 2011, and AB 1826, the Mandatory Commercial Organics Recycling Act of 2014, require businesses and Multi-Family property owners to arrange for recycling and organics services.

Additionally, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, seeks to reduce organics in landfills, as a means to reduce methane emissions and to increase edible food recovery to reduce human food insecurity. To that end, the State of California's Department of Resources Recycling and Recovery (CALRecycle) developed regulations that place requirements on multiple entities, many of which are contained herein. Therefore, in order to protect the public peace, health, safety, and general welfare, to reduce the solid waste stream, to reduce methane emissions from landfills, and to comply with state regulations, the County deems it necessary to regulate the separation, collection, disposal and recovery of recyclable materials, organic waste, and other solid waste as set forth in this Chapter.

B. Administration and Enforcement. The Public Works Department and the Environmental Health Department are the responsible agencies for administering and enforcing respectively the provisions of this Section. The Environmental Health Department shall be the principal enforcement agency of health provisions by direction of the State Solid Waste Management Board. Administrative aspects of any solid waste service agreement shall be performed by the Public Works Department.

C. Definitions. For the purpose of this Chapter, the following terms, words and phrases, and their derivative shall have the meanings respectively described to them by this Section:

1. *Act* means the California Integrated Waste Management Act of 1989 (commencing with Section 40000 of the Public Resources Code), as amended, including, but not limited to, the Jobs and Recycling Act of 2011 (AB 341), SB 1016 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016]), the Mandatory Commercial Organics Recycling Act of 2014 (AB 1826), and the Short-Lived Climate Pollutants Bill of 2016 (SB 1383), and as implemented by the regulations of CALRecycle.

2. *Board* shall mean the Nevada County Board of Supervisors.

3. *California Code of Regulations* or *CCR* means the State of California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

4. *Calrecycle* means California's Department of Resources Recycling and Recovery, which is charged with implementing and enforcing the Act.
5. *Certificate of Operation* shall mean an annual certificate issued by the Nevada County Environmental Health Department in accordance with Cal. Health & Safety Code § 510, Nevada County Ordinance No. 951, and Nevada County Resolution No. 82-201.
6. *Chemical Wastes* means the chemical by-product of any action, industry, application, or operation, whether performed by an individual or corporate body, which may be hazardous to public health or the environment.
7. *Collection* shall mean the operation of gathering together and Transporting to the point of disposal any garbage or refuse.
8. *Commercial Business* or *Commercial* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.
9. *Commercial Edible Food Generator* includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Sections 18982(a)(73) and (a)(74).
10. *Commercial Solid Waste* means all types of solid waste generated by stores, institutions, offices, trailer parks, hotels, apartment buildings, restaurants, multiple residential units per parcel, and other commercial sources excluding single-family residences.
11. *Community Stops* means a common location that community members collectively designate as an alternative collection location for garbage, recyclable materials and organic waste.
12. *Construction and Demolition Wastes* means waste building materials, packaging, and rubble resulting from construction or demolition of buildings and/or other structures.
13. *Container* means a durable, corrosion-resistant, non-absorbent, leak-proof, watertight, odor-proof, rodent-resistant box, barrel, canister, or other approved device with a fly-tight cover.
14. *Contractor* shall mean that person granted a contract, franchise, or permit by the County Board of Supervisors to collect, remove or dispose of garbage, rubbish or refuse.

15. *Convenience Station* shall mean an established station containing receptacles for household refuse and litter in rural County locations having a valid certificate of operation issued by the Environmental Health Department.

16. *County* shall mean the County of Nevada and its Departments or officers.

17. *Designee* means a person or entity that the County designates, contracts with, or otherwise arranges to carry out any of the County's responsibilities of this Chapter authorized in 14 CCR Section 18981.2. A Designee may be a government employee or entity, a private entity, a Franchised Collector, or a combination of those entities.

18. *Disposal* shall mean the complete operation of treating and/or disposing of the accumulation of collected refuse and the product or residue arising from such treatment.

19. *Edible Food* means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not solid waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, or this Code requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

20. *Enforcement Action* means an action of the relevant Enforcement Agent to address noncompliance with this Chapter, including, but not limited to, issuing abatement notices, administrative citations, fines, penalties, or using other remedies as authorized by the Nevada County Code.

21. *Enforcement Agent* means a person or entity the County designates to enforce part or all of this Chapter. Enforcement Agents may carry out inspections and enforcement activities pursuant to this Chapter. The County has enforcement responsibility for all sections of this Chapter. The County may choose to additionally delegate Enforcement Agent responsibility for certain sections, to other public entities or joint powers authority. Nothing in this Chapter authorizing an entity to enforce its terms, or shall require that entity to undertake such enforcement except as agreed to by that entity and the County. In addition to any other powers conferred upon them by this code or by any other law, an Enforcement Agency shall have the authority to issue a notice to appear, (per Cal. Penal Code § 948), or issue a notice of violation, as described in this Code, if the Enforcement Agency has cause to believe that a violation of this code was, or is being, committed or that any nuisance conditions exist.

22. *Excluded Waste* means hazardous substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the County and its Generators, reasonably believe(s) would, as a result of

or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including land use restrictions or conditions, including but not limited to: waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions; waste that in the reasonable opinion of the County, or its designee, would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the County, or its designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in single-family or multi-family solid waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Cal. Pub. Res. Code §§ 41500 and 41802. Excluded Waste does not include used motor oil and filters, or other materials defined as allowable materials for collection through the County's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the County or the Franchised Collector providing service to the Generator.

23. *Food Facility* has the same meaning as in Cal. Health & Safety Code § 113789.

24. *Food Recovery Organization* means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 18982(a)(25), including, but not limited to:

- a. A food bank as defined in Cal. Health & Safety Code § 113783;
- b. A nonprofit charitable organization as defined in Cal. Health & Safety Code § 113841; and
- c. A nonprofit charitable temporary food facility as defined in Cal. Health & Safety Code § 113842.

25. *Food Recovery Service* means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR § 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12.

26. *Food Scraps* means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

27. *Food Service Provider* is a Tier 1 Commercial Edible Food Generator and means an entity primarily engaged in providing food services to institutional, governmental,

Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR § 18982(a)(27).

28. *Franchised Collector* means such persons, firms or corporations collecting and delivering for disposal, recycling or processing solid waste (other than solid waste generated by a permitted building project) originating in the County and doing so under a franchise agreement with the County.

29. Garbage includes those elements of the solid waste stream designated for the "Garbage Container", and excludes hazardous waste, Excluded Waste, materials designated for the "Organics Container" or "Recycling Container" or materials which have been separated for reuse.

30. Garbage *Container* has the same meaning as "Gray Container" in 14 CCR § 18982(a)(28) and shall be used for the purpose of storage and collection of Garbage.

31. *Environmental Health Department* shall mean the Director of the Nevada County Environmental Health Department (Public Health Officer) or their duly authorized agent.

32. *Household Waste* consists of garbage generated in residences with the exception of large objects such as refrigerators, washing machines, dryers, couches, chairs and tables.

33. *Industrial Wastes* means all solid, semi-solid, or liquid wastes which result from industrial processes or manufacturing operations.

34. *Infectious Wastes*:

- a. Utensils, equipment, instruments, and fomites from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must be isolated.

- b. Laboratory wastes, including pathological specimens, (i.e., all tissues, specimens of blood elements, excreta and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto.

- c. Surgical operating room pathologic specimens and disposable materials from out-patient areas and emergency rooms.

35. *Generator* means a person or entity that is responsible for the initial creation of Garbage, Organic Waste or Recyclable Materials.

36. *Grocery Store* is a Tier 1 Commercial Edible Food Generator and means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store

where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR § 18982(a)(30).

37. *Hazardous Waste* means hazardous or extremely hazardous waste as defined by Cal. Health & Safety Code §§ 25115 and 25117 or otherwise a waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to employees, property, neighbors, general public, or to the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

38. *High Diversion Organic Waste Processing Facility* means a facility that is in compliance with the reporting requirements of 14 CCR § 18815.5(d) and meets or exceeds an annual average mixed waste organic content recovery rate of 50 percent (50%) between January 1, 2022 and December 31, 2024, and 75 percent (75%) after January 1, 2025, as calculated pursuant to 14 CCR § 18815.5(e) for Organic Waste received from the "Mixed Waste Organic Collection Stream" as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).

39. *Inspection* means a site visit where an Enforcement Agent reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR § 18982(a)(35)

40. *Liquid Waste* means a waste material which is not spadable.

41. *Litter* means trash, garbage, solid waste, refuse.

42. *Littering* means the willful or negligent throwing, dropping, placing or depositing of litter on land or water in other than appropriate storage containers or areas designated for such purposes.

43. *May* shall be permissive.

44. *Multi-Family Residential Dwelling or Multi-Family* means for the purpose of implementing this Chapter, of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing SB 1383 requirements. Consistent with SB 1383 Regulations, residential premises that consist of fewer than five (5) units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this

Chapter. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses that are not Multi-Family Residential Dwellings.

45. *Nuisance* means any act or omission which:

- a. Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; or
- b. Shall offend public decency; or
- c. Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct or render dangerous for passage or use a lake, navigable river, bay, stream, canal, ditch, millrace, or basin, or a public park, square, street, alley, bridge, causeway, or highway or other thoroughfare; or
- d. Shall have a natural tendency to cause injury or damage to business or property.

46. *Organics Container* has the same meaning as "Green Container" in 14 CCR § 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Waste designated for Compost processing, including Food Waste and landscape and pruning waste accepted in the County's Organic Waste Collection program, and other organic materials as determined by the County as acceptable for the Organics Container

47. *Organic Waste* means solid waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Scraps, food soiled paper, landscape and pruning waste, organic textiles and organic carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR § 18982(a)(46). Organic Waste does not include Rigid Compostable Plastic.

48. *Organic Waste Generator* means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR § 18982(a)(48).

49. *Person* shall include any individual, firm, company, corporation, or public entity or other organization.

50. *Premises* includes any real property or estate which may be devised or granted by deed.

51. *Prohibited Container Contaminant* includes all of the following: (a) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the County's Recycling Container; (b) materials placed in the Organics Container that are not identified as acceptable Source Separated

Organic Waste for the County's Organics Container; (c) materials placed in the Garbage Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Organic Waste that can be placed in the County's Organics Container and/or Recycling Container; and (d) Excluded Waste placed in any container.

52. *Property Owner* means the owner of real property.

53. *Public Works Department* shall mean the Director of the Nevada County Department of Public Works or their duly authorized deputy.

54. *Putrescible Waste* means wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, and similar objectionable conditions. Food wastes, offal, and dead animals are examples of putrescible solid wastes.

55. *Recycling Container* has the same meaning as "Blue Container" in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.

56. *Recyclable Materials* has the same meaning as Source Separated Recyclable Materials below.

57. *Residence* shall mean a single-family home or dwelling.

58. Refuse shall include garbage, industrial, construction, and other solid wastes.

59. Rubbish shall include, but not be limited to, the following: All non-putrescible waste such as paper, cardboard, grass clippings, tree trimmings, shrub trimmings, wood, bedding, crockery, rubber tires, or construction waste.

60. *Salvaging* shall mean the controlled removal of waste material for utilization.

61. *SB 1383* means Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016.

62. *SB 1383 Regulations* means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

63. *Self-hauler* means a generator who transports its own solid waste by using a vehicle owned by that generator and driven by the generator or the generator's employees, rather than the Franchised Collector. Self-hauler also includes a person or entity who back hauls waste, or as otherwise defined in 14 CCR § 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the

Generator using the Generator's own employees and equipment, or as otherwise defined in 14 CCR § 189881(a)(66)(A).

64. *Single-Family* means of, from, or pertaining to any residential premises with fewer than five units for the purposes of implementing this Chapter.

65. *Scavenging* means the uncontrolled and/or unauthorized removal of solid waste materials.

66. *Septic Tank Pumpings* means sludge and wastewater and other materials removed from septic tanks and includes other anaerobic wastes.

67. *Shall* shall be mandatory.

68. *Sludge* means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

69. Solid Waste means Garbage, Recyclable Materials, and Organic Waste and has the same meaning as defined in Cal. Pub. Res. Code § 40191, which defines solid waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, C&D wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that solid waste does not include any of the following wastes:

a. Hazardous waste, as defined in the Cal. Pub. Res. Code § 40141.

b. Radioactive waste regulated pursuant to the State Radiation Control Law Cal. Health & Safety Code §§ 114960 - 115273.

c. Medical waste regulated pursuant to the State Medical Waste Management Act (Cal. Health & Safety Code §§ 117600 – 117615). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Cal. Pub. Res. Code § 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to Division 30 of the California Public Resources Code.

70. *Source Separated* means materials that have been kept separate from other materials in the solid waste stream, at the point of generation, for the purpose of additional sorting or processing in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards

necessary to be used in the marketplace, or as otherwise defined in 14 CCR § 17402.5(b)(4).

71. *Source Separated Organic Waste* means those organics that can be placed in an Organics Container for Compost processing, including Food Scraps, food soiled paper and landscaping and pruning waste, and any other items as determined by the County.

72. *Source Separated Recyclable Materials* means the same thing as "Recyclable Materials" and includes those Recyclable Materials that can be placed in the Recycling Container including, but not limited to, glass and plastic bottles, aluminum, tin and steel cans, metals, unsoiled paper products, printing and writing paper, and cardboard, and any other items as determined by the County.

73. *Supermarket* is a Tier 1 Commercial Edible Food Generator and means a full-line, self-service retail store with gross annual sales of \$2,000,000.00, or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR § 18982(a)(71).

a. *Tier 1 Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

- i. Supermarkets with gross annual sales of \$2,000,000.00 or more, or as defined in 14 CCR § 18982(a)(71).
- ii. Grocery store with a total facility size equal to or greater than 10,000 square feet, as defined in 14 CCR § 18982(a)(30).
- iii. Food Service Provider which means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR § 18982(a)(27).
- iv. Wholesale food vendor which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR § 18982(a)(76).
- v. Food Distributor which means a company that distributes food to entities including, but not limited to, supermarkets and grocery stores or as otherwise defined in 14 CCR § 18982(a)(22).

b. *Tier 2 Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

- i. Restaurant which means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR § 18982(a)(64) and which has 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- ii. Hotel with an on-site food facility and 200 or more rooms or as otherwise defined in 14 CCR Section 18982(a)(74)(B).
- iii. Health facility with an on-site food facility and 100 or more beds, or as otherwise defined in 14 CCR Section 18982(a)(73)(C).
- iv. Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
- v. Large Event, as defined in 14 CCR Section 18982(a)(38) means an event that serves an average of more than 2,000 individuals per day of operation of the event and either: (1) charges an admission price; or (2) is operated by a local agency.
- vi. A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- vii. A local education agency, which means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to solid waste, or as otherwise defined in 14 CCR Section 18982(a)(40), and which has an on-site food facility.

74. *Tourist Litter* means litter produced or brought in by non-residents of eastern Nevada County (east of Highway 20/Interstate 80 interchange).

75. *Vector* means a living insect or other arthropod, or, used or leftover substance including, but not limited to, a lighted or non-lighted cigarette, cigar, match, or any flaming or flowing material, or any garbage, trash, refuse, paper, container, packaging or

construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard. (Ord. 2504. (02/22/2022))

Section 15.13.020 Collection—Mandatory Subscription and Payment Required

A. Every Single Family dwelling unit or Commercial Business, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this Chapter, or Commercial Business Owners that receive a waiver as set forth in this Section, (throughout this Section, Commercial Business includes Multi-Family Residential Dwellings of five (5) or more units, unless otherwise excluded) in the County shall be required to subscribe with the Franchised Collector(s) for Garbage Container, Recycling Container and Organics Container collection; comply with the relevant sections of this Chapter, state law and local ordinances; and to pay for the collection and disposal of such containers.

B. The County's designated Enforcement Agent is authorized to administer an SB 1383 permit system to monitor compliance with the requirements of this Chapter. Generators are required to obtain a SB 1383 permit and pay associated application or enforcement fees, should such fees be incurred. The Board of Supervisors may, by resolution or a Memorandum of Understanding, place a limit on the permit rates, fees and charges.

C. No provision of this Chapter shall be construed to prevent any person from self-hauling their own waste in their own vehicles or composting in the rear yard of their residence, provided that such composting does not constitute a nuisance to neighboring property because it is injurious to health or is offensive to the senses. Nor shall any provision of this Chapter limit the right of any person to donate or sell Recyclable Materials. (Ord. 2504. (02/22/2022))

Section 15.13.030 Collection—Containers, Participation and Separation Required by all Generators.

Generators subject to the requirements of the Act shall fully comply with all applicable requirements of the Act.

A. Generators, including Single-Family and Multi-Family and Commercial Businesses, except those properties that are impractical or impossible to access, those that meet self-hauler requirements in this Chapter, or Commercial Business Owners that receive a waiver as set forth in this Chapter, shall:

1. Maintain for such residence or business, separate Garbage, Organics and Recycling Containers, supplied by the Franchised Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage,

Source Separated Recyclable Materials and Source Separated Organic Waste generated in connection with the residence or business between the times designated for collection. The County shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of collection service and to require additional or larger containers (or additional service days) and to review the separation and containment of materials. Generators shall adjust service levels for their collection services as requested by the County in order to meet the standards set forth in this Chapter. Generators may manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.

2. Participate in the collection services provided by the County's Franchised Collector(s), by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generators shall place Source Separated Organic Waste, including food waste, in the Organics Container; Source Separated Recyclable Materials in the Recycling Container; and Garbage in the Garbage Container. Generators shall not place materials designated for the Garbage Container in the Organics Container or the Recycling Container.

3. Place Garbage Containers, Recycling Containers, and Organics Containers on the curb on the day specified for collection, unless a waiver has been granted by the Public Works Director pursuant to this Chapter. Containers shall be placed in front of the Premises in a location reasonably convenient for semi-automated or automated collection. The only exception would be if Generator has reached an agreement with Franchised Collector for an alternative collection location.

4. Maintain Garbage Containers, Recycling Containers and Organics Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container not overflowing and with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.

5. Cover containers, unless covers are waived by the Environmental Health Department.

6. Ensure that storage containers not exceed thirty-two gallon (32 gal.) capacity or weigh more than sixty pounds (60 lbs) when filled, except where mechanical systems are approved by the County or the owner collects and hauls the containers.

7. Not deposit garbage, recyclable material or organic waste in a container that is owned and/or under the control of another person unless permission to deposit said waste has been obtained from the owner or controlling person.

8. All operations and/or any person, public or private, selling, providing, giving, or through any means catering to any public or private person any goods or services shall provide adequate garbage, recyclable materials and organic waste storage containers on-site and shall regularly empty such containers.

9. Provide and maintain complying on-the-spot containers for containment and storage of garbage, recyclable materials and organic waste, excluding construction work, when conducting out-of-doors business operations that would by their nature produce such materials.

10. Store and maintain Containers so as to prevent upset and spillage.

11. The person providing containers for garbage, recyclable materials and organic waste storage shall insure the container meets the requirements in these regulations. Containers provided for individual or noncommercial domestic waste storage that do not meet the requirements of this Section shall be replaced with containers conforming with said requirements.

12. Not tamper with, modify, remove from or deposit solid waste in any container which has not been provided for their use without the permission of the container owner.

13. Not place containers out for collection more than twenty-four (24) hours prior to collection day and remove containers within twenty-four (24) hours of collection.

B. In addition to the requirements in Section A above, Commercial Businesses shall also:

1. Commercial Business Owners including Multi-Family, shall provide or arrange for Garbage Container, Organics Container and Recycling Container collection service for employees, contractors, tenants and customers, and supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors as noted in subsections (2)(a) and (2)(b) below or, if self-hauling, in compliance with self-hauling requirements set forth in this Chapter.

2. Commercial Business that are not Multi-Family Residential Dwellings shall provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers and other users of the premises ("User Disposal Containers"). Such User Disposal Containers do not need to be provided in restrooms. If a Commercial Business does

not generate, or has a waiver pertaining to, any of the materials that would be collected in one type of User Disposal Container, then the business does not have to provide that particular type of container in all areas where User Disposal Containers are provided. Pursuant to 14 CCR Section 18984.9(b), the User Disposal Containers provided by the business shall have either:

- a. A body or lid that conforms with the following container colors, with either lids conforming to these color requirements or bodies conforming to these color requirements, or both lids and bodies conforming to these color requirements: gray or black containers for Garbage, blue containers for Source Separated Recyclable Materials, and green containers for Organics Containers. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or
- b. Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022. (Ord. 2504. (02/22/2022))

Section 15.13.040 Commercial Education and Outreach Requirements

All Commercial Business Owners are required to:

- A. Excluding Multi-Family Residential Dwellings, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Organics Container, and Garbage Container collection service.
- B. Excluding Multi-Family Residential Dwellings, periodically inspect Recycling Containers, Organics Containers, and Garbage Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.
- C. Including Multi-Family Residential Dwellings, annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Organic Waste and Recyclable Materials. A copy of such instructions shall be provided to the Public Works Director or Designee, upon request.

D. Including Multi-Family Residential Dwellings, provide information before or within fourteen (14) days of new occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice to before moving out, that describes requirements to keep Organics Container Organic Waste and Recyclable Materials separate from each other and from Garbage, the location of containers, and the rules governing their use at the premises.

E. Including Multi-Family Residential Dwellings, prominently post and maintain one (1) or more signs where Recyclable Materials and/or Organic Waste are collected and/or stored that set forth what materials are required to be Source Separated, in addition to collection procedures for such materials. (Ord. 2504. (02/22/2022))

Section 15.13.050 Waste Removal Time Periods

A. Garbage and organic waste shall be removed for disposal from any premises or property not less than once every seven (7) days, except for remote isolated areas including but not limited to the Graniteville Convenience Station. Recyclable materials shall be removed for recovery not less than once every fourteen (14) days. Where it is deemed necessary, the Environmental Health Department may require a removal time of less than seven (7) days for removal of garbage and organic waste when conditions exist that would result in:

1. The propagation of vectors;
2. The harborage of vectors and/or vermin;
3. The creation of a nuisance; and
4. A clear and present danger to public health.

Where garbage is stored with other waste matter, the removal time shall be not less than once every seven (7) days unless the other waste requires a more frequent removal time. After notification by the Environmental Health Department, the following wastes shall be removed within:

Waste Types	Time Limits
Garbage and Organic Waste	24 Hours
Rubbish	24 Hours
Dead animals — residential rural	6 Hours
Animal wastes (household pet)	24 Hours
Farm animal wastes	24 Hours
Industrial, institutional and commercial and bulky wastes	48 Hours
Infectious pathologic, pathogenic and hazardous wastes	12 Hours
Waste materials disposed in unauthorized area	24 Hours
All other solid waste	24 Hours

B. These time limits may be extended by the Environmental Health Department when:

1. Serious health hazard would not result by a time extension;
2. The volume of waste is such that the time limit is considered to be excessive; and
3. Other circumstances merit the extension. (Ord. 2504. (02/22/2022))

Section 15.13.060 Pre-Collection and Storage Practices

A. Solid Waste *Management Practices, General Provisions.*

1. All garbage, recyclable materials and organic waste shall be stored, collected, utilized, treated, processed, and/or disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. All solid wastes shall be disposed of at disposal site approved by the County.

2. All garbage, recyclable materials and organic waste shall be handled in such a manner so as not to be conducive to the breeding, sheltering, or harboring of insects and rodents or to the support of any disease vector.
3. All garbage, recyclable materials and organic wastes processing and disposal systems shall be operated in such a manner so as not to substantially contribute to pollution or degradation of the atmosphere, watersheds, surrounding lands, or constitute a fire hazard.
4. Liquid wastes and sludges shall not be accepted or disposed at a disposal site without written approval of the Public Works Department.
5. No system for garbage, recyclable materials or organic waste handling, processing, storage, recovery, salvage, or disposal shall be placed in operation until proper licenses and/or permits are obtained.
6. All garbage, recyclable materials or organic waste management systems or operations involved in collection, storage, hauling, processing, recovery, salvage, or disposal shall be in accordance with the Environmental Health Department and Public Works Department specifications.
7. No infectious, chemical, or hazardous waste will be accepted at any disposal site in the County unless authorized by the Board.
8. It is unlawful, in the County, for any person, public or private, to place, deposit, or dump, or cause to be placed, deposited, or dumped, or allow to accumulate, any solid or liquid waste matter in or upon any public or private highway, street, alley, or road, waterway, lake, stream, or any lot or parcel of land, whether public or private other than a disposal site approved by the County.

B. Garbage, *Recyclable Materials and Organic Waste Storage.*

1. No solid waste storage shall:
 - a. Cause health hazards;
 - b. Attract or propagate vectors, vermin or pests;
 - c. Create unpleasant odors;
 - d. Create a nuisance.
2. The person who is an owner, operator and/or occupant of any premises, business establishment, industry, or other public or private property, vacant or occupied, shall be responsible for the safe and sanitary storage of all solid waste accumulated on the premises or property, until it is legally removed.

3. Bulky wastes or other non-putrescible wastes unsuitable for storage containers which are to be hauled by a private garbage collector shall be stored in a nuisance-free manner and shall be boxed, bundled, tied, or contained in such a manner that the waste is protected from scattering and is collectable and is not conducive to harboring or breeding of vectors and shall be no longer than forty-eight inches (48”), not over twenty-four inches (24”) in diameter, nor to exceed sixty (60) pounds.

C. *Composting*. Composting on a noncommercial individual homeowner basis shall be accomplished in a nuisance-free, vector-free manner. Household garbage shall be handled in such a manner that breeding and harborage areas are eliminated. This operation shall include only those garbage wastes generated from the person's own domestic residence. All other garbage wastes are prohibited.

D. *Tires*. The disposal of tires at areas not recognized by the County as a disposal site is prohibited. Use in erosion control projects shall be exempted.

E. *Animal Waste—Manure*. Storage or disposal of manure shall not create a nuisance.

F. *Commercial Compaction*. Compactors located in any area accessible to the public shall be equipped in such a manner that only personnel authorized by the County or owners of said equipment are able to operate the compactor. Compactors shall be located upon an impervious surface such as finished concrete or asphalt.

G. *Construction or Demolition*.

1. The contractor shall properly store all wastes and litter, and remove it periodically from the construction site to an approved disposal site.
2. Any wash water and concrete residues shall be contained upon the construction site and/or upon the concrete mix plant site for later disposal. In no case will disposal be allowed to flow to streams.
3. Demolition wastes shall be watered, wet down, or controlled in such a manner that there shall be no spillage or escape of any waste material during loading, transporting, or unloading operations.

H. *PLACING FOR COLLECTION*: Garbage, recyclable materials and organic waste containers shall be placed for collection at ground level on the property, or within the public right-of-way of a road so as not to interfere with traffic, maintenance, access, parking, or drainage. (Ord. 2504. (02/22/2022))

Section 15.13.070 Waste Ownership and Responsibility

A. The person generating or producing any garbage, recyclable materials or organic waste shall be responsible for the proper storage, removal, transport, and disposal of such materials.

B. The person generating or producing any garbage, recyclable materials or organic waste shall insure those materials are collected and transported by a Contractor unless, where allowed, said wastes are legally removed and transported on a self-haul basis, or recyclables are donated or sold.

C. In those instances where a person rents or leases to another, the underlying property owner or their agent shall be ultimately responsible for garbage, recyclable materials or organic waste generated and/or stored on those premises should said waste remain on the premises beyond the tenant term.

D. Except as provided hereinabove, all garbage, recyclable materials or organic waste are the property of the person generating them until:

1. The materials are legally deposited in a disposal site approved by the County; or
2. The materials are legally deposited at a County approved organic waste recovery, recycling, or other waste processing facility such as a convenience station; or
3. The materials are picked up by a Contractor or recycler.

E. Garbage, recyclable materials and organic waste legally placed for processing, recovery, or disposal become the property and responsibility of the Contractor or other appropriate operator upon receipt of the waste.

F. No person shall remove garbage, recyclable materials or organic waste placed for collection other than the person generating the waste or a Contractor. Properly licensed recycling organizations may be allowed to remove pre-sorted materials.

G. If solid or liquid waste is found dumped or deposited in violation of this Chapter, the person responsible under this Chapter for said waste shall, in addition to any other penalty or remedy provided for in this Chapter, be responsible for all fees and charges associated with its pickup and disposal. Letters, correspondence, receipts or other items traceable to a person found in said waste shall constitute prima facie evidence of ownership or responsibility for said waste. (Ord. 2504. (02/22/2022))

Section 15.13.080 Waivers

A. *De Minimis Waivers*. The Public Works Director or Enforcement Agent may waive Commercial Business' obligation to comply with some or all of the Organic Waste and Recycling collection service requirements of this Chapter if documentation is provided

demonstrating that the Commercial Business generates below a certain amount of Organic Waste material, (de minimis) as described below.

A Commercial Business requesting a de minimis waiver shall:

1. Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver. Applicant must supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the County. Applicants are subject to one (1) or more site inspection(s) prior to approval of a waiver.
2. Provide documentation with the de minimis waiver application that either:
 - a. The Commercial Business' total solid waste collection service is two (2) cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than twenty (20) gallons per week per applicable container of the business' total waste; or
 - b. The Commercial Business' total solid waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Organics Container comprises less than ten (10) gallons per week per applicable container of the business' total waste.
3. For the purposes of subsections (2)(a) and (b) above, total solid waste shall be the sum of weekly Garbage, Source Separated Recyclable Materials, and Source Separated Organics Container Organic Waste measured in cubic yards.
4. If the de minimis waiver is granted, notify the Public Works Director or Enforcement Agent granting the waiver if circumstances change such that the conditions under which the waiver was granted are no longer being met, in which case the waiver will be rescinded.
5. If the waiver is granted, provide written verification of continued eligibility for de minimis waiver to the Public Works Director or Enforcement Agent every five (5) years.

B. Physical Space Waivers. The Public Works Director or Enforcement Agent may waive a Commercial Business' obligation to comply with some or all of the Organic Waste collection service requirements of this Chapter if the Enforcement Agent has evidence from a licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection service requirements set forth in this Chapter.

A Commercial Business requesting a physical space waiver shall:

1. Submit an application to the Public Works Director or Enforcement Agent specifying the service or requirements for which it is requesting a waiver.
2. Provide documentation with the application for a physical space waiver that the premises lacks adequate space for Recycling Containers and/or Organics Containers, which shall include documentation from its licensed contractor, licensed architect, licensed engineer, or other person authorized by the Enforcement Agent.
3. If the waiver is granted, Commercial Business shall notify the Public Works Director granting the waiver if the Commercial Business' physical space configurations or amounts of solid waste generation change, in which case the waiver may be rescinded.
4. If the waiver is granted, Commercial Business shall provide written verification to the Public Works Director of continued eligibility for a physical space waiver every five (5) years.

C. Change of ownership of a premises automatically revokes a waiver and the new owner must comply with this Chapter or obtain its own waiver.

D. Upon the determination of the Public Works Director or Enforcement Agent a written notification of the approval or denial of a waiver shall be issued to the applicant. (Ord. 2504. (02/22/2022))

Section 15.13.090 Commercial Edible Food Generator Requirements

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3, or such later deadline established by State law or regulations.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
2. Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (a) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (b) acceptance of Edible Food

that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.

4. Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.

5. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

6. Allow the Enforcement Agent to review records upon request, including by providing electronic copies or allowing access to the premises.

7. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

a. A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

b. A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Chapter.

c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

iii. The established frequency that food will be collected or self-hauled.

iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

8. If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Service, a record that describes (a) its direct donation of Edible Food to end recipients (including employees); and/or (b) its

food waste prevention practices that result in it generating no surplus Edible Food that it can donate.

9. Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agent that includes the information in subsection (C)(7)(c) above. Entities shall provide the requested information within sixty (60) days of the request.

D. Nothing in this Chapter shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017; or (2) otherwise applicable food safety and handling laws and regulations.

E. Nothing in this Chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Cal. Health & Safety Code § 114432(a). (Ord. 2504. (02/22/2022))

Section 15.13.100 Food Recovery Organizations and Services Requirements

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
4. The name, address, and contact information for each Food Recovery Organization to which the Food Recovery Service transports Edible Food for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the County and contract with or have written agreements with one or more Commercial Edible Food Generators shall report to the County, or its Enforcement Agent, the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with (regardless of whether those Generators are located in the County) according to the following schedule:

1. No later than August 15, 2022, submit an initial report covering the period of January 1, 2022, to June 30, 2022; and

2. No later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.

D. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the County shall provide, upon request, information and consultation to Nevada County regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the County and Commercial Edible Food Generators in the County. A Food Recovery Service or Food Recovery Organization contacted by an Enforcement Agent shall respond to such request for information within sixth (60) days, unless a shorter timeframe is otherwise specified by the Enforcement Agent. (Ord. 2504. (02/22/2022))

Section 15.13.110 Franchised Collector Requirements

A. A Franchised Collector providing Single-Family, Commercial, Organic Waste collection service to Generators within the County shall meet the following requirements and standards in connection with collection of Organic Waste and Recyclables:

1. Through written notice or written report to the County annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Organic Waste.

2. Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

3. Obtain approval from the County to haul Organic Waste, which can be through a franchise agreement with the Franchised Collector, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

B. The collection of Garbage, Recyclable Materials and Organic Waste shall be performed by the Franchised Collector selected by the County in a manner and frequency which protects public health and safety.

C. A Franchised Collector shall carry, convey or haul solid waste on or along the streets, alleys, highways or waterways of the County in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets, alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands.

D. The Board of Supervisors may, by resolution or an approved contract with any Franchised Collector, place a limit on the rates, fees and charges, including those for garbage container, recycling container and organics container collection. No Franchised Collector shall impose any rate, charge, or fee that is greater than the maximum permitted by the Board of Supervisors, unless otherwise authorized in this Chapter. (Ord. 2504. (02/22/2022))

Section 15.13.120 Requirements for Facility Operators and Community Composting Operations

A. Owners of facilities, operations, and activities that recover organic waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from County or Designee, provide within 60 days, information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. The operator should also contact the solid waste division of the Environmental Health Department to ensure compliance with all LEA regulations pertaining to organic recycling operations.

B. Community Composting operators shall, upon request from County or Designee, provide within sixty (60) days, information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. (Ord. 2504. (02/22/2022))

Section 15.13.130 Self-Hauler Requirements

Self-Haulers shall:

A. Source Separate their Recyclable Materials and Organic Waste generated on-site from solid waste in a manner consistent with this Section or haul Organic Waste to a High Diversion Organic Waste Processing Facility.

B. Haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a solid waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a High Diversion Organic Waste Processing Facility; and haul their Garbage to a fully permitted solid waste facility.

C. Self-Haulers, which are Commercial Businesses including Multi-Family Residential Dwellings, shall keep a record of the amount of Organic Waste delivered to each solid waste facility, operation, activity, or property that processes or recovers Organic Waste for a minimum of five (5) years; this record shall be subject to inspection by the County.

1. The records shall include the following information:

a. Delivery receipts and weight tickets from the entity accepting the waste.

b. The amount of material in cubic yards or tons transported by the Generator to each entity.

c. If the material is transported to an entity that does not have scales on-site or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses including Multi-Family Residential Dwellings shall provide these records, upon request, to the Public Works Director or Designee. Self-Haulers shall provide the requested information within sixty (60) days.

E. Landscapers, who self-haul Organic Waste generated at a customer's site, must also meet the requirements in this Section.

F. A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report this information.

G. It is unlawful for any person to carry, convey or haul solid waste on or along the streets, alleys, highways or waterways of the County except in conveyances, containers or receptacles that will not permit any matter to sift through or fall upon the streets,

alleys, highways or waterways. Solid waste conveyed in other than a container or receptacle with a close-fitting lid shall be protected with covers to prevent the solid waste from being blown or spilled onto the streets, alleys, highways, waterways or adjacent lands. (Ord. 2504. (02/22/2022))

Section 15.13.140 Waste Collection

A. Requirement for Certificate of Operation. The following persons or business enterprises which transport or cause to be transported any refuse along and upon the public streets, roads and highways of the County shall be required to obtain a Certificate of Operation from the Environmental Health Department:

1. Haulers of septic tank pumpings;
2. Commercial haulers of garbage and/or putrescible waste; commercial haulers of garbage and or putrescible waste must also meet Franchised Collector requirements in this Chapter; and
3. Business establishments which haul garbage and/or putrescible waste. Businesses that haul garbage and/or putrescible waste must meet requirements in Self Hauler Section of this Chapter.

Any vehicle used for such hauling shall be inspected and approved by the Environmental Health Department. The contents of such vehicle shall be thoroughly and securely covered by canvas or other suitable covering in order to keep the contents of such vehicle securely contained therein and to prevent such contents from spilling upon the public streets, roads and highways. Nothing in this Section shall require a Certificate of Operation or vehicle inspection for a person transporting from their residence, refuse produced thereon or construction and demolition wastes, to a proper place of disposal so long as no nuisance is created thereby.

B. Requirement for Covering Loads.

1. Any vehicle loaded with garbage, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous or offensive matter being transported to a dump site for disposal shall arrive at and/or enter a disposal site with the load covered or tied down in a manner which will prevent the load or any part of the load from spilling or falling from the vehicle. Loads which by sheer weight and placement cannot fall out shall be exempt from the covering and tying requirement. Loads of brush may be tied down in lieu of complete covering. Haulers shall also meet all applicable requirements of the State of California Vehicle code. (Ord. 2504. (02/22/2022))

Section 15.13.150 Convenience Station Services

A. General. County may, at its discretion, provide convenience stations or small volume transfer station facilities at rural locations within the County. The purpose of these stations is to provide public bulk containers for deposit of household waste and tourist litter in the more remote rural areas to avoid litter along public and private roads and lands and are not to be used for yard, construction or demolition waste. The stations are not to be used for deposit of commercial solid waste except by special fee as provided in Section 18 of this Chapter. Residents, that are not exempt from SB 1383 requirements, using convenience stations or small volume transfer station facilities for their garbage and recyclables, shall self-haul organic waste to McCourtney Road Transfer Station. Some residents in a high elevation or low population census tract meeting specific criteria may be exempted by CALRecycle, from the SB 1383 requirement to separate recyclables and organic waste from garbage.

B. Use. Convenience stations provided by County shall be subject to the following provisions:

1. The refuse containers shall be used only for disposal of normal household waste;
2. No automobiles, or portions thereof, large appliances, mattresses, bedsprings, large furniture, refrigerators, washing machines, commercial, agricultural, yard, construction, or industrial wastes, nor any item prohibited in this Chapter from disposal at a disposal site will be allowed to be deposited at the convenience stations;
3. Allowable refuse shall be neatly placed in the containers provided at the convenience stations;
4. Scavenging or salvaging by the public is prohibited;
5. The station shall have a valid Certificate of Operation issued by the Environmental Health Department; and
6. No person shall deposit any refuse at or in a convenience station without paying the gate fee established therefor under Section G-IV 8.17 of this Code.

C. Tourist Garbage Bins. Garbage bins with signs noting that their usage is for tourist litter only shall not be used by local residences or contractors for solid waste disposal. (Ord. 2504. (02/22/2022))

Section 15.13.160 Waste Disposal

A. General.

1. Notwithstanding any other provision of a County ordinance to the contrary, all garbage which is generated in or brought into the unincorporated territory of the County of Nevada shall, to the extent that such waste is suitable for disposal through the County's waste disposal system or such other facilities of the County's solid waste disposal system as the County may from time to time direct. This Chapter shall not prohibit the composting or burning of yard waste if conducted in accordance with other applicable laws and Air District regulations. (As used herein, "garbage, recyclable materials or organic waste which is generated in or brought into the unincorporated territory of the County" shall refer to all such materials which comes from the use or manufacture of any other material or product, by any person, firm, corporation or entity living, staying or doing business in Nevada County. This term shall not be deemed to include solid waste and/or recyclable material which is generated outside of the County and is merely being transported through the County.)

2. It is the intent of the Board of Supervisors in adopting this provision to secure a continuous flow of garbage to be disposed of through the County solid waste disposal system in order to provide a source of revenue which will be utilized to pay for the capital improvements which the County has and will be making to the solid waste disposal system. The Board further finds that such a commitment is necessary to secure the funding for the capital improvements to the solid waste disposal system and that such capital improvements are necessary to provide an adequate solid waste disposal system which is required to provide for the public health, safety and general welfare.

3. Exceptions:

a. The County may, but shall not be required to, allow the disposal of garbage at other than a facility which is part of the County's solid waste disposal system by the granting of a license therefor to the person, entity, firm or corporation proposing such alternative waste disposal. Any such license shall require the licensee to pay a license fee for such alternative disposal which is calculated to, at a minimum, compensate the County for the fees that such diverted waste would have paid as and for debt service under any financing previously secured by the County for the solid waste disposal system.

b. This section shall not apply to residents who personally haul their own refuse for disposal.

4. Any violation of the provisions of this Section (ordinance) shall constitute a nuisance which shall be subject to abatement in accordance with the applicable provisions of law.

B. *Responsibility*. The responsibility for compliance with disposal site standards shall rest with both site owner and site operator. Where a site operator is a specifically designated operator by contract or written agreement, said operator shall have prime responsibility for compliance; however, this does not relieve County, as owner, of duty to take all reasonable steps to assure compliance with standards and any assigned conditions.

C. *Disposal Areas and Convenience Stations*. No person shall dump, deposit, or otherwise dispose of any hazardous waste at disposal sites, convenience stations or any container to be collected and ultimately deposited at a disposal site, unless otherwise approved by the Board.

D. *Bringing Garbage Into County Unlawfully Without Permission*. No person shall transport or cause solid waste, liquid waste, construction waste, or agriculture waste to be brought into the County, or deposit same, at a County disposal site or convenience station unless granted specific permission by the Board.

E. *Salvaging*. Salvaging of materials such as metal, paper, glass, and wood will be permitted under controlled conditions and as approved by the Public Works Department. Materials to be salvaged shall be deposited at controlled areas such as a recycle center or other locations. Salvaging shall not interfere with other aspects of site operation. Salvaging of wood shall be permitted only in the Class 3, (stump and brush dump) area at the McCourtney Sanitary Landfill. Public salvaging or scavenging in the active landfill refuse dumping area involving contact with garbage or interfering with operations is prohibited.

F. *Scavenging*. Scavenging shall be prohibited at any disposal sites including landfills and convenience stations unless approved by the Board. (Ord. 2504. (02/22/2022))

Section 15.13.170 Hazardous Wastes

A. Standards.

1. No person whether as principal, servant, agent, or employee shall handle, transfer, transport, process, use, store, dispose of, or recover resources from hazardous, extremely hazardous, or infectious wastes in a manner that may be injurious or harmful to the public health, to domestic livestock, or to wildlife and other than by meeting the standards set forth in this Section and approved by the Environmental Health Department.

2. The standards shall consist of any statute, order, quarantine, rule, or regulation prescribed by a State officer or department relating to public health and in

accordance with Chapter 6.5 Hazardous Waste Control of the Cal. Health & Safety Code of the State of California, and Title 22, Division 4, [Chapter 30](#) "Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes," California Administrative Code.

B. Notification to Environmental Health Department. Any person who is producing a material or intends to produce a material which they may reasonably consider to be a hazardous, or extremely hazardous waste, shall notify the Environmental Health Department of said production.

1. No hazardous or extremely hazardous waste produced within or outside of the County may be transported, treated, stored or disposed of without prior processing to remove its harmful properties and without written notification to the Environmental Health Department.

C. Permit or Registration Required.

1. No person shall establish, operate, or maintain a hazardous waste facility that treats, disposes of, stores in excess of ninety (90) days without first obtaining a hazardous waste facility permit from the State Department of Health Services in accordance with Article IV of Title 22, Division 4, Chapter 30 of the California Administrative Code.

2. No person shall establish, operate, or maintain a facility that generates hazardous wastes without first obtaining a hazardous waste facility generation permit from the Environmental Health Department. Said permit shall be designated a "Certificate of Operation" and any person requesting such a permit shall comply with this Chapter and pay applicable fees as set by the Board.

3. No person shall carry on or engage in the business of hauling hazardous waste, or the hauling of hazardous waste as a part of, or incidental to, any business, unless he holds a valid California State registration from the Department of Health Services in accordance with Cal. Health & Safety Code § 25163. (Ord. 2504. (02/22/2022))

Section 15.13.180 Financing and Fees

A. General. Solid waste services are mandatory in nature and shall be operated and financed in such a manner to be as cost-effective and equitable as possible. Various fees and parcel charges shall be levied as required to meet the costs of providing necessary services.

B. Landfill and Convenience Station.

1. Fees shall be in accordance with the latest fee schedule adopted by the Board.

2. County may levy an additional parcel charge on any commercial industrial or agricultural enterprise that chooses to use the convenience stations for disposal of garbage instead of subscribing to commercial service with their own container(s) at the business site. These charges will be equal to the estimated costs to the County of providing the service as determined by the Public Works Department. (Ord. 2504. (02/22/2022))

Section 15.13.190 Inspections and Investigations

A. The County shall designate an Enforcement Agent for purposes of enforcing this Chapter. Said Enforcement Agent may deputize one (1) or more employees of the department to carry out the duties of Enforcement Agent.

B. The County's Enforcement Agent or designee is authorized to conduct any inspections, remote monitoring, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws. This may include inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this Chapter, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection. For the purposes of inspecting Commercial Business containers for compliance, the County's designee may conduct container inspections for Prohibited Container Contaminants using remote monitoring, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.

C. Enforcement Agent(s) shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire.

D. A person subject to the requirements of this Chapter shall provide or arrange for access during all inspections (with the exception of a private residential dwelling unit) and shall cooperate with the County's designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper placement of materials in containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Chapter, Inspection of County-run transfer stations, McCourtney Road landfill and any other landfills that the County may establish or acquire. Failure to provide or arrange for: (1) access to the premises; (2) installation and operation of remote monitoring equipment, if a remote monitoring program is adopted; or (3) access to records for any Inspection or investigation is a violation of this Chapter.

E. Any records obtained by the County or designee during inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable

disclosure exemptions of the California Public Records Act as set forth in Cal. Gov't Code §§ 7920 – 7931.

F. The County, or designee, shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Chapter. (Ord. 2504. (02/22/2022))

Section 15.13.200 Enforcement of All Provisions of this Section Except Enforcement of Transfer Stations

A. Violation of all provisions of this Chapter, with the exception of Transfer Station violations, which are addressed in subsection 21 of this Section 15.13.210 , shall constitute an infraction and shall be subject to penalties of \$100.00 for a first violation; \$200.00 for a second violation of the same provision within a twelve-month (12) period and \$500.00 for a third or subsequent violation of the same provision within a twelve-month (12) period. This remedy is not exclusive and is in addition to any other remedy or penalty provided by law.

B. Any section of this Chapter may be enforced by the County, or, if agreed to, by another Enforcement Agent designated by the County.

C. In addition to the remedies set forth above, the County may pursue civil actions in the California courts to enforce this Chapter and seek costs, fines and penalties. (Ord. 2504. (02/22/2022))

Section 15.13.210 Enforcement of Transfer Stations

A. The Director of Public Works shall be designated as the Nevada County Enforcement Agent for purposes of enforcing this Chapter. Said Enforcement Agent may deputize one (1) or more employees of the department to carry out the duties of Enforcement Agent. Said Officer(s) shall be responsible for the enforcement of this Chapter and shall also be authorized to check, monitor and enforce all laws and ordinances relating to the use of the McCourtney Road Landfill, all County-run transfer stations and any other landfills which the County may hereinafter establish or acquire. The Enforcement Agent(s) is empowered to arrest any person reasonably believed to be violating this Chapter for the purpose of issuing a written notice to appear, all in accordance with the provisions of Cal. Penal Code § 836.5. The Enforcement Agent shall not be entitled to carry firearms in the performance of their duties.

B. The Enforcement Agent shall be authorized to determine whether any load brought to the County landfill or transfer station contains hazardous waste, chemical waste, commercial solid waste, construction and demolition waste, household waste, industrial waste, liquid waste, putrescible waste or yard waste.

After making such determination, said officer(s) shall be authorized to determine the appropriate site at the landfill or transfer station for disposal of such waste or any

individual items or to reject such waste as improper for disposal at any site at the landfill or any transfer station.

A regularly up-dated list of what is deemed by County to be hazardous waste shall be available at the entry point to the landfill and at all transfer stations. Such list shall serve as guidance to persons entering the landfill or transfer station but shall not be considered to be an all-inclusive and exhaustive list. County retains the right to reject any materials it deems to be hazardous or suspects might be hazardous even if such material is not itemized on said list.

C. Enforcement Agent(s) is authorized to require valid and current identification of each party requesting to dispose of waste at a landfill or transfer station and shall reject any load sought to be disposed of by a person who cannot show proof of residency in the County of Nevada.

D. Enforcement Agent(s) shall reject any load sought to be disposed of if such load is subject to a charge or fee and the person seeking to dispose of such load refuses to pay such charge or fee.

Where such charge or fee is based on the size of the load sought to be disposed of, said employees are authorized to measure the quantity of refuse or waste. Said officer shall reject any load where the person seeking to dispose of that load refuses to allow said employees to measure the load.

E. Enforcement Agent(s) shall reject any load sought to be disposed of by a commercial hauler who is more than ninety (90) days in arrears on payment of past disposal charges.

F. Waste Disposal Enforcement Agent(s) are authorized to require a person attempting to dispose of or who has already disposed of a hazardous waste product to pick up such material and remove it from the premises. Any Hazardous Waste disposal or hauling requires specific handling permitting and certification. Haulers of such materials must contact the Environmental Health Department's Hazardous Materials Division. Disposing of hot ashes or other materials which will cause fires is prohibited.

G. Any person who interferes with, delays or obstructs the Enforcement Agent(s) in the performance of their duties under this Section shall be subject to the punishment set forth in Cal. Penal Code § 148.

H. Any violation of this Section, other than the provisions of subsection G, above, shall constitute a misdemeanor; provided, however, that any violation shall be an infraction subject to the procedures of Cal. Penal Code §§ 19c and 19d when:

1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time they are 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. (Ord. 2504. (02/22/2022))

Section 15.13.220 Nuisance and Abatement

The storing, hauling, or disposal of solid wastes in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law. (Ord. 2504. (02/22/2022))

Section 15.13.230 Severability

In any case where a provision of this Chapter is found to be in conflict with a provision of any health ordinance or code enacted by any ordinance-making body within the limits of Nevada County, California, and existing on the effective date of this Chapter, the provisions which establish the higher standard for the promotion and protection of the health of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code existing within the limits of Nevada County, California, on the effective date of this Chapter which establishes a lower standard for the promotion and protection of the health of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable. (Ord. 2504. (02/22/2022))

Section 15.13.240 Trespass at Any County Waste Disposal or Treatment Facility

No person shall enter upon any County waste disposal or treatment facility property without first obtaining County's consent. Consent may be obtained by:

- A. Entering the landfill for the purpose of disposing of waste or in accordance with County ordinance or state and federal law;
- B. Logging in with the County department employee(s) responsible for the operation of the facility each time that entry for the purpose of inspection is requested. A person or persons making an inspection or touring the facility in this manner may do so only when

accompanied by an authorized employee. Reasonable notice shall be given to the Department so that arrangements can be made for an employee to be present;

C. Obtaining the permission of the Department of Public Works for repeated visits. The permission shall be in writing from the Department head and shall contain conditions and restrictions as to its use, and the visitor shall execute a signed and witnessed hold-harmless agreement.

For reasons of health and safety, no single person shall be permitted to exercise the provisions of this Section unless directly accompanied by another adult person.

The Department of Public Works is authorized by this Section to place perimeter signs on the landfill property placing all persons on notice of this Section.

Violation of this Section shall be a misdemeanor. (Ord. 2504. (02/22/2022))

Section 15.13.250 Parcel Charges—Western Nevada County

A. Charges Established—Western Nevada County.

1. Parcel charges are hereby established effective July 9, 2010, for the use of and/or disposal of refuse at the McCourtney Road Transfer Station and/or any authorized convenience station, as to all improved real property within Western Nevada County. The property benefiting from the use or the availability of the Western Nevada County Solid Waste Disposal System is generally all of that property that lies within the following County Service Areas (CSA) and tax rate areas:

CSA 1A ZONE 1: 72007; CSA 1A ZONE 2: 62024, 72042; CSA 1A ZONE 3: 62069, 72041; CSA 2: 62025; CSA 12 ZONE 1: 72012; CSA 12 ZONE 2: 72043; CSA 13 ZONE 1: 72013; CSA 13 ZONE 2: 72044; CSA 13 ZONE 3: 72045; CSA 14 ZONE 1: 72014; CSA 14 ZONE 2: 72032, 72047; CSA 14 ZONE 3: 57013, 72033; CSA 14 ZONE 4: 57014, 72034; CSA 14 ZONE 5: 57008, 57021, 72015; CSA 16: 56000, 56002, 57001, 57002, 57005, 57006, 57012, 57015, 57017, 57019, 57023, 62006, 62009, 62015, 62018, 62019, 62020, 62022, 62023, 62026, 62028, 62032, 62034, 62037, 62038, 62040, 62041, 62043, 62057, 62061, 62062, 62075, 62077, 68001, 68005, 68006, 68007, 68010, 68012, 68013, 68026, 68038, 72001, 72003, 72004, 72005, 72006, 72009, 72028, 72030, 72036, 73000, 73001, 73002, 73003, 73005, 73009, 73010, 73012, 73013, 74000, 74001, 74002, 74004, 74005, 74007, 74009, 74012, 74014, 78001, 78002, 78005, 78007, 78008, 79000, 79001, 79002, 79005, 79006, 79008, 79011; CSA 18: 57010, 57024, 72019; CSA 21: 57009, 57016, 72020, 72038, 74006, 74010; CSA 22 ZONE 1: 62045; CSA 22 ZONE 2: 62063; CSA 24 ZONE 1: 62051, 62078; CSA 24 ZONE 2: 62066, 62079; CSA 32: 01051, 01054, 01056, 01061, 01072, 01073, 01100; CSA 33: 02002, 02005, 68032

2. All improved property that uses, or for which the solid waste disposal system is available for their use, shall pay a parcel charge effective July 9, 2010:

Single-Family Residential	\$59.40 per year
Multifamily Residential (i.e., apartments, duplexes, per residential granny houses and guest unit houses)	\$46.28 per year
Mobile Homes Spaces (in mobile home parks)	\$41.44 per year per mobile home

All other developed parcels ("nonresidential parcels"): These parcels shall be charged a parcel charge at the rate of \$54.38 per ton per week based upon the actual or estimated volume (weight) of the refuse generated on the property, which volumes shall be established for each such parcel by the Department of Sanitation based upon information as may accurately establish the amount of refuse generated from the property (including but not limited to use of the records provided by the franchised hauler serving the property showing the waste disposal for the property for the current and/or preceding fiscal year). The Director of the Department of Sanitation shall set a minimum billing charge based on the cost per account to administer the billing system which is \$59.40.

3. Any nonresidential parcel which exceeds the amount of refuse that is established for the property as the basis for the calculation of the parcel charge shall be subject to the imposition of an additional charge at the rate of \$54.38 per ton per week for any additional refuse that is generated on the property. The Department of Sanitation shall be authorized and instructed to perform random reviews of the waste generation of property in order to ensure that the amount of the refuse has been appropriately and fairly determined for the property. An additional charge shall be imposed at the rate of \$54.38 per ton per week for any additional refuse generated on the property that is over the amount which was used as the basis for establishing the parcel charge.

4. Any parcel that is used for a home occupation (as that term is defined in the Nevada County zoning ordinances) that disposes of more than 1.02 tons of refuse a year shall pay an additional charge at the rate of \$54.38 per ton. Those individuals that generate both residential and commercial waste at their residential location exceeding 1.02

tons, will pay the business rate and will receive a residential credit on their nonresidential parcel charge.

5. For the purpose of this Section, a residence shall be deemed to exist and a parcel charge shall be assessed as to each residential unit on real property upon which one or more persons lives or stays thereon for thirty (30) days or more (consecutively or in the aggregate) during a twelve-month (12) period.

6. Any parcel containing a single-family residential unit as a separate structure or unit and one or more other residential units (such as a "granny" or handicapped unit, or any other structure or shelter in which people live on the property) shall pay a parcel charge for the single-family unit at the rate of \$59.40 and an additional amount of \$46.28 for each additional unit.

7. For the purpose of this Section, a parcel shall be deemed to be improved if the property is used for a purpose that customarily generates refuse and/or recyclable material during the period when the property was in use. A parcel shall also be deemed to be improved if at any time during the year a building permit exists authorizing construction on the property, or there is any construction on the property which would require the issuance of a building permit. Whenever a building permit has been issued and/or construction is undertaken for other than a single-family residence, the property shall be deemed to be improved with a nonresidential use, and the parcel charge shall be based upon an estimate of the volume of the construction and such other waste that may come from the property during the portion of the fiscal year during which the property was in use.

B. Low-Income Credits. Any owner of residential property which is situated in Western Nevada County whose personal or family income is less than or equal to the amounts established herein shall, upon application, receive a credit against the parcel charges assessed against their primary residence in the amount equal to \$59.40, said credit to be paid from solid waste parcel charge revenues. The applicant shall attest under oath as to the number of people living on the property, that he and/or she is the owner and occupier of the property for which the application is submitted, and that the applicant's income (including the income to all family members living on the property) is at or below levels which are equal to 125 percent of the federal poverty levels.

Any application made under the above provisions shall be made no later than April 30, 2011. The application shall be filed with the Director of Sanitation who shall promptly review same and determine its completeness and qualifications under the above provisions. Upon proof of payment of the parcel charge, the Director of Sanitation shall authorize the payment of the low-income credit to the qualifying property owner. In no

event shall the Director authorize any such payment until the property owner has paid in full the parcel charge on their property.

A maximum of 631 applications shall be approved effective July 9, 2010, under the provisions of this Section. The Board of Supervisors reserves the right to reduce or to eliminate the low-income credits in the event that the Board reduces the amount of the parcel charges effective July 9, 2010.

C. Adjustments to Parcel Charges.

1. Any parcel charge shall be adjusted where, upon application filed by the property owner or upon discovery by the Director of the Department of Sanitation of any erroneous calculation or classification. Applications shall be filed on or before April 14th of the fiscal year in which the parcel charge was assessed.

D. Levy and Collection.

1. The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of July 9, 2010. If any real property is improved (as defined herein) after July 9, 2010, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.
2. Upon the issuance of a building permit or such other activity constituting the "improvement" of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Sanitation shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within thirty (30) days of the date of the mailing thereof. Any such bill which is not paid within the allowed thirty (30) days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.
3. Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

E. Alternative Collection. As an alternative to the provisions of subsection (D)(3) above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill. Bills issued under the provisions of this subparagraph may be issued on a semi-

annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within sixty (60) days of the date of issuance thereof. Failure to pay any such bill when due shall result in a ten percent (10%) administrative fee attaching thereto with interest due thereon at the rate of one percent (1%) simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

F. Parcel Charges for Governmental Agencies. Parcel charges (as a form of service charges) shall be imposed as to all improved or occupied real property owned or used by any governmental agency, based upon the actual volume of refuse generated thereon that is disposed of through the County's Solid Waste Disposal System at the rate of \$54.38 per ton. As used herein, occupied real property shall include but not be limited to all parks and campgrounds. The parcel charges for governmental agencies shall be billed in two (2) installments, the first on October 1, 2010, and the second on February 1, 2011.

G. Authority to Reduce Parcel Charges and Gate Fees. In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder.

H. Exchange of Services. Notwithstanding anything to the contrary in this Section, the Board of Supervisors may allow a reduction or elimination of the disposal fees as to any public agency where said agency provides services to the County of Nevada. Any such reduction or elimination of disposal fees shall be accompanied by a mutual service agreement between the County and the other public agency reciting the service and its actual value to the County and the manner by which the services are to be delivered. If the services are not rendered for the benefit of the facility, the service agreement shall require that the Board transfer funds to the solid waste disposal budget in an amount that corresponds to the proposed reduction or elimination.

I. Authority to Reduce Parcel Charges and Gate Fees. In the event that the Board of Supervisors is able to reduce the cost of the western county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the parcel charges levied hereunder. (Ord. 2504. (02/22/2022))

Section 15.13.260 Parcel Charges—Eastern Nevada County

A. Parcel charges are hereby established effective, per the table listed below, for solid waste disposal services as provided (in whole or in part) by the County of Nevada for all real property located in County Service Area 7 (CSA 7) and tax rate areas 77004, 77005, 77007, 77009, 77014, 77025, 77029, 77030, 77032, 77034, 77043, 77038, and 77063 as follows:

Improved Single-Family/Multi-Family Residential Parcels within the unincorporated area of Eastern Nevada County:

Effective Dates	Proposed Total Parcel Charge
1/8/2016 — 6/30/2016	\$123.59 for six months
7/1/2016 — 6/30/2017	\$254.60 annually
7/1/2017 — 6/30/2018	\$262.23 annually
7/1/2018 and all future years thereafter	Annual rate to be calculated based on the producer price index for solid waste with three percent minimum and five percent maximum.

B. Any parcel for which a parcel charge has been levied under this Section and which is permanently undevelopable or unusable under the provisions of the Nevada County Zoning Ordinance may, upon application for an adjustment following the procedures set forth in Section 15.13.160 C.1, Adjustments to Parcel Charges of this Chapter, be classified as a "no use" parcel and the parcel charge shall be removed therefrom.

C. The Board of Supervisors shall review the status of the parcel charges at least every five (5) years and may adjust such charges as necessary to align revenues and expenditures.

D. Levy and Collection.

1. The parcel charges as established by this Section shall be imposed as to all improved real property which exists as of January 8, 2016. If any real property is improved (as defined herein) after January 8, 2016, a parcel charge shall be imposed as to such property as of the date of such improvement on a pro-rata basis.

2. Upon the issuance of a building permit or such other activity constituting the "improvement" of the property (as defined herein), a parcel charge shall be calculated and imposed thereon in accordance with the provisions of this Section. The Director of the Department of Public Works shall send the property owner a separate bill reflecting the levy of the parcel charge on any such property and all such bills shall be paid within thirty (30) days of the date of the mailing thereof. Any such bill which is not paid within the allowed thirty (30) days shall be delinquent and shall be subject to the penalties and procedures for collection as set out herein.

3. Unless otherwise provided for herein or by any other law, the parcel charges established under this Section may be billed and collected at the same time and in the same manner as provided for real property taxes and shall incur the same penalties and interest thereon as provided for property taxes, and delinquencies may be enforced and collected in the same manner as for property taxes.

E. Alternative Collection. As an alternative to the provisions of subparagraph B.3 above, at the direction of the Board of Supervisors, or where required by law, the Department of Sanitation shall bill any or all of the parcel charges established by this Section through the use of a separate billing process. In the event that the parcel charges are billed through a separate billing process, the Department may add an additional cost to the bill to cover the cost of using the separate billing, in an amount not to exceed \$2.00 for each bill.

Bills issued under the provisions of this subparagraph may be issued on a semi-annual, quarterly or yearly basis and shall reflect the pro-rata charge for the billing period selected. All bills shall be due and payable within sixty (60) days of the date of issuance thereof. Failure to pay any such bill when due shall result in a ten percent administrative fee attaching thereto with interest due thereon at the rate of one percent simple interest per month. The Director shall pursue collection of all delinquent bills in any lawful manner deemed appropriate.

Notwithstanding any other provision herein, any bill which has not been timely paid and remains delinquent by June 1st of the fiscal year in which the bill was issued shall remain as a responsibility of the property owner and shall be collected by either placing the charge on the property tax roll for the following fiscal year, as authorized by law, or shall be submitted to the County's Collection Department.

F. Authority to Reduce Parcel Charges and Gate Fees. In the event that the Board of Supervisors is able to reduce the cost of the eastern county solid waste disposal system, the Board of Supervisors reserves the right to proportionately reduce the amount of the

parcel charges levied hereunder. (Ord. 2403. (12/08/2015); Ord. 2412. (06/14/2016); Ord. 2504. (02/22/2022))

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or any other County ordinance establishing charges and/or fees for the landfill shall be commenced within thirty-five (35) days of the date of the adoption thereof, or from the date of any subsequent amendment thereto. (Ord. 1715. (06/04/1991); Ord. 2504. (02/22/2022))

Section 15.13.270- Statute of Limitations.

Any judicial action or proceeding to attack, review, set aside, void or annul this ordinance or any other County ordinance establishing charges and/or fees for the landfill shall be commenced within 35 days of the date of the adoption thereof, or from the date of any subsequent amendment thereto.

(Ord. 1715. (06/04/1991); Ord. 2504. (02/22/2022))

TITLE 16: ROADS, STREETS, VEHICLES and TRAFFIC
CHAPTER 1: UNIFORM SYSTEM FOR ADDRESSING

Sections:

Section 16.01.010	Purpose and Intent
Section 16.01.020	Uniform System Established
Section 16.01.030	Base Lines Established and Numbering Relative Thereto
Section 16.01.040	Addresses Assigned
Section 16.01.050	Exemptions of Certain Communities and Developments
Section 16.01.060	Address Standards
Section 16.01.070	Posting Required for Building Permits
Section 16.01.080	Duty of Property Owners
Section 16.01.090	Penalty for Failure to Post Addresses

Section 16.01.010 Purpose and Intent

It is the purpose and intent of this Section to provide a uniform and consistent system of numbering primary buildings and properties within the unincorporated County to facilitate the location of property for emergency service providers, property identification and mail service purposes. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.020 Uniform System Established

There is hereby established a uniform system for numbering all separate buildings developed on land and all primary and secondary houses fronting on all streets, avenues and public ways in the unincorporated area of the County of Nevada. All such buildings shall be numbered in accordance with the provisions of this Chapter. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.030 Base Lines Established and Numbering Relative Thereto

For the purpose of this Section, there are hereby established base lines for the numbering of buildings for the western and eastern parts of the County of Nevada.

All numbering shall commence and increase in magnitude to the north, south, east and west of the intersection of the base line.

A. WESTERN NEVADA COUNTY

1. State Highway 49 shall constitute the north/south base line and roads extending east and west of that highway shall carry address numbers indicating location east or west of that base street.

2. State Highway 20 shall constitute the east/west base line and roads extending north and south of that highway shall carry address numbers indicating location north and south of the base street.

B. EASTERN NEVADA COUNTY

1. State Highway 267 and State Highway 89 (north of Interstate 80) shall constitute the north/south base line for numbering.
2. Donner Pass Road from Soda Springs to Bridge Street in downtown Truckee shall constitute the east/west base line. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.040 Addresses Assigned

A. The numbering of all buildings or parcels on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand numbers per mile, or one (1) number for every 5.28 feet.

B. All address numbers assigned within the unincorporated portion of the County shall consist of five (5) digits except as exempted in Section 16.01.050 of this Chapter.

C. All buildings on the south and east sides of a street shall bear odd numbers. All buildings on the north and west sides of each street shall bear even numbers.

D. Addresses shall be assigned on the basis of the driveway access location.

E. Where any building has more than one entrance serving separate occupants, separate numbers shall be assigned to each entrance serving a separate occupant.

F. Where only one number can be assigned to any house or building, and the owner, occupant or agent of such building desires distinctive numbers for any portion of the building fronting on any street or public way, suffixes (A), (B), (C), etc., may be assigned.

G. The Planning Department shall be responsible for the assigning of address numbers within the unincorporated territory of the County of Nevada. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.050 Exemptions of Certain Communities and Developments

The Board of Supervisors may recognize communities or developments having established separate and distinct numbering systems and, upon a majority vote, may

authorize alternative numbering systems for such communities or developments. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.060 Address Standards

A. Address identification shall be provided pursuant to the Cal. Code Regs. Tit. California Fire Code, Part 9, Chapter 5 Fire Service Features, Section 505 Premises Identification.

B. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

C. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out.

D. All address signs shall have minimum four (4") inch high numerals with a minimum one-half (0.5") inch stroke and be mounted or placed on a background with contrasting colors.

E. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

F. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

G. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.

H. Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.

I. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, as provided in Sec. 16.01.070 below. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.070 Posting Required for Building Permits

All new building permits of any kind will require the posting of street signs in accordance with Section 16.02 of this Chapter, and addresses in the following manner:

A. The address shall be posted at the building site as part of the framing inspection, and on the main building or on the property in the vicinity of the main building prior to final inspection.

B. If the structure and/or address sign is not visible from the driveway intersection with the access road, the number shall be posted at that intersection. When posted at the driveway intersection it shall be visible from both directions of travel. Address signs for one-way roads shall be visible from the direction of travel. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.080 Duty of Property Owner

In order to preserve the continuity and uniformity of numbering of houses, buildings and structures, it shall be the duty of the owner or their agent to procure the correct number or numbers for such property, as designated by the County Planning Department or responsible agency. Once assigned, they shall be installed and maintained pursuant to the standards contained in 16.01.060 and 16.01.070. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.01.090 Penalty for Failure to Post Addresses

Any person, whether as principal, agent or employee, failing or refusing to display proper numbers after notice of such has been given in accordance with this Section, or willfully displaying or permitting to be displayed any improper number after aforesaid notice shall be subject to an infraction pursuant to the provisions contained in this Code. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

CHAPTER 2: UNIFORM SYSTEM FOR ROAD NAMING

Sections:

- Section 16.02.010 Purpose and Intent**
- Section 16.02.020 Definitions**
- Section 16.02.030 Uniform System Established**
- Section 16.02.040 Road Naming Standards**
- Section 16.02.050 Posting of Named Roads**
- Section 16.02.060 Changing a Road Name**

Section 16.02.010 Purpose and Intent

The purpose and intent of this Section is to provide a uniform system for the naming of public and private roads within the County of Nevada consistent with road naming standards of the incorporated cities and town located within the County of Nevada.

This Chapter is intended to provide clarification of road naming policies and procedures and to assist emergency providers in locating properties. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.02.020 Definitions

- A. Driveway: Vehicular access constructed pursuant to, Title 4, Fire Safety Regulations, of this Code that serves no more than two (2) parcels with no more than two (2) dwelling units on each and any number of accessory buildings.
- B. Public Road: Vehicular access constructed pursuant to Title 4, Fire Safety Regulations, that serves more than two (2) parcels or connects two (2) or more roads, whether providing access or not, and is within the County maintained road system.
- C. Private Road: Vehicular access constructed pursuant to Title 4, Fire Safety Regulations, of this Code that serves more than two (2) parcels or connects two (2) or more roads, whether providing access or not, and is not within the County maintained road system.
- D. Standard Drawings: The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.02.030 Uniform System Established

- A. The County Planning Department shall maintain records of all public and private roads within the County and shall process such names in accordance with procedures established in this Chapter.
- B. The Planning Commission of the County shall report and recommend to the Board of Supervisors the naming of new County-maintained roads within the County.

- C. Tentative maps approved by the Planning Agency shall contain conditions of approval which require the naming and posting of new roads, pursuant to the provisions established for the naming of roads in this Chapter.
- D. All Roads as defined above shall be named. (Ord. 2474. (01/14/2920); Ord. 2531. (10/24/2023))

Section 16.02.040 Road Naming Standards

- A. Road names should be no longer than fourteen (14) letters (exclusive of street, avenue, road, etc.) and preferably in one word.
- B. Road names shall have simple spelling and easy pronunciation.
- C. Numbers or letters used as road names are to be avoided.
- D. Inappropriate or offensive names will not be permitted.
- E. Road names identical, or sounding similar (“Karry” and “Carrie”), to others within the County will not be permitted.
- F. Road names will be deemed duplicates even if they have a different suffix such as boulevard, lane, avenue, street, etc.
- G. Road names which would be geographically misleading in regards to physical location, place or landmark are to be avoided (i.e., Lakefront Drive should be located along a lake front).
- H. A road having a continuous alignment shall bear the same name.
- I. Road extensions shall bear the same name as the existing road.
- J. Roads intersecting each other or forming an angle of less than 110 degrees shall generally have different names.
- K. Prefixes such as north and south, east and west, upper and lower, etc., should be avoided.
- L. Dead end roads or cul-de-sacs that are less than 800 feet shall be known as “Courts” or “Places.”
- M. All roads which come off a named road and re-access onto that named road may be known as “Loops” or “Circles.” (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.02.050 Posting of Named Roads

- A. County maintained roads shall be posted by the Department of Public Works, pursuant to the County’s Standard Drawings.

- B. It shall be the responsibility of the property owner(s) to post non-County or State-maintained road names.
- C. Road name signs shall be located so as to be visible from the street. Such signs shall be located at the convergence of the road with another named road. Posts shall be set six (6) to twelve (12) feet off the traveled way or two (2) feet from curb or dike face. The base of the street sign shall be a minimum of seven (7) feet above the plane level with the edge of the traveled way.
- D. All non-County or non-State-maintained roads/driveways requiring a name shall be posted as a requirement of the issuance of any building permit for any use taking access from that road/driveway.
- E. All addresses and road name signs shall be inspected for proper installation at the framing inspection of the subject building permit by the Building Inspector. The type, style and size of the private road name signs shall be in accordance with the County's Standard Drawings.
- F. As a condition of approval of any tentative map, a road or driveway providing access to two or more lots shall be named and posted prior to map recordation.
- G. Where two (2) to four (4) existing lots are served by an existing, common road or driveway identification may be provided by one of the following methods:
 - 1. Name and post the access driveway or road, or
 - 2. Post the addresses for all lots at the common intersection of the driveway and the road providing access to said driveway. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.02.060 Changing a Road Name

- A. County road name changes shall require a public hearing before the Planning Commission.
- B. Non-County road name changes shall be reviewed and approved by the Planning Department.
- C. Any decision of the Planning Department or Planning Commission may be appealed to the Board of Supervisors pursuant to 12.05.120 of this Code.
- D. A road name change may be approved for any of the following reasons:
 - 1. An existing road name is a duplication of another road name within either the Eastern or Western portion of the County.
 - 2. The location or direction of a named road changes or is shown incorrectly on County maps.
 - 3. An existing road name is determined to be contrary to road naming procedures established in this Chapter. (Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

CHAPTER 3: MOTOR VEHICLES AND TRAFFIC: SPEED LIMITS, PARKING AND CONTROL OF VEHICLES

Sections:

- Section 16.03.010 Fifteen Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16. 03.020 Twenty Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16. 03.030 Twenty-five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16.03.040 Thirty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.050 Thirty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted**
- Section 16.03.060 Forty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.070 Forty-Five Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.080 Fifty Miles Per Hour Prima Facie Speed Limit Established**
- Section 16.03.090 Parking Prohibitions**
- Section 16.03.100 Erection of Signs Prohibiting Parking**
- Section 16.03.110 Bus Zones - “Bus” Defined**
- Section 16.03.120 Bus Zones - Established**
- Section 16.03.130 Parking Prohibitions - Erection of Signs Giving Notice Thereof**
- Section 16.03.140 Snow Emergency Routes - Generally**
- Section 16. 03.150 Parking During Snow Removal Operations Prohibited**
- Section 16.03.160 Authority for the Removal of Parked Vehicles**

- Section 16.03.170 Parking During Snow Removal Prohibited - Penalty**
- Section 16.03.180 Parking at the Grass Valley and Nevada City Veterans' Buildings**
- Section 16.03.190 Skateboard Prohibitions**
- Section 16.03.200 Skateboard Prohibitions - Erection of Signs**
- Section 16.03.210 Skateboard Prohibition Penalty**
- Section 16.03.220 Prohibiting the Parking or Storing of Vehicles in Excess of Seventy- Two (72) Consecutive Hours on County Roads**
- Section 16.03.230 Traffic Control Regulations and Devices on County Roads**
- Section 16.03.240 Speed Limits Where Persons at Work**
- Section 16.03.250 Reserved Parking - Jurors**
- Section 16.03.260 Golf Carts on County Roads**
- Section 16.03.270 Traffic Signs in Lake of the Pines and Lake Wildwood Subdivisions**
- Section 16.03.280 Prohibition of Parking in No Parking Zones**
- Section 16.03.290 Ten Miles Per Hour Speed Limit in County Parking Facilities**
- Section 16.03.300 Enforcement of Parking Regulations**
- Section 16.03.310 Tow Away Procedures for Parking Violations**

Section 16.03.010 Fifteen Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be fifteen miles per hour; and such prima facie speed limit of fifteen (15) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada 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 prima facie speed limit as declared and established by this Section.

1. Washington Road, 1 mile segment at town.

Section 16.03.020 Twenty Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be twenty (20) miles per hour; and such prima facie speed limit of twenty (20) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada 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 prima facie speed limit as declared and established by this Section. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

Within the Grand View Terrace Subdivision as listed below:

Pleasant Valley Road from 2.41 miles north of Bitney Springs Road to 4.02 miles north of Bitney Springs Road (1.61 miles).

Section 16.03.030 Twenty-five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted

The prima facie speed limits on certain portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be twenty-five (25) miles per hour. Furthermore, the Director 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 prima facie speed limit as declared and established by this Section. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

Roads and highways affected include:

1. Banner Lava Cap Road extending from 0.8 miles east to 1.3 miles east of Idaho-Maryland Road.
2. Banner Quaker Hill Road from 300 ft. westerly of Pasquale Rd. (West) to 200 feet easterly of Summit Ridge Drive (East).
3. Polaris Drive from 0.3 mile South of McCourtney Road to 1.45 miles South of McCourtney Road.

4. Cement Hill Road from 0.1 mile northwest of Highway 49 to 0.5 mile northwest of Highway 49. {not in Willaura Acres subdivision}
5. Alta Sierra Drive from Highway 49 to 500 east of Little Valley Road.
6. Walker Drive (including a portion of Alpine Lane) from Squirrel Creek Road to Butler Road.
7. Gold Hill Drive, entire length.
8. Footwall Drive, entire length.
9. Silver Way, entire length.
10. Copper Drive, entire length.
11. Hanging Wall Drive, entire length.
12. Mercury Drive, entire length.
13. Partridge Drive, entire length.
14. Terrace Pines, entire length.
15. Grass Valley Avenue, entire length.
16. Nevada City Avenue, entire length.
17. Charles Drive, entire length.
18. Gold Country Drive from Pleasant Valley Road to Lodestone Court (0.68 miles).
19. Alta Vista Avenue, entire length.
20. Adams Avenue from Squirrel Creek Road northerly to Rough and Ready Highway.
21. Bragg Avenue, entire length.
22. Wheeler Acres Road, entire length.
23. Mount Olive Road from Highway 174 to Miranda Drive.
24. Rough and Ready Highway and Adam Avenue along the frontage with 10085 Adam Avenue, a school zone when children are present. (Ord. 2469. (08/27/2019); Ord. 2443. (Adopt. 10/10/2017, Eff. 11/09/2017); Ord. 2440. (09/12/2017); Ord. 2400. (10/27/2015); Ord. 2387. (10/28/2014); Ord. 2378. (04/10/2014); Ord. 1680. (11/13/1990); Ord. 2526. (06/13/2023))
25. Pasquale Road from the intersection of Red Dog Road on the west to the first intersection with Banner Quaker Hill Road on the east.
26. Soda Springs Road from Donner Pass Road to the Placer County line between November 1 and April 1.
27. Squirrel Creek Road from Rough and Ready Highway to Shockley Road.
28. Pittsburg Road, entire segment. of Pittsburg Road.
29. Willow Valley Road, City limits to 0.85 miles east of the city limits.
30. Meadow Drive for its entire length south from Highway 174.
31. Entire length of Crystal Wells Road.
32. Red Dog Road from Cedar Springs Road east 1.1 miles.
33. Boulder Street from the easterly city limits of the City of Nevada City to its intersection with Red Dog Road.
34. Red Dog Road from its intersection with Boulder Street to the intersection of Park Avenue Extension (formerly known as Murchie Road).

35. East Empire Street from the Grass Valley City Limit to State Highway 174.
(Length 0.82 mile).
36. Lake Vera-Purdon Road from North Bloomfield Road to Rock Creek Road(0.5 miles).

Within the Alta Sierra Subdivision as listed below:

37. Tammy Way
38. Gary Way
39. Agnes Way
40. Aileen Way
41. Alexandra Way
42. Anona Court
43. Alice Way
44. Alioto Drive
45. Angelina Way
46. Annie Drive
47. Avern Way
48. Lower Circle
49. Betty Way
50. Barde Court
51. Bernadine Court
52. Carrie Drive from Dog Bar to Gary Way.
53. Cathy Drive
54. Upper Circle
55. Crotty Court
56. Charles Way
57. Curtis Court
58. Connie Drive
59. Darlene Court
60. David Way
61. Dennis Way
62. Ernest Court
63. Elizabeth Way
64. Edward Drive
65. Francis Drive (from west intersection with Alta Sierra Drive to Ball Road)
66. Fay Road
67. Geneva Court
68. George Way
69. Grace Court
70. Hensen Way
71. Horace Drive
72. Hanley Drive
73. Hackett Court

- 74. Joann Way
- 75. Joey Court
- 76. Judith Court
- 77. Jamie Lee Court
- 78. Joseph Court
- 79. Juanita Court
- 80. Janet Way
- 81. Jody Court
- 82. Jon Eric Court
- 83. John Way
- 84. Lawrence Way
- 85. Low Court
- 86. Laurrine Way
- 87. Iola Way
- 88. Lorie Drive
- 89. Lena Court
- 90. Michael Way
- 91. Marion Way
- 92. Meyer Way
- 93. Marilyn Court
- 94. Nancy Way
- 95. Names Drive
- 96. Norager Way
- 97. Norvin Way
- 98. Oscar Drive
- 99. Pamela Drive
- 100. Pammy Way
- 101. Penny Court
- 102. Patricia Way
- 103. Ragan Way
- 104. Robert Court
- 105. Ricky Court
- 106. Ruth Court
- 107. Rainbow Road
- 108. Shana Way
- 109. Sharon Way
- 110. Sandra Court
- 111. Sunset Way
- 112. Sean Way
- 113. Sky Pines Way
- 114. Scott Way
- 115. Stinson Drive
- 116. Tony Court

117. Troy Court
118. Tina Court
119. Thiel Way
120. Tippy Way
121. Terren Court
122. Thorncroft Way
123. Timothy Way
124. Virginia Way
125. Wallis Drive
126. West View Way
127. Alta Sierra Drive between a point 500 feet east of Little Valley Road to Ball Road.

Within the Cascade Shores Subdivision as listed below:

128. Aurora Close
129. Gaston Drive
130. Spanish Lane
131. Cascade Drive
132. Summit Ridge Drive
133. Sargent and Jacobs Dr.
134. Mountain View Drive
135. China Close
136. Baltic Close Drive
137. Lake Lane
138. Sadie D. Drive
139. Arctic Close
140. Little York Close
141. Nugget Street
142. Gas Canyon Road
143. Cascade Loop
144. Banner Quaker Hill Road from 300 ft. westerly of Pasquale Rd. (West) to 200 feet easterly of Summit Ridge Drive (East).

Within the Willaura Acres Subdivision as listed below:

145. Vintage Drive, the County maintained portion which extends from the intersection with Lime Kiln Road West to Harvest Way and North to Autumn Way.
146. Autumn Way, entire length.
147. Harvest Way, entire length.
148. Brewer Road from Gary Way to Sandra Court (length of 3,000 feet).
149. Burma Road, entire length (0.93).

Section 16.03.040 Thirty Miles Per Hour Prima Facie Speed Limit Established

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be thirty (30) miles per hour; and such prima facie speed limit of thirty (30) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada 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 prima facie speed limit as declared and established by this Section.

1. Alta Sierra Drive from Ball Road to the East Intersection of Francis Drive. (Length 1.9 miles).
2. You Bet Road from State Highway 174 to the Greenhorn Bridge.
3. Norlene Way from Alta Sierra Drive to Tammy Way and from 800 feet south of Lawrence Way to 6,950 feet south of Lawrence Way.
4. Cement Hill Road from 2.1 miles northwest of Highway 49 at Gochine Drive 0.5 miles northwest to 2.6 miles northwest of Highway 49 at Applewood Lane.
5. Little Valley Road (north) from Alta Sierra Drive to Highway 49.
6. Scotts Flat Road from Highway 20 to 1.82 miles southwest to the end of pavement just east of Scotts Valley Road.
7. Banner Ridge Lava Cap Road from Nevada City Highway to 1 mile southeast.
8. Rattlesnake Road from 1.8 miles south of Highway 174 to Wheeler Cross Road (1.2 miles).
9. North Bloomfield Road from Lake Vera-Purdon Road to 0.8 miles north of Cooper Road (3.5 miles).
10. Allison Ranch Road from the Grass Valley City limits to Highway 49.
11. Cement Hill Road from Applewood Lane to end of the road.
12. Rattlesnake Road extending from Dog Bar Road to Wheeler Cross Road.
13. Donner Pass Road between November 1 and April 1 from Placer/Nevada County Line to Brennan Avenue (0.9 miles).
14. Mount Olive Road from Miranda Drive to Rolphholm Road. (Ord. 2443. (Adopt. 10/10/2017, Eff. 11/09/2017); Ord. 1721. (06/25/1991); Ord. 2526. (06/13/2023))

Section 16.03.050 Thirty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be thirty-five (35) miles per hour; and such prima facie speed limit of thirty-five (35) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of the Department of Public Works of the County of Nevada 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 prima facie speed limit as declared and established by this Section.

County roads and highways which are affected by this Section include the following:

1. Ridge Road from 0.34 mile east of Rough & Ready Hwy to Hughes Rd. (1.11 miles) and from Grass Valley City Limits (0.52 mile east of Hughes Rd.) to Nevada City Hwy (1.62 miles).
2. Alta Street from the city limits of the City of Grass Valley, northwesterly to the intersection of Alta Street with Ridge Road.
3. Donner Pass Road from the easterly end of the Soda Springs Interchange at Interstate 80 to a point 2.9 miles easterly.
4. Rough and Ready Rd. from Rough and Ready Highway to 1.4 miles northwesterly.
5. Penn Valley Drive from a point approximately 800 feet easterly of the Spenceville Rd. intersection with Penn Valley Drive to a point approximately ten (10) feet west of the eastern intersection of Easy St. and Penn Valley Drive.
6. Greenhorn Rd. from Brunswick Rd. to a point four miles east of Brunswick Road.
7. Alta Sierra Drive from the east intersection of Francis Drive to Dog Bar Road.
8. Norlene Way from Tammy Way to 800 feet south of Lawrence Way and from 6,950 feet south of Lawrence Way to Patricia Way.
9. Banner Ridge Lava Cap Road from 1 mile southeast of Nevada City Highway to 0.8 miles east of Idaho-Maryland Road.
10. Entire segment of Ball Road.
11. McCourtney Road, city limits to Auburn Rd. (.35 mile).
12. East Bennett Street, city limits to 0.4 miles east.
13. Willow Valley Rd., 0.85 miles east of city limits to 1.85 miles east of city limits.
14. Nevada City Highway from the city limits of Grass Valley to the city limits of Nevada City.
15. Magnolia Rd. from intersection with Combie Rd. to 0.1 miles east.
16. Francis Drive from Ball Road to Alta Sierra Drive at its easterly intersection.
17. Red Dog Road from Park Avenue Extension to Cedar Springs Road.
18. Prosser Dam Road from 1.3 miles east of Highway 89 to 2.0 miles east of Highway 89.
19. Loma Rica Drive from Brunswick Road to the end of the County maintained portion of the road (length 1.4 miles).
20. LaBarr Meadows Road from State Highway 49 to Dog Bar Road. (Length 1.25 miles).
21. Idaho-Maryland Road from 1.0 miles east of Brunswick Road to Banner Lava Cap Road.
22. Quaker Hill Cross Road from Red Dog Road to Banner Quaker Hill Road.

23. Polaris Drive from McCourtney Road to 0.3 mile south of McCourtney Road.
24. Gracie Road from Banner Mountain Trail 0.4 mile to the Nevada City Limit (450 feet south of Gold Flat Road).
25. Cement Hill Road from the NID Ditch at West Piper Lane 0.5 miles northwest of Highway 49 1.6 miles northwest to 2.1 miles northwest of Highway 49 at Gochine Drive.
26. North Bloomfield Road from 0.8 miles north of Cooper Road to 0.2 miles south of Rock Creek Road (1.8 miles).
27. North Meadow View Drive, entire length (0.57).
28. Lake Vera-Purdon Road from Rock Creek Road to New Rome Road (1.0 miles).
29. Banner Quaker Hill Road from Quaker Hill Cross Road to 0.3 miles east of Quaker Hill Cross Road.
30. Rough and Ready Highway from Grass Valley City Limits to 225 feet west of Squirrel Creek Road; from 650 feet east of Mills Road to 600 feet west of West Drive; and from 900 feet west of Ponderosa Way to Rex Reservoir Road.
31. East Bennett Road from Brunswick Road to 0.4 miles east of Grass Valley city limits.
32. Lime Kiln Road from Highway 49 to 2.1 miles west; curve warning signs to be installed.
33. Pleasant Valley Road from 1.85 miles north of Bitney Springs Road to 2.41 miles north of Bitney Springs Road (0.56 mile).
34. Dog Bar Road from Carrie Drive to Taylor Crossing Road (3.46 miles).
35. Red Dog Road from Hornbrook Road to Banner Quaker Hill Road.
36. Jones Bar Road from Newtown Road to Yuba Crest Drive.
37. Lower Colfax Road extending from Powerline Road to Laws Ranch Road.
38. East Lime Kiln Road from Highway 49 to Karen Drive (0.28 mile).
39. Lake Vera Purdon Road from New Rome Road to Round Mountain Ranch Road (1.44 miles).
40. Dalewood Way from Braemer Way to 0.14 miles south.
41. Golden Star Road from Alison Ranch Road to Norambagua Lane.
42. Squirrel Creek Road from Shockley Road to Toad Lane.
43. Rough and Ready Highway from Rex Reservoir Road to Valley Drive.
44. Oak Tree Road from Tyler Foote Crossing Road to Wampum Way (1.2 miles).

(Ord. 2493. (06/22/2021); Ord. 2457. (12/11/2018); Ord. 2449. (05/22/2018); Ord. 2440. ((Adopt. (09/12/2017), Eff. (10/12/2017))); Ord. 2372. (12/10/2013); Ord. 2369. (11/07/2013); Ord. 2342. (09/13/2011); Ord. 1811. (11/24/1992); Ord. 1780. (05/26/1992); Ord. 1729. (07/16/1991); Ord. 2526. (06/13/2023))

Section 16.03.060 Forty Miles Per Hour Prima Facie Speed Limit Established

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be forty (40) miles per hour.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on portions of the various County roads and highways described in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Duggans Road, entire length (Lime Kiln Road to Wolf Road 1.89 miles).
2. Bitney Springs Road from Rough and Ready Highway to 3.0 miles north.
3. Lime Kiln Road from 2.1 miles west of Highway 49 to McCourtney Road; curve warning signs to be installed.
4. Brewer Road from Sandra Court to the end of the County maintained portion.
5. Rattlesnake Road from Highway 174 to 1.8 miles south.
6. Indian Springs Road from Penn Valley Drive to Spenceville Road (1.95 miles).
7. Pleasant Valley Road from 7.12 miles north of Bitney Springs Road to Highway 49 (1.8 miles).
8. Auburn Road from McCourtney Road 2.05 miles south.
9. Spenceville Road from Penn Valley Drive to Indian Springs Road (1.6 miles).
10. Tyler Foote Crossing Road from Old Mill Road to Lake City Road.
11. Dog Bar Road extending from Lodestar Drive to Magnolia Road.
12. Wolf Road extending from Highway 49 to Duggans Road.
13. Lower Colfax Road extending from Laws Ranch Road to Rattlesnake Road.
14. Newtown Road extending from Highway 49 to Bitney Springs Road.
15. McCourtney Road from Banner Grange Hall (1.25 miles) to South Ponderosa Way.
16. McCourtney Road Wolf Mountain Road to Indian Springs Road.
17. McCourtney Road 1.3 miles south of Indian Springs Road to 2.2 miles south of Indian Springs Road.
18. Magnolia Road from 0.10 miles east of Combie Road to 1.78 miles east of Combie Road.
19. Combie Road from Magnolia Road to Robles Road (2.8 miles).
20. Combie Road from State Highway 49 to Magnolia Road (0.82 miles).
21. Spenceville Road from Indian Springs to the end of the County maintained portion (1.74 miles). (Ord. 2493. (06/22/2021); Ord. 2375. (01/14/2014))

Section 16.03.070 Forty-Five Miles Per Hour Prima Facie Speed Limit Established

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be forty-five (45) miles per hour.

Furthermore, the Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect, or cause to be erected, appropriate signs on portions of the various County roads and highways described in this Section, giving notice of the prima facie speed limit as declared and established by this Section.

1. Mooney Flat Road, from the intersection of State Highway 20 to Northerly U.S. Army Corps of Engineers, Englebright Marina Entrance.
2. LaBarr Meadows Road from Grass Valley city limits to the intersection with Dog Bar Road.
3. Dog Bar Road from LaBarr Meadows to Alta Sierra Drive. (Ord. 1874. (09/27/1994))
4. Pleasant Valley Road from State Highway 20 to 5.1 miles north.
5. Prosser Dam Road from Highway 89 to 1.3 miles east of Highway 89.
6. Ridge Road from Rough and Ready Highway to 0.34 mile East (0.34 mile).
7. Penn Valley Drive from the eastern intersection with Highway 20 to 800 feet east of Spenceville Rd.
8. Penn Valley Drive from the intersection with Pleasant Valley Road to the west side of the eastern intersection of Easy Street.
9. McCourtney Road starting at 2.2 miles south of Indian Springs Road and extending to Lime Kiln Road (a length of 2.9 miles).
10. Gracie Road from Banner Lava Cap Road 1.06 mile to Banner Mountain Trail.
11. Rough and Ready Highway from 225 feet west of Squirrel Creek Road to 650 feet east of Mills Road; and from 600 feet west of West Drive to 900 feet west of Ponderosa Way.
12. Karen Drive from East Lime Kiln Road to Alexandra Way (0.73 miles).
13. Oak Tree Road from Wampum Way to State Route 49 (1.6 miles).
14. Washington Road extending from Highway 20 to 1.4 miles north.
15. Donner Pass Road between April 2 and October 31 from Placer/Nevada County Line to Brennan Avenue (0.9 miles).
16. Brunswick Road from Towntalk Road to 0.28 miles to the south.
17. Rough and Ready Highway from Valley Drive to State Route 20.
18. McCourtney Road from South Ponderosa Way to Wolf Mountain Road.
19. McCourtney Road from its intersection with Indian Springs Road to 1.3 miles south of Indian Springs Road.
20. McCourtney Road from Auburn Road to Banner Grange Hall.

(Ord. 2493. (06/22/2021); Ord. 2457. (12/11/2018); Ord. 2449. (05/22/2018); Ord. 2526. (06/13/2023))

Section 16.03.080 Fifty Miles Per Hour Prima Facie Speed Limit Established

The prima facie speed limits on the following described portions of various County roads and highways, after an engineering and traffic survey, are hereby determined to be fifty (50) miles per hour, and such prima facie speed limit of fifty (50) miles per hour on such County roads and highways is hereby established.

Furthermore, the Director of Public Works of the County of Nevada 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 prima facie speed limit as declared and established by this Section.

1. Brunswick Road from 0.1 miles northwest of Loma Rica Road to State Route 174.
2. Tyler Foote Road from Highway 49 to Oak Tree Road.

Section 16.03.090 Parking Prohibitions

A. No vehicle shall be parked at any time upon the traveled portion being approximately twenty-four (24) feet wide, of the Soda Springs Road from the southerly end of the bridge crossing the spillway from Van Norden Lake thence southerly to the Nevada-Placer County boundary.

B. No vehicle shall be parked at any time upon the County right-of-way used for Dog Bar Road for a distance of one thousand five hundred feet from the bridge crossing Bear River.

C. No vehicle shall be parked at any time upon the traversed portion of Newtown Road from State Highway 49 to 500 feet southwest on Newtown Road.

D. The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to erect or cause to be erected, appropriate signs on various County roads and highways described in this Code, giving notice of the prohibition of parking as declared and established by Section 16.03.070.

E. No vehicle shall be parked at any time upon the County right-of-way from 1,200 feet south of the Yuba River Bridge on Pleasant Valley Road at the South Yuba State Park to 500 feet north of the Yuba River Bridge on Pleasant Valley Road at the South Yuba State Park. No vehicle shall be parked at any time upon County right-of-way in designated no parking zones on Purdon Road, both sides of Purdon Bridge, nor on North Bloomfield-Graniteville Road, both sides of the Edwards Crossing Bridge.

F. No vehicle shall be parked between the hours of 8 a.m. and 4 p.m. on school days upon the County right-of-way on Via Vista between Ridge Road and 200 feet east of its intersection with Echo Ridge Drive.

G. No vehicle shall be parked at any time upon the County right-of-way in designated no parking zones, and between 10p.m.-5a.m. where indicated by “NO PARKING 10p.m.-5a.m.” signs, on Old Downieville Highway from Cedro Road to the Nevada City limit and Champion Road from Newtown Road to Old Downieville Highway. (Ord. 2451. (06/26/2018); Ord. 2446. (01/23/2018); Ord. 2497. (10/12/2021); Ord. 2526. (06/13/2023))

Section 16.03.100 Erection of Signs Prohibiting Parking

The provisions of the preceding section shall be effective when appropriate signs giving notice thereof are erected upon such street.

The Road Commissioner of the County is hereby authorized and directed to erect and maintain or cause to be erected and maintained appropriate signs on such street giving notice of the provisions of this and the preceding section and in accordance with the requirements of the California Vehicle Code.

Section 16.03.110 Bus Zones - “Bus” Defined

The word “bus” as used in Sections 16.03.100 and 16.03.110, shall mean any motorbus, motor coach or passenger stage used as a common carrier of passengers.

Section 16.03.120 Bus Zones - Established

A bus zone for the purpose of loading or unloading buses or common carriers of passengers is hereby established and described as follows:

- A. Beginning at the intersection of the northerly line of Commercial Row (State Highway Road III-Nev-38-A) with the easterly property line of Bridge Street (State Highway Road III-Nev-83-A); thence easterly along said northerly line of Commercial Row 180 feet to a point Town of Truckee.
- B. No person shall stop, stand by or park any vehicle except a bus in a bus zone.
- C. Sections 16.03.100 and 16.03.110 shall be of no force or effect unless the locality described herein is either signposted or appropriately marked in the manner provided in Cal. Veh. Code § 21458 to give warning of the prohibition against such stopping, standing or parking, there is not a violation of this Code.

Section 16.03.130 Parking Prohibitions - Erection of Signs Giving Notice Thereof

The Road Commissioner of the County is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on the street referred to

in the preceding section, giving notice of the provisions of such section and in accordance with the requirements of the California Vehicle Code.

Section 16.03.140 Snow Emergency Routes - Generally

It is necessary and for the health, safety and welfare of the people of the County that the County roads as defined in Cal. Sts. & High. Code § 25 within the County be kept clear of snow and other obstructions.

Vehicles parked on the rights-of-way of said highways during the process of snow removal by the County cause an obstruction and an impediment to such operations of snow removal resulting in delays, expenses and inconvenience to the County.

Section 16.03.150 Parking During Snow Removal Operations Prohibited

It shall be unlawful for any person to park or leave unattended any vehicle as defined in Cal. Veh. Code § 670 upon the right-of-way of any County road in the County of Nevada, outside of an incorporated city, at any time or in any manner which will obstruct, hinder, delay or otherwise inconvenience any County officer, employee, or County contractor during snow removal operations, or which will leave the vehicle in such a position that it is subject to damage by County officers, employees, or County contractors engaged in snow removal operations.

Section 16.03.160 Authority for the Removal of Parked Vehicles

Any public officer of the County of Nevada and any member of the Department of Public Works of the County of Nevada, or any agency under contract with the County of Nevada which is actively involved in providing snow removal upon County roads and highways within the unincorporated territory within the County of Nevada shall have the right and responsibility during snow removal operations, or in preparing for snow removal, to remove or to cause to be removed, any vehicle which is disabled or abandoned or unattended or which obstructs or interferes with traffic or with the snow removal operations on any such County road or highway in accordance with the provisions of the Cal. Veh. Code § 22654 as it presently exists or may from time to time hereinafter be amended. All costs and expenses incurred in the removal and/or storage of any such vehicles shall be the responsibility of the registered owner of the vehicle.

Section 16.03.170 Parking During Snow Removal Prohibited - Penalty

Any violation of Section 16.03.150 shall be punishable by a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) or by imprisonment in the County jail for not less than five (5) days nor more than thirty (30) days or both.

Section 16.03.180 Parking at the Grass Valley and Nevada City Veterans' Buildings

A. No vehicle shall be parked in the parking areas located adjacent to the Grass Valley or Nevada City Veterans Building between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday, for more than one (1) hour for any purpose unrelated to County business unless the vehicle displays a County parking permit.

B. Parking permits shall be issued by the Department of General Services on a first come, first served basis. Permits shall be issued for a specific parking space. Permits shall be valid solely for the vehicle displaying the permit and for the parking space assigned.

C. Parking permits shall be issued on a calendar quarterly basis. The fee for any permit issued after the beginning of a calendar quarter shall be prorated from the date of issuance to the end of the quarter. The fee for the parking permit shall be established by resolution of the Board of Supervisors. There shall be no refund of any portion of a permit fee for any time during which the permit is not required by the permittee.

D. County employees whose assigned duty location is the Grass Valley Veterans Building, the Nevada City Veterans Building, or the Nevada County Courthouse and Annex shall be issued a permit without cost, except as may be modified by a subsequent labor agreement. Jury members and persons attending events or having business in the Grass Valley Veterans' Building or Nevada City Veterans' Building are exempt from these permit requirements.

E. Notwithstanding any other provisions contained in the County of Nevada Code, the Director of General Services, the Nevada County Sheriff, the Grass Valley Police Department and the Nevada City Police Department are authorized to issue parking violation citations as prescribed by Cal. Veh. Code §§ 40202, 4020. The Sheriff of Nevada County shall be authorized to order the removal of vehicles in violation of this Section pursuant to Cal. Veh. Code §§ 22850 – 22856.

F. The fine for parking in violation of this Section shall be that amount adopted by resolution of the Board of Supervisors.

G. A permittee shall save and hold harmless the County of Nevada, its officers, employees, contractors and consultants for liability or damages sustained while parked on County property and shall provide evidence of automobile insurance coverage in the amount required by law.

Section 16.03.190 Skateboard Prohibitions

- A. Persons are prohibited from riding or propelling skateboards on the roadways of all County maintained roads and highways. As used in this Section, roadways shall mean that portion of the road or highway improved, designed or ordinarily used for vehicular traffic.
- B. Persons are prohibited from riding or propelling skateboards on any public parking facility or private parking facility open to the public if the facility is posted with a sign stating that skateboarding is prohibited. For the purpose of this Section, public parking facility or private parking facility open to the public include sidewalks adjacent to or within such parking facilities.
- C. Persons are prohibited from willfully riding, propelling or operating a skateboard on any sidewalk, road not regulated by the Vehicle Code, or private property open to public access in such a manner as to endanger the property, safety or well-being of any person. (Ord. 1694. (02/26/1991); Ord. 2526. (06/13/2023))

Section 16.03.200 Skateboard Prohibitions - Erection of Signs

- A. The Director of Public Works of the County of Nevada is hereby authorized and instructed to erect and maintain, or cause to be erected and maintained, appropriate signs on County roads or highways giving notice of provisions of 16.03.190 (A) where deemed necessary.
- B. Notwithstanding any other County ordinance to the contrary, the provisions of this Ordinance shall only apply to public parking facilities, private property generally open to the public or to business premises if said property or premises is posted with signs expressly forbidding skateboarding. 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. Appropriate wording on such signs would be "No Skateboarding. Violators may be cited. (Ord. 1694. (02/26/1991); Ord. 2526. (06/13/2023))

Section 16.03.210 Skateboard Prohibition Penalty

- A. Every person convicted of a violation of Section 16.03.190 (A) shall be punished by a fine not exceeding fifty dollars (\$50.00).
- B. Every person convicted of a violation of Section 16.03.190 (B) is guilty of an infraction.
- C. Every person convicted of a violation of 16.03.190 (C) is guilty of a misdemeanor.

Section 16.03.220 Prohibiting the Parking or Storing of Vehicles in Excess of Seventy- Two (72) Consecutive Hours on County Roads

A. No person who owns or has custody or control of any vehicle, as the term is defined in the California Vehicle Code, shall park, store, or otherwise leave standing any such vehicle upon any highway, street or county road which is publicly maintained and open to the use of the public, for more than seventy-two (72) consecutive hours. Any peace officer, as defined in Chapter 4.5 of Cal. VVeh. Code Code (commencing with section 830) or any regularly employed County employee who enforces parking laws and regulations may remove any vehicle that is parked in violation of this Section.

B. Any person convicted of violation of this Section shall be punished by a fine of not less than \$100 and shall provide proof to the Court that the cost of removal and disposition of the vehicle have been paid.

C. 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 twelve (12)-month period and \$500 for a third or subsequent violation of the same ordinance (section) within a twelve (12)-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Section 16.03.230 Traffic Control Regulations and Devices on County Roads

The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to adopt traffic regulations and to place and maintain, or cause to be placed and maintained, official traffic control devices, when they are required or authorized by State law and when it is determined, on the basis of a traffic and engineering survey, that such regulations and/or devices are necessary in order to provide for the safe and efficient movement of vehicles on County roads or highways. Such regulations and devices may pertain to:

1. Parking
2. Delineation, and
3. Such other traffic signs, signals and traffic control devices as outlined in Division 11 of the California Vehicle Code; except that the Director shall not control or regulate with regard to speed limits, weight limits, multi-ways stop signs and traffic signals.

Section 16.03.240 Speed Limits Where Persons at Work

The Director of the Department of Public Works of the County of Nevada is hereby authorized and instructed to cause the designation of restricted speed zones on any portion of any road or highway maintained by the County where officers or employees of the County, or any contractor of the County or their employees, are at work on the roadway or within the right-of-way so close thereto, in the opinion of the Director as to be endangered by passing traffic. The Director shall cause the erection and maintenance of appropriate signs within 400 feet of each end of each restricted zone, indicating the boundaries of the zone and the speed limit applicable thereto. The signs shall display figures indicating the applicable speed limit, which shall not be less than twenty-five (25) miles per hour and shall indicate the purpose of the restriction.

Nothing in this Section shall relieve any operator of a vehicle from complying with the basic speed law.

Section 16.03.250 Reserved Parking - Jurors

The parking area located on the northeast corner of the intersection of Main Street and Washington Street in Nevada City shall contain parking spaces designated as reserved, Tuesday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. for the vehicles of persons serving during that time as jurors in the Nevada County Courthouse. The twelve (12) parking spaces adjacent to Washington Street and nearest the intersection of Main Street and Washington Street shall be so reserved. It shall be unlawful for any person not actively answering a summons to serve as a juror to park or leave unattended any vehicle as defined by Cal. Veh. Code § 670 in said parking spaces during the periods when this restriction applies and when posted as provided herein.

Any vehicle found parked during the restricted hours in the reserved parking spaces by anyone not actively answering a summons to serve as a juror may be removed and stored at the expense of the owner or person in charge thereof. Towed vehicles may be stored at the nearest garage designated by the County for this purpose and may be reclaimed by paying the bill for towing and storage. The restricted parking spaces shall be posted with a sign immediately adjacent thereto and visible from each restricted parking space. The sign shall be not less than 17 by 22 inches in size with lettering not less than one (1") inch in height providing notice of the parking restriction, vehicle removal, and information as to how and where towed vehicles may be reclaimed.

Section 16.03.260 Golf Carts on County Roads

Golf carts may be driven on the following specified County roads, or parts thereof, between the hours of sunrise and sunset, daily:

1. Agnes Way
2. Alioto Drive
3. Angelina Way
4. Avern Way
5. Barde Court
6. Bernadine Court
7. Betty Way
8. Brewer Road from Gary Way to Nancy Way (South)
9. Cathy Way
10. Charles Way
11. Dennis Way
12. Edward Way
13. Elizabeth Way
14. Fay Road from Rainbow Road to Janet Way
15. Francis Drive from its westerly intersection with Alta Sierra to its intersection with Ball Road
16. Gary Way
17. Hanley Drive
18. Hansen Way
19. Horace Drive
20. Iola Way
21. Janet Way
22. Joey Court
23. John Way
24. Juanita Court
25. Lawrence Way from Brewer Road to David Way
26. Lorrie Way
27. Lower Circle
28. Marilyn Court
29. Marion Way
30. Michael Way
31. Names Drive
32. Nancy Way
33. Pamela Way
34. Pammy Drive
35. Ragan Way
36. Rainbow Road from Carrie Drive to Pamela Way
37. Ricky Court

- 38. Robert Court
- 39. Scott Way
- 40. Sean Way
- 41. Sharon Way
- 42. Tammy Way
- 43. Terren Court
- 44. Thiel Way
- 45. Timothy Way
- 46. Upper Circle
- 47. Carrie Drive
- 48. Pleasant Valley Road, just for crossing from the Lake Wildwood subdivision to the shopping center to the west.

Section 16.03.270 Traffic Signs in Lake of the Pines and Lake Wildwood Subdivisions

A. The Board of Directors of the Lake of the Pines Association, as the entity owning and maintaining the private roads located within the Lake of the Pines Subdivision, is hereby authorized, pursuant to the provisions of Cal. Veh. Code § 21107.7, to erect such traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the California Department of Transportation for the roads owned and maintained by the Association located within the Lake of the Pines Subdivision. As a condition of the exercise of the authority granted by this Ordinance, the Association shall maintain a comprehensive policy of public liability and property damage insurance for the subject roads in an amount not less than \$2 million.

B. The Board of Directors of the Lake Wildwood Association, as the entity owning and maintaining the private roads located within the Lake Wildwood Subdivision, is hereby authorized, pursuant to the provisions of Cal. Veh. Code § 21107.7, to erect such traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the California Department of Transportation for the roads owned and maintained by the Association located within the Lake Wildwood Subdivision. As a condition of the exercise of the authority granted by this Ordinance, the Association shall maintain a comprehensive policy of public liability and property damage insurance for the subject roads in an amount not less than \$2 million.

Section 16.03.280 Prohibition of Parking in No Parking Zones

A. No vehicle shall be parked for any purpose on County roads which are designated as no parking zones and/or with curbs painted red.

B. The provisions of the preceding paragraph shall be effective when appropriate signs giving notice thereof are erected upon such street. The Director of the Department of Public

Works of the County of Nevada is hereby authorized and instructed to erect and maintain, or cause to be erected and maintained, appropriate signs on such streets giving notice of the provisions of this and the preceding paragraph and in accordance with the requirements of the Vehicle Code.

C. The Sheriff of the County of Nevada, California Highway Patrol, or their designee, is hereby authorized to enforce the parking regulations contained in this Section. The Sheriff shall comply with all of the procedural requirements contained in Cal. Veh. Code §§ 40200 - 40230.

(Reference: Cal. Veh. Code § 22507.)

Section 16.03.290 Ten Miles Per Hour Speed Limit in County Parking Facilities

A. No vehicle shall travel at a speed in excess of ten (10) miles per hour on any of the following listed County property, including but not limited to the driveways, access roadways and parking lots thereof:

1. Eric Rood Administrative Center;
2. Truckee Government Center;
3. Truckee Government Center Annex;
4. Truckee Library;
5. HEW Building;
6. Grass Valley Veterans Building;
7. County Corporation Yard, 12548 Loma Rica Drive, Grass Valley;
8. Nevada City Veterans Building; and
9. Nevada County Airpark.

B. The provisions of the preceding paragraph shall be effective when appropriate signs giving notice thereof are erected at the entrance to each parking area delineated herein. The Director of General Services of the County is hereby authorized and directed to erect and maintain, or cause to be erected and maintained, appropriate signs on such public property giving notice of the provisions of this and the preceding paragraph and in accordance with the requirements of the California Vehicle Code.

(Reference: Cal. Veh. Code § 21113.)

Section 16.03.300 Enforcement of Parking Regulations

- A. The Director of General Services, or their designee (hereinafter “Director”), is authorized to enforce parking restrictions contained in Section 2.18.020, Parking Restrictions on County Property.
- B. If a vehicle is unattended during the time of the violation, the Director shall securely attach to the vehicle a notice of parking violation setting forth the violation. The notice shall contain all information required by Cal. Veh. Code § 40202. The notice of parking violation shall be accompanied by a written notice of parking penalty due pursuant to Cal. Veh. Code § 40203.
- C. Once the Director has prepared the notice of parking violation and has attached it to the vehicle, the Director shall file a copy of the notice with the Municipal Court of the County of Nevada.
- D. If the person appears and contests the parking violation or the parking penalty is not otherwise paid, further proceedings as outlined in Cal. Veh. Code §§ 40206-40230, inclusive, shall be followed.

(Reference: Cal. Veh. Code § 40200.)

Section 16.03.310 Tow Away Procedures for Parking Violations

- A. The Director of General Services (hereinafter “Director”), shall have the authority to remove a vehicle from a County road or public property for violation of this Chapter. Whenever the Director, or their designee, removes a vehicle from a County Road or public property for violation of this Chapter, they shall take the vehicle to the nearest garage, or other place of safety, or to a garage maintained by the County where the vehicle shall be placed in storage. The Director shall comply with all requirements specified in Cal. Veh. Code § § 22850 – 22856.
- B. Pursuant to Cal. Veh. Code § 22851, the County and the garage owner shall have a lien for compensation for towing and for storage of the vehicle. The amount of the lien shall be established by resolution of the Board of Supervisors.
- C. Whenever the Director directs the storage of a vehicle, they shall provide the vehicle’s registered and legal owner of record, or their agent, with the opportunity for a post-storage hearing to protest the storage.
- D. A notice of the storage shall be mailed or personally delivered to the registered and legal owner within forty-eight (48) hours of the storage. The notice shall contain all of the information required by Cal. Veh. Code § 22852.
- E. Upon request of the registered or legal owner, the post-storage hearing shall be conducted before the County Administrative Officer, or their designee, no later than forty-eight (48)

hours after the request, excluding weekends and holidays. The Director may not serve as the hearing officer. The County of Nevada shall be responsible for the costs incurred for towing and storage if it is determined by the County Administrative Officer, or their designee, at the post-storage hearing that reasonable grounds for the storage are not established.

F. A post-storage hearing shall not be required if the vehicle was towed and stored under circumstances described in Cal. Veh. Code § 22852(g).

G. If the Director removes a vehicle for storage under this Chapter, and the Director is unable to ascertain the name of the owner or otherwise give notice to the owner, the Director shall immediately notify the Department of Justice, Stolen Vehicle System. The notice and any subsequent reports, if any, shall comply with the provisions of Cal. Veh. Code § 22853.

(Reference: Cal. Veh. Code § 22651).

CHAPTER 4: MOTOR VEHICLES AND TRAFFIC: WEIGHT LIMITS, INTERSTATE TRUCKS, NON-LEGAL LOADS AND PERMITS

Sections:

Section 16.04.010	Load Limit of Roads and Bridges Established
Section 16.04.020	Authority of Peace Officer to Require Weighing
Section 16.04.030	Weight Limits for Commercial Vehicles
Section 16.04.040	Interstate Trucks
Section 16.04.050	Requirement of Permit for Non-Legal Load
Section 16.04.060	Application
Section 16.04.070	Definitions
Section 16.04.080	Bond Required
Section 16.04.090	Fees
Section 16.04.100	Permits Non-Transferrable
Section 16.04.110	Display of Permit
Section 16.04.120	Revisions
Section 16.04.130	Term of Permit
Section 16.04.140	Notice of Completion
Section 16.04.150	Movement of Vehicles
Section 16.04.160	Disclaimer of Liability
Section 16.04.170	Violations/Infractions
Section 16.04.180	Nuisance Abatement
Section 16.04.190	Non-Exclusive Remedies
Section 16.04.200	Enforcement Official

Section 16.04.010 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.

Section 16.04.020 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.

Section 16.04.030 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.

Section 16.04.040 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.

Section 16.04.050 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. .

Section 16.04.060 Application

Applications for a permit pursuant to 16.04.050 of this code, 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.

Section 16.04.070 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.

Section 16.04.080 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); Ord. 2530. (10/24/2023))

Section 16.04.090 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.

Section 16.04.100 Permits Non-Transferrable

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

Section 16.04.110 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.

Section 16.04.120 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.

Section 16.04.130 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.

Section 16.04.140 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.

Section 16.04.150 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.

Section 16.04.160 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.

Section 16.04.170 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 one hundred dollars (\$100) for a first violation; Two hundred dollars (\$200) for a second violation of the same ordinance (section) within a twelve (12)-month period and Five hundred dollars (\$500) for a third or subsequent violation of the same ordinance (section) within a twelve (12)-month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Section 16.04.180 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.

Section 16.04.190 Non-Exclusive Remedies

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

Section 16.04.200 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.

CHAPTER 5::REGULATING ROADWAY ENCROACHMENTS

Sections:

Section 16.05.010 Definitions

Section 16.05.020 Work Requiring Permit

Section 16.05.030 Application

Section 16.05.040 Prohibited Activities

Section 16.05.050 Security Required

Section 16.05.060 Exemption from Bond for Public Agency or Utility and Exception

Section 16.05.070 Exemption from Bond for City, Municipal Utility or Water District

Section 16.05.080 Issuance of Written Permits

Section 16.05.090 Refusal to Issue Permit

Section 16.05.100 Exemption from Special Events Permit Process for State Agencies

Section 16.05.110 Fees

Section 16.05.120 Permits Non-Transferable

Section 16.05.130 Display of Permit

Section 16.05.140 Compliance with Laws and Encroachment Standards

Section 16.05.150 Revisions and Revocation

Section 16.05.160 Appeals

Section 16.05.170 Term of Permit: Completion of Work

Section 16.05.180 Notice of Completion

Section 16.05.190 Suspension and Revocation of Permit

Section 16.05.200 Emergency Work Authorization

Section 16.05.210 Traffic Safety

Section 16.05.220 Aids to Visibility

Section 16.05.230 Storage of Material

Section 16.05.240 Dust and Debris

Section 16.05.250 Protection of Adjoining Property

Section 16.05.260 Preservation of Monuments
Section 16.05.270 Poles and Transmission Line Carriers
Section 16.05.280 Small Pipes or Rigid Conduits
Section 16.05.290 Mailboxes
Section 16.05.300 Restoring Highway
Section 16.05.310 Care of Drainage
Section 16.05.320 Clean-Up
Section 16.05.330 Relocation of Facilities
Section 16.05.340 Planting and Maintenance of Trees
Section 16.05.350 Removing Trees
Section 16.05.360 Hedges and Fences
Section 16.05.370 Sight Distance Required
Section 16.05.380 Disclaimer of Liability
Section 16.05.390 Violations/Infractions
Section 16.05.400 Nuisance Abatement
Section 16.05.410 Non-Exclusive Remedies
Section 16.05.420 Enforcement Official
Section 16.05.430 Cost of Enforcement

Section 16.05.010 Definitions

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

- A. APPLICANT means any person, firm corporation or entity and includes any property owner and contractor, if applicable, who makes written application to the Department of Public Works for an excavation or encroachment permit hereunder.
- B. BOARD means the Board of Supervisors of the County of Nevada.
- C. COUNTY HIGHWAY: The term “county highway” includes all or any part of the entire width or right-of-way of a county-owned, controlled and/or maintained highway, street, road or alley and the space over it and the ground under it, including, but not limited to, bridges culverts, curbs, and drains and all works incidental to such construction,

improvement, and maintenance, whether or not such entire area is actually used for vehicular, bicycle, or pedestrian purposes. The term “county highway” shall also include all County Service Area (“CSA”) roads which are owned and/or maintained by the CSA. If right-of-way is by prescription, a highway encompasses that area which has historically been used for the public travel including any shoulders, drainage ditches and/or facilities and any turnouts.

D. DEPARTMENT means the Department of Public Works of the County of Nevada.

E. ENCROACHMENT means any tower, pole, poleline, pipe, pipeline, driveway, private road, fence, sign, billboard, stand or building, or tree within the county highway, or any activity that can obstruct the free use of the county highway by the public. The term shall also include any excavation or other construction or work activity within the County highway or the placement of any structure or object in, under or over any portion of the county highway, or any activity which may cause water to back onto any portion of the county highway, or which may obstruct maintenance of or travel on the county highway.

F. EXCAVATION means the removal of material and any opening in the surface except an opening into a lawful structure below the surface, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the county highway.

3. PERMITTEE means any person, firm, company, corporation, association, public agency or organization that proposes to do work or encroach on a county highway as defined in this section and has been issued a permit for encroachment by the Department. All obligations, responsibilities and other requirements of the permittee as described in this Chapter shall be binding on subsequent owners of the encroachment. (Ord. 2238. (05/29/2007); Ord. 2526. (06/13/2023))

Section 16.05.020 Work Requiring Permit

No person, firm, company, corporation, association, public agency or organization shall do or cause to be done any of the following without first obtaining an encroachment permit (hereinafter referred to as a “permit”) therefor from the County and complying with all conditions thereof and all provisions of this Section:

- A. Fill or excavate a county highway.
- B. Install, construct, cut into, improve, or remove any sidewalks, driveways, curbs, gutters, walls, culverts, road approaches, or road surfacing, or install, repair or remove any facilities or substructures in, on, over, or under any county highway. Notwithstanding the above, routine repair, asphalt overlays or sealing of an existing, previously permitted driveway serving a single-family residence does not require an encroachment permit when such driveways are pre-existing and the access onto the county highway is basically the same and creates no new drainage or traffic hazard.
- C. Place, change or reconstruct an encroachment.
- D. Place or display in any county highway any kind of sign or device. Any such sign or device placed or displayed contrary to the provisions of this Section is a public nuisance, and the Department of Public Works may immediately remove it. The provisions of this Section shall not prohibit the posting of any notice required by law or by the order of any court of this State.
- E. Plant, remove, trim, injure or destroy any tree or shrub in a county highway.
- F. Obstruct travel on or public use of the county highway.

Section 16.05.030 Application

Applications for encroachment permits shall be made in writing or electronically 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 the following in detail, where applicable:

- A. Name and residence or business address and phone number of the applicant.
- B. Name and residence or business address and phone number for person to be hired by applicant to do the proposed work. If this information is not known at the time of application, the permittee shall provide said information to the Department prior to the start of work by the person hired to do the work.
- C. Location, dimensions, purpose, extent and nature of the proposed encroachment.

- D. Such other information as may be needed by the Department such as engineering calculations, cross-sections, profiles, etc.
- E. The applicant shall also enclose with, attach to, or add to the application copies of the written order or consent to any work under the permit required by law of the Public Utilities Commission, sanitary districts, water districts, or any other public body having jurisdiction. A permit shall not be issued until the order or consent, if required, is first obtained and evidence of it filed with the Department. All permits shall constitute a revocable license to use the county highway and may be revoked on five (5) days' notice, and the encroachment must be removed or relocated as may be specified by the Department in a notice revoking the permit and within the time specified by the Department, which time shall not be less than five (5) days, unless the permit so provides.
- F. The permittee at all times shall comply and shall cause all their agents and employees to comply with all such laws, ordinances and regulations, decisions and orders of the court or similar authoritative orders.
- G. The applicant shall enclose with, attach or add to the application for a permit a map, plat, sketch, diagram, or similar exhibit, when required by the Department, of a size and in the quantity that it may prescribe, on which shall be plainly shown all information necessary to locate, delineate, illustrate or identify the proposed use or encroachment and the right and necessity of the applicant to cause an encroachment. If necessary, changes, corrections and notes will be made on the map, plat, sketch, diagram or similar exhibit, and these items will become an integral part of the permit.
- H. As a condition to the issuance of an encroachment permit, the permittee shall be required to indemnify and defend the County and all of its officers, agents and employees against any loss, liability, claims, demands, actions or suits of any and every kind and description arising or resulting from or in any way connected with or proximately caused by the permittee's encroachment activity and/or the result of violation by them or their agents or employees of any law, ordinance, regulation, or order issued under police power and in accordance with the law.

Section 16.05.040 Prohibited Activities

It shall be unlawful to construct or maintain a loading platform within the county highway or to erect, use or maintain any post, pole, column or structure for support for any sign or structure, including any advertising sign, political sign, real estate sign, event sign, private sign or to make any marking within the county highway, other than temporary survey or construction markings.

Section 16.05.050 Security Required

Unless waived pursuant to this Section, before granting a permit under the provisions of this Chapter, the Department shall require the applicant to post with the Department adequate security, in the form of cash or a satisfactory bond payable to the County of Nevada, in such amount as the Department deems sufficient to reimburse the County for costs of restoring the county highway 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 county highway to its former condition or when, in the Director's judgment, there is a need for a bond. 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 all work authorized in the permit and fulfillment of all conditions of the permit, the Department of Public Works shall release the bond or cash deposit on the expiration of ninety (90) days.

The Department of Public Works may waive the provisions of this Chapter relating to cash deposit or surety bond for permits required under this Chapter upon satisfactory proof by certificate of insurance that the permittee is adequately insured to assure reimbursement to the County for repair of any damage caused to County property.

In the event any applicant shall refuse to pay any fees, costs or charges due under this Chapter, the Department may, at its discretion, proceed against the surety to collect such fees, costs or charges. The Department may, in addition, suspend any permit or refuse to issue any new permits to an applicant with unpaid fees, costs or charges due on any job.

Section 16.05.060 Exemption from Bond for Public Agency or Utility and Exception

A bond shall not be required of any public agency or public utility having lawful authority to occupy the county highways which is authorized by law to establish or maintain any works or facilities in, under or over any county highway, nor shall the application of any such public agency or public utility for a permit be denied; however, the Department may require a bond in an amount to be set, from time to time, by Resolution of the Board of Directors, if such public utility or public agency has previously failed to comply with this Chapter or with the provisions of a previous permit.

Section 16.05.070 Exemption from Bond for City, Municipal Utility or Water District

Any city, municipal utility district or public utility having authority to occupy the county highways is entitled to a blanket permit issued by the Department and renewable annually for the installation of its service connections and for ordinary maintenance of its facilities

located or installed in county highways; however, the Department may revoke any such blanket permit if the permittee fails to comply with the provisions of this Chapter. When any such permit is revoked, an encroachment permit may be issued only upon the furnishing of a bond as provided in 16.05.050this Code.

Section 16.05.080 Issuance of Written Permits

The Department may issue a single permit for any number of encroachments which are part of a single project or single job.

Section 16.05.090 Refusal to Issue Permit

The Department may refuse to issue a permit including to any applicant who is in default of any terms or conditions of any prior permit issued by the Department.

Section 16.05.100 Exemption from Special Events Permit Process for State Agencies

An encroachment permit shall not be required of the State of California Department of Transportation (aka Caltrans) provided that the Sheriff, the California Highway Patrol, local emergency services and the Department of Public Works for the County of Nevada are all notified two (2) weeks in advance, and they do not object to the same.

Section 16.05.110 Fees

- A. Fees shall be paid for all applications for and upon the issuance of any encroachment permit in such amounts as set out in the latest adopted Resolution by the Board of Supervisors.
- B. Fees will not be required for encroachment permits, provided placement is first approved by the Board of Supervisors, authorizing the placement of:
 - 1. Historical markers, or
 - 2. Bus stops installed as a community service by a non-profit or service organization.

Section 16.05.120 Permits Non-Transferable

Encroachment permits issued pursuant to this Chapter shall be deemed to be a personal entitlement and are nontransferable; provided, however, that any permit issued for the work

associated with the development of any real property shall be allowed to be transferred to the subsequent owner of the real property, provided adequate security (as otherwise required by this Chapter) is provided before the work is commenced.

Section 16.05.130 Display of Permit

The permittee shall keep any permit issued under this Chapter at the site of work, and the permit must be shown to any authorized representative of the Department or law enforcement officer on demand.

A permit issued for continuing use or maintenance of an encroachment may be kept at the place of business of the permittee; provided, however, that a copy thereof shall be kept at the site of the work and shall be shown to any authorized representative of the Department or law enforcement officer within a reasonable time after demand.

Section 16.05.140 Compliance with Laws and Encroachment Standards

- A. Unless otherwise noted on the permit, all encroachment work performed on any county highway shall conform to the County standard plans and specifications. In the absence of established County standard plans and specifications, the encroachment work shall conform to the standard plans and specifications of the State of California issued by the State Department of Transportation. In the absence of County or State standard plans and specifications, all encroachment work shall conform to recognized standards of construction and approved practices.
- B. All encroachment work above shall be subject to approval of the County Department of Public Works.
- C. The permittee shall comply with all State and federal laws and local ordinances and regulations which affect the permit.
- D. No person shall prevent or obstruct any officer or employee of the Department from making any inspection, taking any sample or making any test pursuant to this Chapter.

Section 16.05.150 Revisions and Revocation

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

The Department may approve a revision only upon the written request by the permittee or, on its own initiative, the Department may revise or revoke any permit as it deems necessary

in order to protect the interest of the County or for the convenience or safety of the public. Such revision shall become effective immediately upon personal service or two (2) days after deposit in the United States mail.

Section 16.05.160 Appeals

Any applicant or permittee may appeal any decision denying the issuance of an encroachment permit or any decision to revise, suspend or to revoke a permit to the Board by filing a notice of appeal with the Clerk of the Board of Supervisors within ten (10) calendar days from the date of any such decision by the Department, on a form to be provided by the county, and by paying any applicable fees. Any such appeal shall be scheduled and decided in accordance with the procedure established for Appeals in Section 12.05.120 in the Nevada County Code. The appeal shall be denied where the Board finds that the encroachment adversely affects the interest of the County or the convenience or safety of the public.

Section 16.05.170 Term of Permit: Completion of Work

The permittee shall complete the work or 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 work or use is due to lack of diligence by the permittee or is otherwise adversely affecting the interest of the County or the convenience or safety of the public, the Department may cancel the permit and order the permittee to immediately restore the county highway to its former condition. In the event that the permittee fails to immediately and properly restore the county highway to its former condition, the county may undertake such work and the permittee shall be responsible for all expenses incurred by the Department in restoring the county highway, plus an additional fifteen percent (15%) as administrative costs.

If the work or use is not completed and accepted by the Department within the time stated in the permit, the permit shall become void unless before its expiration the time for completion has been extended, in writing, by the Department. Where the permit authorizes the construction of any encroachment within the county highway, following the completion of the construction and inspection and approval by the Department, the permit shall be valid for a continuing encroachment until revoked by the County and shall be subject to the terms of maintaining a valid permit pursuant to 16.05.300.

The permittee, or successor in interest thereto, shall be responsible for the cost of relocation or removal or any encroachment.

Section 16.05.180 Notice of Completion

Upon completion of any work or 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.

Section 16.05.190 Suspension and Revocation of Permit

Whenever the Department finds that there has been a failure to comply with any of the provisions of this Chapter or any of the terms and conditions contained in any permit or that the encroachment adversely affects the interest of the County of Nevada or the convenience or safety of the public, the Department may suspend or revoke the permit by notifying the permittee in writing, which shall be personally delivered to the permittee or deposited in the United States mail, addressed to the permittee at the address shown on the application form. The suspension or revocation shall be effective immediately upon personal delivery to the permittee or their representatives, employees, agents or contractors at the work site or their place of business. Alternatively, the suspension or revocation shall be effective two (2) days after deposit in the mail. No work may be performed under any suspended or revoked permit unless it is reinstated by the Department.

Section 16.05.200 Emergency Work Authorization

This Chapter shall not prevent any person from performing emergency maintenance on any pipe, pipeline, or conduit or electrical line lawfully existing within the county highway or from making an emergency use or encroachment necessary to preserve life or property when an urgent necessity arises. Whenever any such emergency work is performed within the county highway, the person(s), firm, entity or contractor responsible for such work shall apply for a written permit on the next business day the county offices are open. Any person requiring an emergency use or encroachment shall first notify the Department. During the hours the county offices are closed, notice shall be given to the Sheriff's Office.

Section 16.05.210 Traffic Safety

The permittee shall take appropriate measures to assure that during the performance of the work, traffic conditions shall be maintained at all times as near normal as practical so as to minimize inconvenience to the occupants of the abutting property and to the general public. The Department may permit the closing of the county highway for specific periods of time if it is necessary, and the Department may require the permittee to give notification to any interested persons before such closing. The permittee shall provide safe access for each road and to each parcel of land. The permittee shall provide watchpersons, signs,

barricades, railings, lights, and other safety devices as specified by the California Manual on Uniform Traffic Control Devices (CA MUTCD) and any other safety devices necessary for the safe passage of persons or vehicles using the County highway. Any omission on the part of the Department to specify in the permit that protective measures or devices shall be provided, erected or maintained by the permittee or the fact that the Department may not specify sufficient protective measures or devices shall not excuse the permittee from complying with all requirements of law and appropriate regulations for adequately protecting the safety of the traveling public, or from taking such action as may be necessary to reasonably safeguard the public. If, at any time, the Department finds that suitable safeguards are not being provided, the Department may direct the permittee to immediately take additional steps to safeguard the site of the encroachment and the public's use of the right-of-way or, where in the Department's judgment it is necessary for the Department to take immediate steps to provide any such safeguards, the Department may provide, erect, maintain or relocate the safeguards deemed necessary or may cancel the permit and restore the right-of-way to its former condition, all of which shall be at the expense of the permittee.

Section 16.05.220 Aids to Visibility

Whenever the Department determines that the location or position of a pole or other obstruction requires accentuation of its visibility to vehicular traffic, the Department may require that the pole or other obstruction be painted or equipped with reflectors or other aids to visibility prescribed or authorized by the Public Utilities Commission or the Department of Transportation of the State of California, at the expense of the permittee. No pole shall be allowed closer than eight (8') feet from the edge of the traveled way without the express written permission from the Department of Public Works.

Section 16.05.230 Storage of Material

No material shall be stored within eight (8') feet of a county highway. Excess earth materials from trenching or other operations shall be removed from the pavement, traveled way, or shoulder as the trench is backfilled or other work is carried forward unless otherwise approved, in writing, by the Department.

Section 16.05.240 Dust and Debris

Each permittee shall conduct and carry out work permitted hereunder in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce noise, dust, mud and unsightly debris to the fullest extent practicable in the performance of the work.

Section 16.05.250 Protection of Adjoining Property

The permittee shall protect adjoining property from injury by providing proper foundations and shoring or such other action as may be prudent. The permittee shall not enter upon or do any work on private property without first obtaining the express written consent of the property owner. The permittee shall be responsible for all damage to any roads or other public or private property, real and personal, resulting from the performance of the permittee's work.

Section 16.05.260 Preservation of Monuments

Any survey or other monument set for the purpose of locating or preserving the lines of any county highway or property subdivision, or a precise survey reference point, or a permanent survey bench marker within the county shall not be removed or disturbed or caused to be removed or disturbed without first obtaining written permission from the Department. Before monuments, reference points and bench markers are disturbed or removed, they shall be tied out by a licensed surveyor or Registered Civil Engineer or under the directions of same. After completion of the work, the monuments, reference points and benchmarks shall be accurately reset at the expense of permittee.

Section 16.05.270 Poles and Transmission Line Carriers

All poles located within the county highway shall maintain the clearances set out in and shall be constructed in accordance with the rules, regulations, and orders of the Public Utilities Commission and other public agencies having jurisdiction over any such poles.

No new pole or replacement pole shall be set in such a manner that it creates a traffic hazard or is within the clear recovery zone (as defined by Caltrans). No pole shall be allowed closer than eight (8') feet from the edge of the traveled way without the express written permission from the Department of Public Works.

No guy wires shall be attached to trees unless specifically authorized in the permit, and in no event shall guy wires be attached to girdle the tree or interfere with its growth. Guy wires shall not be below the minimum elevation above the ground prescribed in the rules, orders and regulations of the Public Utilities Commission.

The permittee shall remove and keep clear all vegetation on the county highway within a radius of five (5') feet of poles when requested by the Department.

When a pole, guy, stub or similar timber is removed and not replaced, the entire length shall be removed from the ground and the hole backfilled and compacted.

Section 16.05.280 Small Pipes or Rigid Conduits

Utility, service, and other small diameter pipes or rigid conduits shall be jacked, bored, driven, or otherwise forced underneath the paved surface. The paved surface of a road shall not be cut, trenched or otherwise disturbed unless specifically authorized in the permit. No tunneling will be permitted except as specifically set forth in the permit.

Section 16.05.290 Mailboxes

All mailboxes shall be placed in accordance with the rules and regulations of the United States Post Office Department, but no box shall be so placed within the county highway as to endanger the life or safety of the traveling public. A permit is not required for the placement of mailboxes, not including pillars that are sometimes used to house mailboxes.

Section 16.05.300 Restoring Highway

Upon the completion of the work authorized by any permit, or at such earlier time as the Department may direct, the permittee shall restore the county highway to as good condition as it was before the work began. The Department may provide such other conditions as to location and the manner in which the work is to be done as the Department finds necessary for the protection of the county highway and/or the protection or convenience of the public. Should the permittee fail to promptly restore the county highway, the Department may perform such work and charge the permittee for all costs incurred. After completion of all work, the permittee shall exercise reasonable care in inspecting and maintaining the area affected by the encroachment. Upon request by the Department, the permittee shall immediately repair or redo any work performed in the county highway that the Department finds to be defective or substandard or which may have created a nuisance or hazard in any portion of the county highway. If the permittee fails to act promptly or if the Department finds that the public convenience or safety requires that the work be done immediately, the Department may proceed to do the repair or replacement work, and the permittee shall be charged the actual costs thereof, plus fifteen percent (15%) as administrative costs.

Section 16.05.310 Care of Drainage

If the encroachment authorized in a permit interferes with the established drainage, the permittee shall provide for proper drainage as approved by the Department.

Section 16.05.320 Clean-Up

As excavation work progresses, all county highways shall be immediately and thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Department. From time to time, as may be ordered by the Department and, in any event, immediately after completion of work, the permittee shall, at the permittee's own expense, clean up and remove all refuse and unused materials of any kind resulting from such work, and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Department, the work may be done by the Department and the cost thereof charged to the permittee.

Section 16.05.330 Relocation of Facilities

In the event that the Department determines that it is necessary, any encroachment maintained within the county highway shall be relocated by and at the expense of the permittee, their successor or the owner of the encroachment. In said event, the Department shall serve on the permittee its written demand specifying that the encroachment must be removed from the county highway and specifying a reasonable time within which the work of relocation must be commenced. The permittee shall commence such relocation or removal within the time specified in said demand and thereafter diligently execute the same to completion.

Section 16.05.340 Planting and Maintenance of Vegetation

Applications for permits to plant trees and vegetation in the county highway shall be made on forms prescribed by the Department. The form shall include, in addition to the other requirements, an agreement by the applicant to maintain the trees/vegetation in a neat, healthy, and safe condition to the satisfaction of the Department and an agreement to remove the trees as directed by the Department and to pay the cost of removal on the permittee's failure promptly to remove trees on direction of the Department. The application shall show the exact location and kind of trees/vegetation to be planted, and no change shall be made either in the location or kind of trees without the written approval of the Department.

No hedge, shrub or other planting whatever shall be maintained in a manner so as to interfere with or obstruct any sidewalk or area within the county highway which is used or susceptible for use as a walkway or path. The intent of this restriction is to keep a walkway free for pedestrian or other lawful public travel which is separated from the surface of the road use by motor vehicles. No encroachment will be permitted or maintained which impedes, obstructs, or denies pedestrian or other lawful travel within the limits of the

county highway of a public highway or impairs adequate sight distance for safe pedestrian or vehicular traffic.

Other provisions of this Chapter notwithstanding, it is lawful for a person, firm or corporation or other body of persons to plant and maintain a lawn or similar ground cover of any grass type not otherwise prohibited by law within the county highway without a written permit. However, the lawn or similar ground cover shall not extend into the traveled way or shoulder area nor into the drainage ditches, gutter or other drainage facilities.

The general public shall not be denied the use of a planted area for pedestrian travel or other lawful use. The county may use the planted area for any purpose and may issue a permit to any applicant to go on the planted area to perform work or otherwise encroach under this Chapter. If the lawn or similar ground cover is damaged or disturbed in the course of an authorized encroachment, the permittee will be held responsible for the replacement unless the permit specifically states otherwise.

All vegetation placed in the county highway shall be maintained by the permittee or the permittee's successor in interest in a neat, healthy and safe condition to the satisfaction of the Department and at no expense to the county. If the encroachment is not located or maintained as specified in this Section, the Department may direct the permittee to remove the encroachment and restore the county highway to its former condition at the expense of the permittee; if the permittee fails to promptly remove the encroachment as directed, the Department shall have the right to remove it and collect the cost of removal from the permittee, together with all of the county's costs and expenses in enforcing collection. No tree/plant shall be planted in the county highway if the tree/plant will impede or inconvenience public travel, create an existing or future safety problem, unduly disturb the county highway, interfere with the construction or maintenance of necessary facilities, or interfere with the existing pipelines, utility installations, or other facilities lawfully placed within the county highway.

Section 16.05.350 Removing Trees

When a tree is removed under authority of a permit, the entire stump shall be taken out for a depth of at least two feet (2') below the ground surface unless otherwise specified in the permit, and the site and the county highway restored to its former condition.

Section 16.05.360 Fences

No fence or similar structure, shall be planted, erected or maintained in a right-of-way without a permit. No fence or similar structure shall be maintained in a manner so as to interfere with or obstruct any sidewalk or area within the County highway which is used or susceptible for use as a walkway or path. The intent of this restriction is to keep a

walkway free for pedestrian or other lawful public travel which is separated from the surface of the road use by motor vehicles. No encroachment will be permitted or maintained which impedes, obstructs, or denies pedestrian or other lawful travel within the limits of the county highway of a public highway or impairs adequate sight distance for safe pedestrian or vehicular traffic.

Section 16.05.370 Sight Distance Required

- A. It is unlawful for any person to maintain their property in a manner which creates or causes to exist any obstruction to the view (sight distance) of the users of any county-owned, controlled and/or maintained highway, which creates an unsafe condition to the users thereof.
- B. Any use of the property in violation of the provisions of this Section shall constitute a public nuisance which may be abated by the duly constituted officer of the County of Nevada. The enforcement of this Section shall rest in the sole discretion of the county officers performing such functions.
- C. No encroachments shall be made where to do so would create an unsafe condition to the users of the county highway in violation of the provisions of this Code.
- D. New development which substantially increases the use of any existing encroachment shall not be allowed unless the encroachment is brought into conformity with the sight distance requirement of this Code and other provisions or standards relating thereto.
- E. Any person who is beneficially interested in the decision of the county officials enforcing this section shall have a right to appeal. No fee shall be charged for any such appeal. All applicants for encroachments shall be advised of their appeal rights by the inclusion of a notice thereof on the county's application form.

Section 16.05.380 Disclaimer of Liability

This Chapter shall not be construed as imposing upon the county or any official or employee any mandatory duty or basis of liability, nor shall the county or any official or employee be responsible 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 such liability or responsibility by reason of inspections authorized hereunder.

Section 16.05.390 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, to be set, from time to time, by Resolution of the Board of Supervisors. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Section 16.05.400 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.

Section 16.05.410 Non-Exclusive Remedies

The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law.

Section 16.05.420 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 Department is also authorized to enforce the provisions of this Chapter.

Section 16.05.430 Cost of Enforcement

Any person, firm, entity or agency who violates the provisions of this Chapter shall be liable for payment for the cost incurred by the County in enforcing the provisions of this Chapter, up to a maximum cost of \$5,000 per violation. Cost shall be calculated according to the latest schedule of fees as adopted by the Board of Supervisors. The cost of enforcement shall be paid to the Department within thirty (30) days of the date of the billing therefor and any fees not paid within thirty (30) days shall be assessed a late penalty of ten percent (10%) of the balance that is not paid and shall thereafter accrue interest at the rate of one percent (1%) per month until paid. Any such costs which remain unpaid for more than ninety (90) days shall be referred to Collections and may be subject to such other legal action or remedies as may be allowed by law.

Any person, firm, entity or agency that is assessed for the cost of enforcement may appeal such assessment to the Board of Supervisors by filing a statement of appeal thereof with

the Clerk of the Board of Supervisors within thirty (30) days from the date of the mailing of the initial notice of the assessment thereof.

If any appeal is filed regarding the assessment of such fees, the appeal shall stay any action by the County of Nevada to collect same. The appeal shall be promptly presented to the Chair or the Board of Supervisors or to such other member of the Board as the Chair may designate, which person shall render a decision thereon within fifteen (15) days of the date of the filing of the appeal. The costs as determined by the appeal shall then be due within fifteen (15) days from the date of the mailing of the decision thereon. Failure to pay the costs when due shall subject the costs to late penalties and interest as set out above.

CHAPTER 6: SIGNS—WRITTEN AUTHORIZATION

Sections:

Section 16.06.010 Signs Upon County Roadways Property – Encroachment Permit Required

Section 16.06.020 Signs Upon County Property - Written Authorization or Encroachment Permit - Not to be Issued for Strictly Private Signs

Section 16.06.030 Signs Upon County Property - Written Authorization - To be Issued with Limitations if Public Benefit Shown

Section 16.06.040 Violations/Infractions

Section 16.06.010 Signs Upon County Roadways – Encroachment Permit Required

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

Section 16.06.020 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.

Section 16.06.030 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.

Section 16.06.040 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: Cal. Gov't Code § 25132.)

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

CHAPTER 7: PARKING FOR DISABLED PERSONS

Sections:

Section 16.07.010 On Street Parking

Section 16.07.020 Use of Blue Curb Spaces

Section 16.07.030 Off-Street/Publicly Owned Facilities

Section 16.07.040 Off-Street/Private Financed Facilities

Section 16.07.050 Identification

Section 16.07.010 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.

Section 16.07.020 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.

Section 16.07.030 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.

Section 16.07.040 Off-Street/Private 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.

Section 16.07.050 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 the above paragraph 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 twelve (12") inches high.

In addition, a sign not less than 17" x 22" with lettering not less than one (1") 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 eighty inches (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 twelve (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 (1”) 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 eighty (80”) inches 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 twelve (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 two above. 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 (1”) 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 Office, 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 eighty inches (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 twelve (12) feet wide;
- Located where slope in the immediate area does not exceed two percent (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.

CHAPTER 8: ROAD STANDARDS, PURPOSE AND DEFINITIONS

Sections:

Section 16.08.010	Purpose
Section 16.08.020	Scope
Section 16.08.030	Definitions

Section 16.08.010 Purpose

It is the purpose of these Improvement Standards to set design and construction standards for public and private works under the jurisdiction of the County of Nevada in order to provide for the coordinated development of facilities to be used by and for the protection of the public. These Nevada County Road Standards shall set the guidelines for the design, plan preparation and construction of roads, drainage and related improvements. These Nevada County Road Standards are not meant to apply to work within any other governmental jurisdiction's highways, streets, or roads unless adopted separately or by reference by that jurisdiction. These Nevada County Road Standards shall apply to applications deemed complete after February 15, 2021. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.08.020 Scope

This Chapter shall be known as and may be referred to as "Nevada County's Road Standards" or "Road Standards". Unless modified by these Road Standards, design and construction shall be performed in accordance with the latest editions of the State of California, Department of Transportation's "Highway Design Manual", "Traffic Manual", "Standard Specifications" and "Standard Plans". References in the State Standards to State maintained roads shall be construed to apply to County roads unless different provisions are specified in these Nevada County Road Standards.

Any details of road construction not specifically included in these Road Standards, including the above-referenced State Standards, shall be designed in accordance with accepted engineering practice, subject to approval by the Engineer. The Board of Supervisors may adopt by separate Resolution "Nevada County Standard Drawings" or "Standard Drawings" for the purpose of delineating what constitutes accepted practices for those minor details of road construction not set forth in this Chapter, but necessary for complete design of improvements. The Standard Drawings, in supplementing the Road Standards, may also graphically depict said Road Standards, but shall not supersede them and in the case of conflict, the provisions of this Chapter shall prevail. All construction shall comply with the standards of this Chapter as supplemented by the Standard Drawings adopted by Resolution, unless a Petition for Exception, pursuant to 16.10.120, has been granted for a specific standard.

A. PRECEDENCE

These Standard Specifications and Standard Plans, CALTRANS Standard Specifications and Plans, and any special provisions or supplementary documents are essential parts of Nevada County's Standard Specifications, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work.

Nevada County's Road Standards and Construction Specifications shall govern over CALTRANS' Standard Specifications and Plans in right-of-way under Nevada County's jurisdiction. Special provisions shall govern over both of these Standard Specifications in right-of-way under Nevada County's jurisdiction.

In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct. Detail drawings shall prevail over general drawings. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.08.030 Definitions

In these Standards, the intent and meaning of the terms that are used shall be defined in Section I of the State Specifications except as modified or added herein.

- A. **AVERAGE DAILY TRAFFIC, OR AVERAGE DAILY TRIPS ("ADT"):** The weighted average vehicle traffic or trips occurring during a twenty-four (24)-hour period on a weekday. The future ADT shall be computed using the sum of the existing traffic, plus any additional traffic generated from land uses allowed under the County's General Plan and Zoning Provisions of this Code. A vehicle trip is a single or one-direction vehicle movement.
- B. **COLLECTOR ROAD:** An urban road connecting principal and minor arterial roads to local roads. Equivalent in function to a (rural) major collector road.
- C. **CONSULTING ENGINEER:** Any person or persons, firm, partnership or corporation legally authorized to practice engineering in the State of California. For the purpose of this Chapter, "Consulting Engineer" shall refer to an engineer retained by a project proponent or developer.
- D. **COUNTY:** The County of Nevada.
- E. **DEAD END ROAD:** A road which has only one point of vehicular ingress/egress, including cul-de-sac and looped roads.

- F. DEPARTMENT: The Nevada County Department of Public Works. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- G. DEVELOPER: Any person or persons, firm, partnership, corporation or combination thereof financially responsible for the improvements.
- H. DIRECTOR: The Director of the Department of Public Works of the County of Nevada. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- I. DRIVEWAY: A vehicular access constructed pursuant to Title 4, Fire Safety Regulations, of the County of Nevada Code, that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.
- J. ENGINEER: The Director of the Department of Public Works of the County of Nevada or their designee. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))
- K. FIRE STANDARD ACCESS ROAD: Minimum standard road for new construction. A Fire Standard Access Road serves more than two(2) parcels with no more than two (2) dwellings on each, and any number of accessory buildings.
- L. FUEL MODIFICATION AREA: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.
- M. GATE: A means of vehicular entrance or exit to a parcel or dwelling, including an opening in a wall, fence, or driveway abutments. A security gate is defined as a gate that is manually or electronically secured.
- N. HAMMERHEAD/T: A road or driveway that provides a “T”-shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.
- O. IMPROVEMENT: Work performed in accordance with these Road Standards.
- P. INTERSTATE HIGHWAYS AND FREEWAYS: Limited access highways.
- Q. LABORATORY: Any testing agency or testing firm which has been approved by the Department.
- R. LOCAL ROAD: A road that functions primarily to provide access to individual properties.
- S. MAJOR COLLECTOR ROAD: A (rural) road connecting local roads and (rural)

minor collector roads to arterial roads.

- T. MINOR ARTERIAL ROAD: A road providing primary access from freeways and principal arterials to major origins and destinations.
- U. MINOR COLLECTOR EQUIVALENT LOCAL ROAD: A local road that is projected to serve a buildout volume in excess of 2,000 Average Daily Trips but is not classified as a minor collector on the General Plan Circulation Plan Map.
- V. MINOR COLLECTOR ROAD: A rural road connecting local roads to major collector and arterial roads
- W. PRINCIPAL ARTERIAL ROAD: A road carrying some regional traffic and connecting the major population centers within the County or immediate counties.
- X. PROJECT: The proposed improvements by the County or others.
- Y. RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in Cal. Code Regs. Tit. 14§ 1270.01 (c).
- Z. ROADS: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes private streets and lanes under the jurisdiction of the County of Nevada.
- AA. ROADWAY: Any surface designed, improved, or ordinarily used for vehicle travel.
- BB. ROADWAY STRUCTURES: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.
- CC. SHOULDER: Roadbed or surface adjacent to the traffic lane.
- DD. SPECIAL CIRCUMSTANCES: Unusual circumstances not covered by these Road Standards which require additional specific review and evaluation by the Engineer in order to determine appropriate design standards.
- EE. SPECIAL PROVISIONS: Specific clauses setting forth conditions or requirements peculiar to the work and supplementary to these Road Standards.
- FF. SPECIFICATIONS: The directions, provisions and requirements contained in these

Road Standards.

- GG. STANDARD DRAWINGS: The latest edition of the Nevada County Standard Drawings kept on file in the Department of Public Works and adopted by a Resolution of the Nevada County Board of Supervisors.
- HH. STATE SPECIFICATIONS: Shall mean the latest edition of the State of California, Department of Transportation (CALTRANS) Standard Specifications and Standard Plans, the CALTRANS Highway Design Manual, and the CALTRANS Traffic Manual.
- II. TELECOMMUNICATION: Refers to data, voice, video or other information provided by wire, fiber optic cable or other technology.
- JJ. TRAFFIC LANE: The portion of a roadway that provides a single line of vehicle travel.
- KK. TURNAROUND: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.
- LL. TURNOUT: A widening in a road or driveway to allow vehicles to pass. Minimum twelve (12') feet wide and thirty (30') feet long with a twenty-five (25') foot taper on both ends.
- MM. VERTICAL CLEARANCE: The minimum specified height of a bridge or overhead projection above the roadway. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

CHAPTER 9: ROAD STANDARDS, GENERAL REQUIREMENTS

Sections:

Section 16.09.010	Grading
Section 16.09.020	Work in County Rights-of-Way
Section 16.09.030	Other Agency Notifications
Section 16.09.040	Inspection Requirements
Section 16.09.050	Consulting Engineers' Certification
Section 16.09.060	Permits and Notices
Section 16.09.070	Testing of Materials

Section 16.09.010 Grading

All grading which is not subject to or done in conjunction with these Road Standards shall be done in accordance with Building Ordinances of this Code or the latest adopted encroachment permit procedures. (Amended by Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

Section 16.09.020 Work in County Rights-of-Way

All work within the County rights-of-way shall be subject to the requirements of latest adopted Nevada County Encroachment Permit Procedures. Minor work within the rights-of-way may be performed without improvement plans, as defined herein, but is subject to the encroachment permit procedures. Minor work includes, but is not limited to, constructing standard driveway approaches, normal utility maintenance related work or minor structures such as signs, fences or walls. No work shall be done in the County rights-of-way without a traffic control plan approved by the Engineer.

Section 16.09.030 Other Agency Notifications

The Consulting Engineer is responsible for obtaining the approval and necessary permits from governmental, municipal or district agencies when their facilities are involved.

Section 16.09.040 Inspection Requirements

A. All improvements constructed under the requirements of these Standard Construction Specifications shall be subject to inspection during construction by the Department. The Consulting Engineer shall inspect and certify the construction (as required 16.09.050 of this Chapter). The Contractor shall submit to the Consulting Engineer a practicable progress schedule in accordance with Section 8, "Progress Schedule", State Specifications. Two (2) working days prior to the commencement of

work the Consulting Engineer shall submit the “Progress Schedule” to the Department. Each salient feature of work shall be inspected by the Consulting Engineer and approved by the Department prior to proceeding to subsequent salient features of work.

B. When the improvements are completed, the Contractor shall request a final inspection by the Department and the Consulting Engineer (as required per 16.09.050). The Department shall inspect the work and notify the Contractor, the Consulting Engineer and the Developer of any defects or deficiencies to be remedied. At such time as these defects or deficiencies are corrected or completed in accordance with the plans or as specified by the Department, the Department shall recommend acceptance of the work to the Nevada County Board of Supervisors.

C. Fees for inspection of improvements shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

Section 16.09.050 Consulting Engineers’ Certification

All improvements required to be constructed as a condition of approval shall be inspected during construction by the Consulting Engineer. Upon completion of a salient feature(s) of the work, the Consulting Engineer shall notify the Department, in writing, certifying that the improvements were constructed in accordance with the approved plans and specifications. The Department will then schedule inspection(s) in accordance with Section 16.09.040, above.

Section 16.09.060 Permits and Notices

The Developer or Developer’s Agent shall be responsible for insuring that all necessary permits have been obtained and all required notices have been given prior to commencement of work, including:

- A. An approved set of plans shall be available at the project site at all times during the work, and the Department shall be notified as required by this section.
- B. All utility companies affected by the project shall be notified in advance of the work.
- C. “Underground Service Alert” phone number 811(also known as Call-Before-You-Dig) shall be notified at least two (2) working days in advance of any excavation.
- D. The Contractor shall be responsible for receiving rights-of-entry for any work done on private property or in non-public easements.

Section 16.09.070 Testing of Materials

Testing of all materials utilized in work performed under these standard construction specifications shall conform to the requirements and methods for testing of the California Department of Transportation and their standard specifications. All materials must meet minimum specifications. Where testing may be allowed to be performed by the Consulting Engineering or authorized laboratory, signed copies of the test results shall be submitted to the Department within forty- eight (48) hours or prior to commencement of a subsequent salient feature of work. Test results shall show clearly the names of the individual and firm performing the tests, as well as the project name, the dates of sampling and testing, origin of the sample and the actual results of the test. The test result shall also indicate whether the test result met minimum specification for the material as well as any corrective action by the Contractor and any retest by which the material was found to be in compliance. The Department reserves the right to verify test results.

CHAPTER 10: ROAD STANDARDS, ROAD DESIGN STANDARDS

Section:

Section 16.10.010	General
Section 16.10.020	Road Classification
Section 16.10.030	Construction of Major Roads
Section 16.10.040	Design Geometrics
Section 16.10.050	Structural Section Design
Section 16.10.060	Signing
Section 16.10.070	Curb, Gutter and Sidewalk
Section 16.10.080	Bikeways
Section 16.10.090	Snow Stakes
Section 16.10.100	Snow Storage Easements
Section 16.10.110	Maintenance Agreements
Section 16.10.120	Petition for Exception

Section 16.10.010 General

The following standards for the design of roads represent the minimum values or the lowest acceptable limit in design of roads. These standards apply to both public and private construction. In cases where California State Laws, Nevada County Codes, Resolutions or Ordinances or Project Conditions of Approval provide for more stringent standards than those shown herein, the more restrictive standard shall prevail. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.020 Road Classification

Roadways within Nevada County are designated by a functional classification system. Minimum road design standards are based upon the classification of the road or roads being constructed or improved. Roads functionally classified as Minor Collector or greater may be constructed to a standard of a lesser classified road when it can be demonstrated to the Director's satisfaction that the minimum level of service (LOS) criteria of the Nevada County General Plan can be met for the street or road in question at buildout of the General Plan. Routine repair, maintenance, and safety enhancement projects are exempted from strict compliance with these standards.

A. GENERAL PLAN CLASSIFICATIONS

Interim Classification Map, Until final adoption by the Nevada County Board of Supervisors of the revised Nevada County General Plan, the 1992 Functional Classification Map approved by the Federal Highway Administration (FHWA) on September 8, 1993, shall be the map referred to by the following paragraph. Upon final

adoption of the Nevada County General Plan that map will be superseded by the Nevada County General Plan Land Use and Circulation Maps. The FHWA maps served as a basis for the recommended classification of County roads in the Nevada County General Plan. Upon final adoption of the General Plan, requests will be submitted to amend the FHWA Maps to be consistent with the Nevada County General Plan.

Regionally significant roads are classified by the General Plan or addendum to the General Plan. These roads are identified on General Plan or specific plan maps or other descriptions. Some of these roads may be maintained by the state or by the cities.

1. Interstate Highways and Freeways. Limited access highways (e.g., Interstate 80 and the Golden Center Freeway).
2. Principal Arterials. Roadways carrying some regional traffic and connecting the major population centers within the County (e.g., State Route 49 south of Grass Valley and State Route 20 west of Grass Valley).
3. Minor Arterials. Roadways providing primary access from freeways and principal arterials to major origins and destinations (e.g., Nevada City Highway, Brunswick Road and State Route 174).
4. Collectors (Major and Minor). Streets connecting arterials to local roads. Collectors are broken down into the subcategories of Major and Minor in the rural area of the County (e.g., [Urban] Collector, Sutton Way; [Rural] Major Collector, Alta Sierra Drive; [Rural] Minor Collector, Norlene Drive).
5. Local Road Classifications. The classification of roads not classified as Minor Collector and above by the General Plan Circulation Map is Local Road. These roads function primarily to provide access to individual properties. The standard to which these roads are to be constructed is determined by the type and intensity of the adjacent land uses. The class of local road will be determined by the estimated future Average Daily Traffic (ADT). The future ADT shall be computed using the sum of existing traffic, plus any additional traffic generated from land uses allowed under the County's current General Plan and the title 12, Zoning, of this Code. For the purpose of implementing the General Plan, local roads can be broken into the following subcategories:
 - a. Minor Collector Equivalent (Local Class 3) Road: Serves a buildout volume in excess of 2,000 Daily Trips (A.D.T.) and is constructed to the same standard as those roads classified as Minor Collector on the General Plan Circulation Plan.
 - b. Local Class 2: Serves a buildout volume of 401 to 2,000 Average Daily Trips (A.D.T.).
 - c. Local Class 1: Serves a buildout volume of 101 to 400 A.D.T.

- d. Fire Standard Access Road: Is the minimum standard for access to a driveway for new construction and serves a maximum of 100 A.D.T.

B. FUTURE TRAFFIC GENERATION

Future traffic generation from allowed land uses will be based on the trip generation factors in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless specific local studies have been conducted and accepted for conditions unique to Nevada County. In the case of uses not specifically listed in the ITE Trip Generation Manual or for which local studies have not been conducted, the most similar use will be used.

The Chart on the following page summarizes the above Classifications.

TABLE I

NEVADA COUNTY ROAD CLASSIFICATION SYSTEM

Functional Classification	Jurisdiction	Criteria	Example	Purpose
Interstate	State	See Purpose	I-80	Limited access highways carrying regional and interstate traffic
Other Freeways or Expressways	State	See Purpose	Golden Center Freeway	Limited access highways carrying regional traffic
Other Principal Arterials	State	See Purpose	SR 49 South of Grass Valley	Major roadways providing access from rural to urban areas and access to freeways

Functional Classification	Jurisdiction	Criteria	Example	Purpose
Minor Arterial	State, County or City	See Purpose	Nevada City Hwy., SR 174	Streets providing through service to industrial and commercial areas and between cities and/or providing access to highways and freeways
Collector (Urban)	County or City	See Purpose	Sutton Way	Serves high density urban, industrial or commercial areas
Major Collector (Rural)	County	See Purpose	Alta Sierra Dr.	Roads that collect traffic from minor collectors and local roads

Minor Collector (Rural)	County	See Purpose	Bitney Springs Road	Roads that collect traffic from local roads and individual parcels
Local Class 2	County	401-2000 ADT	Jones Bar Rd.	Roads whose primary purpose is to provide access to individual properties
Class 1	County	101-400 ADT	Augustine Road	Roads whose primary purpose is to provide access to individual properties
Fire Standard Access Road	County	Up to 100 ADT		Minimum standard vehicular access to a driveway for new construction
Driveway	County	Up to 2 parcels		Minimum standard vehicular access to a dwelling. See Title 4: Fire Safety Regulations, Nevada County Code, for complete driveway specifications

(Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.030 Construction of Major Roads

When a subdivider is required to provide as an improvement a road functionally classified as a Minor Collector or greater within or adjacent to their development, the right-of-way shall conform to the width and alignment standards contained herein for functionally classified roads. Oversizing of improvements may be required due to the eventual capacity needs of cumulative growth beyond the infrastructure needs generated by an individual project. Such oversized improvement may be subject to a reimbursement agreement pursuant to Sections 16.10.020 and 16.10.050 of this Chapter. If the project needed to accommodate cumulative growth is contained within the list of projects upon which development fees are based, credit towards an individual project's development fees may be given in lieu of entering into a reimbursement agreement for the oversized improvement. All construction, including cut and fill slopes, shall be contained within the right-of-way offered for dedication.

A. OFFSITE ACCESS

The subdivider shall provide proof of adequate offsite right-of-way. Adequate offsite right-of-way is defined as the legal right of the developer and his assignees to use of a road that is of sufficient width to contain the entire road prism (including cut and fill slopes) which is required under this Chapter and which provides access to a County road or State highway. When the parcels being created are less than three (3) acres in size, the

subdivider shall improve offsite County roads to a minimum of the local class road standard appropriate to the project based on the future ADT. In the case that an existing offsite County maintained access road is not within the Nevada County Department of Public Works Five Year Road Capital Improvement Program for upgrading to be adequate in capacity to accommodate the additional traffic to be generated by a specific project, the developer shall be responsible for upgrading the offsite County road to the standard appropriate to the existing traffic plus the traffic calculated to be produced by the project. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. EXISTING COUNTY ROADS

The subdivider shall surface existing onsite County roads in accordance with the standards based on the traffic that will be generated by the subdivision. The minimum road prism, including cut and fill slopes, to be constructed shall be that standard appropriate to accommodate cumulative growth and shall be subject to the oversizing provisions as discussed above under “Construction of Major Roads”.

C. STREET EXTENSIONS

Streets which are to be extended in the future are not required to be constructed providing they do not exceed one (1) lot in depth and provided all lots adjacent to such streets have adequate frontage on and access to another street. Right-of-way and slope easements sufficient for construction shall be provided. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.040 Design Geometrics

A. DESIGN WIDTHS AND SPEEDS

The minimum design widths, speeds and other major design criteria for road construction are as follows in the chart on the following page. Further details are provided in the County’s Standard Drawings which supplement this Chapter.

TABLE II

NEVADA COUNTY STANDARD SPECIFICATION SUMMARY CHART

Note 1: All structural sections for this classification based on future year traffic and estimated percentage of that traffic which will be heavy vehicle.

Note 2: Surface capable of supporting a 75,000 lb. vehicle with a minimum six (6") inch A.B. compacted to ninety-five percent (95%) with subgrade compacted to ninety-five percent (95%).

Note 3: Driveway standard specifications are contained in Title 4 of the Nevada County Code, Fire Safety Regulations.

Note 4: Intersection channelization may increase the minimum right-of-way at spot locations.

Note 5: If approved by the Engineer, all grades over ten percent (10%) will require minimum three-inch (3") A.C. surface (Section 16.10.040[C])

Note 6: All roads shall be constructed to provide a minimum of a two (2) ten (10') foot traffic lanes, not including shoulder and striping.

The Nevada County Department of Public Works Standard Drawings, available from the Nevada County Department of Public Works, illustrate and clarify the standard specifications contained within this Chapter, as well as the Driveway specifications. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. HORIZONTAL ALIGNMENT

Changes in horizontal alignment of roads shall be made with horizontal circular curves with the edges of the pavement parallel to and equidistant from the centerline. Design of the horizontal alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in accordance with the appropriate design speed. Unless otherwise approved by the Engineer, the centerline of the road improvement shall coincide with the right-of- way centerline or other previously approved alignment.

C. VERTICAL ALIGNMENT

Grade changes in the vertical alignment greater than two percent (2%) shall be designed with parabolic vertical curves. The maximum grade, unless otherwise specified or approved by the Engineer, is ten percent (10%) below 3,500-foot elevation and eight percent (8%) above 3,500-foot elevation. The maximum grade without an Exception shall be sixteen (16%). The minimum grade for all classes of roads is one-half percent (0.5%). The design of the vertical alignment of roads shall be in accordance with the standards outlined in the California Department of Transportation "Highway Design Manual" in

accordance with the appropriate design speed.

The minimum vertical curve data to be complete and shown on the improvement plans shall identify the point of intersection elevation, the tangent gradients, the middle ordinate and the length of curve.

The minimum length of a vertical curve shall be one hundred (100') feet.

D. ROSS SLOPE DESIGN

The standard cross slope for all roads shall be two percent (2.0%), sloping both directions from the "crown" or highpoint at the centerline towards road edge. Any deviation from this standard requires prior approval from the Engineer.

Superelevated cross sections in horizontal curves shall have a maximum rate of superelevation of six percent (6%) for roads below 3,500 elevation. For roads at elevation 3,500 or above, the maximum rate of superelevation shall be four (4%).

E. INTERSECTION DESIGN

Intersecting roads shall not exceed six percent (6%) grade for a minimum of thirty (30') feet from the edge of the traveled way of the intersecting road.

All roads shall intersect as nearly as possible at right angles, but in no case shall the angle of intersection be less than sixty (60) degrees.

Roads intersecting any road from opposite sides shall have their centerlines directly opposite, or the offset between intersections shall be a minimum of one hundred fifty (150') feet.

Minimum sight distances for intersections shall be designed to meet all standards as shown in the Nevada County Standard Drawings, Required Sight Distance at Intersection/Driveways.

F. CURVE WIDENING

No road or roadway structure shall have an inside radius of less than fifty (50) feet. In cases where the centerline radius of a road is less than or equal to two hundred (200') feet, the inside edge of pavement shall be widened by four (4') feet. In cases where the centerline radius is one hundred (100') to two hundred (200') feet, the inside edge of pavement shall be widened by two (2') feet.

G. ADDITIONAL RIGHTS-OF-WAY

The advisory agency may require additional rights-of-way to accommodate traffic or parking on business or major traffic streets. The advisory agency may also require right-of-way for non-vehicular traffic (i.e., bikeway, equestrian path, foot path, if the right-of-way is shown on an adopted master plan or specific plan).

H. SLOPE EASEMENTS

Slope easements shall be provided wherever they are needed to contain the cut or fill slopes. The slope easement line shall be set at the toe of the fill or top of the cut plus ten (10') feet.

I. CUL-DE-SAC

Roads that dead end or transition to a driveway or non-standard road shall be terminated with a bulb-shaped cul-de-sac at the point where the road ends or transitions as shown in Standard Drawings. Cul-de-sacs shall have a minimum forty (40') foot radius surfaced bulb, measured from the center of the bulb to the edge of the surfacing if parking is not allowed on the road. If parking is allowed on the road, a minimum fifty (50') foot radius surfaced bulb shall be provided. Said surfacing shall be the same as required for the terminating road.

Hammerhead turnaround designs may be utilized subject to approval by the Engineer for local class roads when unusual topographic or other conditions prevent cul-de-sac construction. If a hammerhead-T is used, the top of the "T" shall be a minimum of sixty (60') feet in length.

The maximum length for a cul-de-sac or other dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcels zoned for less than one (1) acre 800 ft.

Parcels zoned for one (1) acre to four and ninety-nine one-hundredths (4.99) acres 1320 ft.

Parcels zoned for five (5) acres to nineteen and ninety-nine one hundredth (19.99) acres 2640 ft.

Parcels zoned for twenty (20) acres or larger 5280 ft.

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest

allowable length shall apply.

For parcels zoned for five (5) acres or larger, turnarounds shall be provided at maximum 1,320-foot intervals.

Each dead-end road, including gated access roads, shall have a turnaround constructed at its terminus.

J. UTILITIES PLACEMENT

1. In no case shall utility poles, light standards, guy wires, etc. be placed closer than six feet (6') to the edge of the traveled way. Manhole covers, grates, valve boxes, etc. shall be set so as not to interfere with snow removal.
2. New utilities shall be located as follows:
 - a. Water – three (3') feet from edge of pavement on the north or west side of the road;
 - b. Sewer – five (5') feet from the road centerline on the south or east side of the road;
 - c. Storm Drains – five (5') feet from the road centerline on the north or west side of the road;
 - d. Joint trenches, telecommunications and other utilities – either side of the road and at least six (6') feet from the centerline of roadside ditches.
3. Telecommunication Requirements - The installation of conduit for telecommunication purposes is required for all Capital Improvement Projects, development projects and Encroachment Permit work that includes any of the following:
 - a. All new arterial/collector road and bridge construction.
 - b. All new subdivision roads where underground utilities are required.
 - c. Arterial/Collector road reconstruction/widening involving reconstruction of the base and/or subbase on sections of a road spanning: 1) between two (2) road intersections or more; or 2) 1,000 feet in length or more.
 - d. Bridge reconstruction.
 - e. Trench work on arterial/collector roads spanning: 1) between two (2) road intersections or more; or 2) 1,000 feet in length or more.

An exception may be granted in writing by the Director per the following:

- a. Capital Improvement Projects: Separate alternative bid items will be required for all projects where telecommunication conduit is required per the above. If funding is not identified from the County or others upon award of a construction contract or upon commencement of the work by the County, an exception may be granted.

- b. Development project, non-County maintained road and/or Encroachment Permit work: An applicant may request funding from the County for the cost to construct telecommunication conduit if other funding sources are not available, less any costs shared by other utilities. Requests must include the associated project name, associated County permit numbers, an engineer or contractor estimate with a separately identified cost for construction of conduit for telecommunication use, the amount requested and any additional pertinent information. Approval of funding from the County will require Board of Supervisor approval of a funding agreement. In addition, an applicant may request to install conduit on other roads (other than arterials and collectors) for County consideration.
- c. Any location where trenching is not advisable per a stamped and signed report from a licensed Geologist, Geotechnical Engineer or Civil Engineer.

Conduit for telecommunication purposes shall be a minimum of four-inch (4") HDPE constructed per County trench backfill requirements with pull boxes every 250 feet. Telecommunication conduit must be constructed in road right-of-way or in Public Utility Easements or equivalent and may be constructed in joint trenches with other dry utilities. Completed telecommunication conduits must be granted to a telecommunication company or the County of Nevada.

K. ONE-WAY ROADS

One-way roads may be permitted subject to the approval of the Engineer. In no case shall one-way roads serve more than ten (10) dwelling units or exceed 2,640 feet in length. Standard one-way road structural sections are as shown on the Nevada County Standard Specifications Summary Chart. The surfacing requirements for one-way roads shall be the same as for the overall project of which they are a part. One-way roads shall serve only one direction of traffic and shall be signed appropriately and to the satisfaction of the entity responsible for fire protection. One-way roads shall connect on both ends to a two-way road.

L. MINIMUM VERTICAL CLEARANCE

The minimum vertical clearance over all roadways shall be fifteen (15') feet.

M. GATES ON ACCESS ROADS

1. Gate entrances shall be at least two (2') feet wider than the width of the traffic lanes serving the gate and shall have a minimum gate opening of fourteen (14') feet.
2. All gates providing access from a road to a driveway or another road shall be located

- at least thirty (30') feet away from the primary road right-of-way or easement and shall open to allow a vehicle to stop without obstructing traffic on that primary road.
3. All gates installed on emergency access roads after May 14, 2010 shall be subject to the following provisions:
 - a. At no time shall a gate on an emergency access road be locked.
 - b. The following standard signage shall be required on all gates on emergency access roads: "Emergency Access Only. This Gate Shall Remain Unlocked."
 - c. Pursuant to the enforcement powers established by the Nevada County Code 16.15.030 and 16.15.040, the County, or an agent of the County, reserves the right to remove locks from gates or to remove other encumbrances, including but not limited to boulders, ditches, and berms, that inhibit the use of an emergency access road for its intended purpose.
 4. All gates installed prior to May 14, 2010, shall be subject to the legal requirements, standards and/or conditions that were applicable at the time of original approval and installation.
 5. Security gates shall not be installed without approval of the Fire Marshal's Office of the fire authority having jurisdiction. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.10.050 Structural Section Design

A. MINIMUM STRUCTURAL SECTION STANDARDS ACCORDING TO ROAD CLASS AND PARCEL SIZE

Streets within the parcel(s) being developed and offsite non-county maintained access to the parcel(s) are to be brought/constructed to the minimum structural section condition indicated in the following table for the classes of streets within the parcel and the offsite access street and the parcel size being created. Higher standards are required if dictated by the projected traffic from the project.

TABLE III

MINIMUM SURFACING STANDARDS BY PARCEL SIZE AND FUNCTIONAL CLASSIFICATION

Parcel Size Acres	Fire Standard Access Rd <100 ADT Note 2	Local Class 1 101-400 ADT Note 1	Local Class 2 401-2000 ADT Note 1	Collector Minor >2000 ADT Note 1	Collector Major & Urban	Arterial Minor	Elevation
0-2.999	N/A	N/A	3"A.C/8"A.B.	3"A.C/8"A.C.	Engineered Design	Engineered Design	
3-4.999	6" A.B. plus improve. Plans and Right-of-Way	3"A.C./6"A.B. 3"A.C/8"A.B.	3"A.C./8"A.B.	3"A.C./8"A.B.	Engineered Design	Engineered Design	<3500' >3501'
5-9.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	6" A.B. Note 2, plus improve. Plans and Right-of-Way	3"A.C./8"A.B.	Engineered Design	Engineered Design	
10-39.999	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. Plans and Right-of-Way	6" A.B. plus improve. plans and Right-of-Way	
40 UP	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	6" A.B. plus Right-of-Way	

Note 1: Minimum requirements. Actual structural section design to be based on "R" value and "T.I."

Note 2: six inches (6") A.B. = 6" A.B. at ninety-five (95%) compaction over subgrade compacted to ninety-five (95%). If grade exceeds ten percent (10%), surface shall be three inch (3") A.C. over six inch (6") A.B. Higher Standards are required if dictated by projected traffic from project.

B. STRUCTURAL SECTION DESIGN

The structural section design shall be based on the R-value of the underlying material, with the minimum structural sections as shown above and on the Standard Drawings. The location of R-value tests within the project area shall be selected so as to provide representative samples for the entire project area. Additional testing may be required in specific soil areas as directed by the Engineer.

C. AGGREGATE BASE (AB) OR BASE

Class 2 Aggregate Base is aggregate base in conformance with the provisions of Section 26, “Aggregate Bases” of the CALTRANS Standard Specifications.

D. DOUBLE SEAL

Double seal coat is seal coat in conformance with the provisions of Section 37, “Bituminous Seals” of the CALTRANS Standard Specifications.

E. ASPHALT CONCRETE (AC) PAVING OR PAVEMENT

Type B asphalt concrete is asphalt concrete in conformance with the provisions of Section 39, “Asphalt Concrete” of the CALTRANS Standard Specifications. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2531. (10/24/2023))

Section 16.10.060 Signing

Sign type and location shall conform to the following:

A. STREET SIGNS

Street signs shall be of the type and size as shown in the Nevada County Standard Drawings. A street sign installation with four sign plates on each post is required at each intersection. The location of street sign installations shall be shown on the improvement plans.

B. TRAFFIC SIGNS

Stop signs, speed limit signs and other traffic control signs shall be of the size and type and shall be installed in locations that are in conformance with the State of California, Department of Transportation Traffic Manual and as required and approved by the Engineer. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.070 Curb, Gutter and Sidewalk

A. Curb, gutter and/or sidewalk shall be installed adjacent to all road improvements where required by Ordinance, Resolution or as a Condition of Approval for the project. Type E rolled curb and gutter and the sidewalk adjacent to the curb and gutter shall be placed upon a layer of Class 2 aggregate base compacted to ninety-five (95%) percent relative compaction. The depth of the aggregate shall be thick enough so that when combined with the concrete above the resulting structural section is equivalent to that of the adjoining roadway. In no case shall the depth of Class 2 aggregate be less than two (2") inches.

B. Type A2-6 curb and gutter shall be placed upon a layer of Class 2 aggregate base as described for Type E rolled curb and gutter except that the sidewalk adjacent to Type A2-6 curb and gutter need not be placed upon aggregate base, provided that the subgrade is compacted to ninety five (95%) percent relative compaction. All curb, gutter and sidewalk shall be constructed in accordance with the latest edition of the State of California, Department of Transportation Standard Plans and Section 73, "Concrete Curbs and Sidewalks" of the Standard Specifications.

C. In areas above the 3,500 foot elevation, Type E rolled curb and gutter shall be constructed (see CALTRANS Standard Plans).

D. The minimum width for all sidewalks shall be four (4') feet except as otherwise specified or required.

E. Sidewalks shall be six (6') feet wide at bus turnouts and at signalized intersections. Where utility poles or other obstructions are situated within street-side sidewalks, a minimum of four feet of clear uninterrupted sidewalk area shall be provided. Where it is necessary to widen the sidewalk beyond the standard width to obtain the four (4') foot clearance, the widened area shall extend a minimum of five (5') feet beyond each side of the obstruction and a ten (10') foot taper on each side of the widening shall be required.

F. All construction shall comply with the Americans With Disabilities Act of 1990 (42 U.S.C.S. Secs. 12101, et seq.). (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.080 Bikeways

All bikeways shall be constructed in locations designated by and designed in conformance with the Nevada County Bicycle Master Plan and the CALTRANS Highway Design Manual, Chapter 1000, "Bikeway Planning and Design." (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.090 Snow Stakes

Snow stakes shall be provided and placed by the Department where applicable. The Developer shall be responsible for payment to the Department for this service on a one-time-only basis. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.100 Snow Storage Easements

Snow storage easements shall be provided in subdivisions above 3,500 feet elevation and shall be ten (10') feet wide on both sides of the road right-of-way. (Ord. 2488. (01/12/2021); Ord. 2531. (10/24/2023))

Section 16.10.110 Maintenance Agreements

If the roads constructed within a subdivision are to remain private, then a maintenance entity shall be formed to insure continued maintenance on the road system. Maintenance of the road system shall include maintenance of the fuel modification zones and minimum vertical clearances. The entity shall be formed in accordance with the Standard Maintenance Agreement on file in the Department of Public Works. The subdivider may be required to annex to an adjacent existing maintenance entity. (Ord. 2488. (01/12/2021); Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

Section 16.10.120 Petition for Exception

Modification of the required standard, except as provided within this Chapter, for the construction of specific roads shall follow the petition for exception process as specified in Section governing Subdivisions of this Code. Otherwise, the Advisory Agency, in the case of petitions for exceptions from the Road Standards, shall be required to make findings of fact in support of the following in addition to those findings of fact specified in Section governing Subdivisions.

That an exception to any Fire Safe Standard, including those standards adopted by Title 4, governing Fire Safety Regulations of this Code and the Chapter governing Fire Standard Access Road improvements, will provide the same practical effect of fire protection and is supported by the entity responsible for assuring compliance with Cal. Code Regs. Tit. 14, Natural Resources Division 1.5, Department of Forestry and Fire Protection Chapter 7, Subchapter 2, Articles 1-5.

The same practical effect can be met in some cases by incremental improvements of offsite access roads proportional to the intensity of development proposed.

It is intended that every effort be made to grant a petition for exception that includes

feasible road improvement requirements for tentative parcel maps for living persons, or the testamentary disposition of deceased persons, who owned their property prior to March 4, 1972. The Board finds that such property owners have contributed significantly to the public trust through open space conservation by avoiding development of their property in prior years.

All requests for design exceptions shall be reviewed and approved by the County Engineer. In the case of requests for design exceptions for privately funded improvement projects, the Advisory Agency shall take action on the recommendation of the County Engineer and the findings for or against the exception shall be noted in the finding of facts either approving or denying the petition. All Petitions for Exceptions shall contain, at a minimum, the information requested on a Design Exception Information Form to be provided by the Department. (Ord. 2488. (01/12/2021); Ord. 2474. (01/14/2020); Ord. 2161. (10/05/2004); Ord. 2531. (10/24/2023))

CHAPTER 11: ROAD STANDARDS IMPROVEMENT PLANS

Sections:

Section 16.11.010	General
Section 16.11.020	Tentative Map Approval - Improvement Plans, Inspection, Completion, Accept

Section 16.11.010 General

Improvement plans, specifications and cost estimates prepared for all proposed private and public road, drainage and related improvements, including any necessary dedications, easements and rights-of-entry, shall be submitted to the Department of Public Works for approval. Approval, substantiated by the signature of the Engineer, is required prior to the beginning of construction of any such improvements. The Engineer shall order work to cease on any project if the contractor does not have approved plans in their possession. Enforcement/appeal of the stop work notice shall be as outlined in 16.15 of this Chapter. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

The fees for the Department's review of the plans shall be based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

A. REFERENCE TO STANDARDS

The general notes and special provisions of all plans shall include the following note:

"All construction and materials shall be in accordance with the latest edition of the County of Nevada Standard Construction Specifications."

B. PLAN REQUIREMENTS

Two (2) sets of plans, complete and in accordance with these Road Standards, along with any required specifications, computations, test data, cost estimates and other material requested by the Engineer shall be submitted to the Department for review.

The drafting of the plans must be heavy and large enough (hand lettering 1/8-inch minimum size, CAD lettering 1/10-inch minimum) to produce clear, sharp prints from microfilmed copies.

One (1) copy of the reviewed plans with corrections required by the Engineer shall be returned to the Consulting Engineer. The required corrections shall be made to the original tracing and two (2) sets of the revised plans shall then be submitted to the Department along with the signature sheet for final review and signature. Any changes or additions to the plans other than those as required by the Department shall be highlighted or by some other means identified on the revised prints submitted by the Consulting

Engineering. When approved and signed, the Department will return the signature sheet to the Consulting Engineer. Throughout the project the consultant will supply the County with prints as required by the County. After the project is completed, the Consultant will supply the County with one reproducible set of “As-Built” drawings.

1. Standard Sheets and Scales: Improvement plans shall be prepared on plan and profile sheets twenty-four (24”) inches by thirty-six (36”) inches.

Scales shall be horizontal 1" = 20', 40' or 50', vertical 1" = 4', 8' or 10'.

Horizontal scale of plan and profile shall match.

2. Title Sheet: A title sheet for all plans shall be prepared showing the entire project complete with any district boundaries, city limits, street names, section lines and corners; and the location within the County.
3. The title sheet shall also include an index of the sheets, the date and scale of the drawing, and signature blocks for the Consulting Engineer and the approvals of the Engineer and other officials as required. Typical sections, construction details, etc. shall be placed elsewhere in the plans unless otherwise approved by the engineer.

Title Blocks: Each sheet shall have an approved title block showing the sheet title, number, scale, date, the Consulting Engineer's name and the name of the project. Samples may be obtained from the Department. The preferred location is across the bottom of the plan sheets.

4. Typical Sections: A typical section for each type of road or facility proposed within the improvement shall be included as part of the plan.
5. Right-of-way: Right-of-way lines, lot boundaries and numbers, drainage easements, utility easements, section lines and corners and temporary construction easements, both existing and proposed, shall be shown on the plans. All right-of-way and easement lines shall be properly dimensioned and labeled.
6. Topography: All pertinent topographic features which are affected by design or construction shall be shown. The tops of cuts and toes of fills shall be shown on the layout plans.
7. Profiles: The plans shall clearly show the existing and proposed profiles of all roadways, drainage ditches, storm drains and utilities. Curb returns and edge of pavement profiles shall be furnished for each intersection. Where driveways are to be built, profiles and work limits shall be shown on the plans.

Centerline stationing and elevations shall be shown at fifty (50) foot intervals. Vertical curve lengths and tangent gradients shall also be included, and all ground lines, ditches, gutters and pipes shall be shown by distinctive symbols and labeled.

8. Bench Marks: Bench marks and datum shall be clearly shown on the plans both as to location, description and elevation. The datum shall be 1929 Sea Level Datum (USGS or USC & GS).

When there are no existing USGS or USC & GS bench marks within one thousand (1000') feet of the project, the Consulting Engineer may use an assumed datum after obtaining approval from the Engineer. In all cases, permanent bench marks shall be placed on each project in sufficient number and durability and efficiently placed so as not to be readily disturbed to assure the perpetuation or facilitate reestablishment of the elevation of any point in the project. The location(s) of the permanent bench marks shall be shown on the plans.

9. Basis of Bearing: The location, description and relationship of monuments used for horizontal control shall be clearly shown on the plans with reference made to supporting recorded maps or unrecorded maps on file with the Department.
10. Stationing and Orientation: Insofar as practical, the plans shall be arranged such that the north arrow is pointed toward the top of the sheet. The stationing on the plan and profile shall read from left to right. Centerlines or right-of-way lines shall be labeled with linear, angular and radial data sufficient to determine their bearings and lengths and relationship to those monuments shown on the plans..
11. Cross-Sections: Cross-sections shall be submitted with the plans and prepared at fifty (50') foot intervals and more often where determined necessary by the Engineer. A cross-section at each culvert location and all existing or proposed driveway locations shall be shown. Cross-sections for roads shall be at ninety (90) degrees to, or radial with the centerline of the road.

The cross-sections shall be plotted on an appropriate scale on standard cross-section sheets. The roadway template shall be accurately plotted and properly stationed. Centerline elevations of the original ground and finish grade shall be shown and properly labeled. Right-of-way lines and slope easement lines shall be shown and labeled.

12. Required Notes: A list of notes required by the Department shall be clearly drafted onto the original plan drawings. These required notes are available on request from the Department of Planning. In addition, notes specifically required by the project's Conditions of Approval shall also be made part of the plans. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

13. Drainage List and Profiles: A drainage list shall be made part of the plans. The drainage list shall show the size, gauge, slope, length and type of all drainage structures to be placed on the project, including culverts, drainage inlets, pipes, headwalls, wingwalls, end sections, etc.

Drainage profiles shall be prepared and included as part of the plans. Each drainage profile sheet shall include the type, size, length, slope, invert elevations and location of culverts. Drainage appurtenances (headwalls, wingwalls, drainage inlets, etc.), all flowline elevations, existing ground lines and proposed finished grade shall be shown and properly labeled and/or dimensioned.

14. Superelevation Diagram: When superelevation is used, a diagram shall be drawn on the profile sheet. Superelevation diagrams shall be designed in accordance with the standards outlined in the CALTRANS "Highway Design Manual".

For superelevation through intersections, a separate plan and profile of the intersection shall be included. Cross slopes, elevations at drainage structures and flowline of drainage ditches or curb and gutter (if applicable) shall be shown and properly labeled.

C. CONFLICTS, ERRORS AND OMISSIONS

Excepted from approval are any features of the plans that are contrary to, in conflict with, or do not conform to any California State law, Nevada County Ordinance or Resolution, conditions of approval or generally accepted good engineering practice in keeping with the standards of the profession, even though such errors, omissions or conflicts may have been overlooked in the Department's review of the plans.

D. PLAN REVISIONS

No changes shall be made to the approved plans unless authorized by the Engineer. Should changes become necessary, the Consulting Engineer shall resubmit two (2) copies of the affected plan sheets with the authorized changes noted and dated in a revision block on the title sheet. The changes shall be identified by the revision number in a triangle delineated on the plans adjacent to the change. The proposed changes shall be reviewed by the Department and approved by the Engineer. The Engineer may order changes in the plans in order to complete the necessary improvements.

E. UTILITIES

All existing and proposed utilities shall be shown on the plans to the extent practical. The Consulting Engineer shall submit copies of both the preliminary and approved plans to the affected utility companies. The Developer or the Developer's agent is responsible for

obtaining approvals and necessary permits from utilities or other governmental agencies when required. The Department may condition approval of the plans upon receipt of proper permits from other agencies.

F. AS-BUILT PLANS

The Consulting Engineer or the developer's construction engineer shall keep an accurate record of all approved deviations from the plans and shall provide a reproducible set of plans to the Department upon completion of the work before final approval of the completed improvements.

G. ESTIMATES

An estimate of the cost of work, showing quantities and unit prices prepared by the Consulting Engineer, is required for all projects where the project proponents desire to enter into a Subdivision Improvement Agreement in accordance with Section 13.03.090, governing Subdivisions. Two (2) sets of computations showing how the quantities in the estimate were determined shall be furnished to the Department with the Improvement Plan submittal. Unit prices must be based upon the current approved prevailing wage schedule available at the Department.

Section 16.11.020 Tentative Map Approval - Improvement Plans, Inspection, Completion, Acceptance

In addition to the General Requirements for Improvement Plans, the following shall apply in the case of tentative map approval:

A. GENERAL

Following approval of the tentative map, the subdivider shall cause to be prepared and submitted for approval complete construction plans for the improvements required by this Chapter.

B. REQUIREMENTS

The plans shall be prepared under the direction of a registered civil engineer, licensed by the state of California, and shall show the complete plans, profiles and details for all street work, drainage channels and structures, retaining walls or other improvements to support cut slopes and embankments, bridges, the location of underground utilities which may control the location and elevation of storm drains and culverts, the location of fire hydrants, street monuments, curbs, gutters, driveways, if constructed in conjunction with subdivision improvements, structures and drainage facilities to control slides, location of street lights, sanitary sewers and other improvements which may be required to complete

the work. If the plans include three (3) or more sheets, a key map showing the streets, lots, street names, storm drains, the area covered by each sheet of the plans, and a list showing the sheet numbers of the plans and of the profiles for streets and storm drains shall be included on the first sheet of the plans.

C. CHANGES

Requests shall be made by the subdividers or engineer for review of changes appearing necessary or desirable prior to or during construction and shall be submitted to the Department of Planning and shall be accompanied by four (4) sets of revised drawings showing the proposed revision. The Department of Planning shall review such requests and shall return one (1) copy of such drawing showing any corrections necessary for approval or notification of approval to the subdivider's engineer. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

D. REVIEW PREREQUISITE FOR FINAL AND PARCEL MAP APPROVAL

The review and signing of the improvement plans by the Department of Planning shall be a condition precedent to the approval of the final or parcel map for the subdivision by the Board of Supervisors when improvements are required. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

E. SUPPLEMENTARY PLANS AND DOCUMENTS

Supplementary plans and documents shall include grading plans, hydrology, hydraulic computations and structural computations as required.

F. INSPECTIONS REQUIRED

All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the Department of Transportation.

G. RIGHT OF ENTRY

The Department of Transportation shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in accordance with the requirements of this Chapter.

H. PRIOR WORK REJECTED

If any work on improvements is done by the subdivider prior to the approval of the improvement plans or prior to the inspection of the improvements as required by the

Department of Transportation, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

I. COMPLETION

1. General Requirements: The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable causes.
2. Delay - Penalty: Delay on completion of the work beyond the period stated in the subdivision agreement, unless an extension thereof is approved by the Board of Supervisors and the surety company, may result in forfeiture of the cash deposit and/or security, or a portion thereof, for the completion of the work.

J. ACCEPTANCE

1. Recommendation by Department of Transportation: When all improvement work required by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the Department of Transportation, the Department of Transportation shall notify the Board of Supervisors that such work has been satisfactorily completed and recommend the acceptance of the Board of Supervisors of the completed work.
2. Resolution Filing: Upon satisfactory completion of all work required to meet the requirements of this Section and its acceptance by the Board of Supervisors, the Board of Supervisors shall cause to be filed a resolution of acceptance.

CHAPTER 12: ROAD STANDARDS, STORM DRAINAGE

Sections:

Section 16.12.010	Hydrologic Design
Section 16.12.020	Hydraulic Design
Section 16.12.030	Culverts
Section 16.12.040	Open Ditches
Section 16.12.050	Closed Conduit Storm Sewers
Section 16.12.060	Headwalls, Wingwalls, Endwalls and Trash Racks
Section 16.12.070	Easements

Section 16.12.010 Hydrologic Design

Watershed areas of six hundred forty (640) acres and less can be analyzed by the Rational Method. Watershed areas larger than six hundred forty (640) acres shall be analyzed utilizing the Soil Conservation Service (SCS) Unit Hydrograph Method or a method agreed upon by the Consulting Engineer and the Engineer prior to submitting the analysis to the Engineer for review.

The submittal of the improvement plans shall be accompanied by the drainage analysis consisting of a watershed area map and drainage design calculations (two (2) copies each).

A. DESIGN STORMS

Drainage design calculations shall show the calculations used to determine the hydraulic load for both the ten (10) year and one hundred (100) year design storms at each drainage facility. The specific design requirements are detailed in Sections 16.12.020 to 16.12.060.

B. RATIONAL METHOD OF ESTIMATING PEAK RUNOFF

1. Time of Concentration. The time of concentration is the time required for the runoff from the most remote point in the watershed to reach the point of concentration at which the flow is to be calculated. It is generally composed of two parts, the overland flow time (sheet flow) and the concentrated flow time.
 - a. Overland Flow Time. In undeveloped or lightly developed watersheds, the initial runoff is usually in the form of sheet flow. This overland flow time shall be determined using Standard Drawing D-8.
 - b. Concentrated Flow Time. Concentrated flow time is the time required for the water to flow from one point of concentration to the next. This flow may take place in a man-made or natural conveyance. The velocity chosen for use in this

calculation should accurately reflect the hydraulic conditions in the drainage system.

2. Rainfall Intensity. Rainfall intensities for the ten (10) year and one-hundred year storms shall be determined using Standard Drawings D-11 and D-12.
3. Runoff Coefficient. The runoff coefficient shall be chosen to reflect the ultimate development of the drainage area. This shall be based on the County's General Plan, the County's Zoning Maps and the Soil Conservation Service Soil Survey of Nevada County. The runoff coefficient shall be determined using Standard Drawing D-15.

C. UNIT HYDROGRAPH METHOD OF ESTIMATING PEAK RUNOFF AND VOLUMES

The Army Corps of Engineers' computer program, HEC-1, shall be used to calculate flow rates for all watersheds over 640 acres. The SCS method shall be the method used with HEC-1.

Copies of the HEC-1 program as well as technical support are available through private vendors. For a list of these vendors, contact the U.S. Army Corps of Engineers, Water Resources Support Center, The Hydrologic Engineering Center in Davis, California.

1. Lag Time. Lag time can be considered as a weighted time of concentration. It is discussed in detail in the Soil Conservation Service Publication SCS-TP-149.

The equation for calculating lag time is as follows:

$$L = 0.6tc$$

Where L = lag in hours

tc = time of concentration

2. Rainfall Duration-Depth. The rainfall duration-depth relationships to be used in unit hydrograph calculations are shown on Standard Drawings D-13 and D-14.
3. Loss Rate. Precipitation losses due to land surface interception, depression storage and infiltration shall be determined using SCS Curve Numbers. Hydrologic soil group information may be found in the "Soil Survey of Nevada County Area, California" published by the Soil Conservation Service. Curve numbers shall represent the ultimate development of the drainage area.

D. DRAINAGE AREA MAPS

A drainage area map shall be prepared to accompany all drainage calculations and shall reflect the following criteria:

1. All maps shall be of adequate scale to show a clear representation of the drainage conditions. Contours shall be shown and labeled throughout. Prominent features (roads, lakes, streams, etc.) shall be shown on the map.
2. All individual watersheds and subwatersheds shall be clearly defined with colored pencil shading and heavy lines delineating the boundaries.
3. Travel paths of all flow shall be clearly defined. Where concentrated flow exists, the type and dimensions of the conveyance shall be noted on the map. Where sheet flow exists, note this on the map.
4. Points of concentration for each structure shall be shown throughout. At each point of concentration, note the peak flow rates, generally the ten (10) and one-hundred year flows (Q10 and Q100).
5. The areas (in acres) of all individual watersheds and subwatersheds shall be noted on the map.
6. Rational Method "C" values or SCS Method Curve Numbers shall be shown for each watershed and subwatershed.
7. Unusual features: N.I.D. irrigation ditch spillways for discharging excess storm runoff, upstream drainage facilities discharging onto the project, etc. shall be shown including expected values for Q10 and Q100.

Section 16.12.020 Hydraulic Design

Nevada County uses Manning's Equation to calculate friction losses and the pressure-momentum equations and energy equations to calculate junction or change in cross-section energy losses.

A. MINIMUM FREEBOARD REQUIREMENTS

<u>Facility</u>	<u>Freeboard (FT.)</u>	<u>From HGL to:</u>
Cross Culverts (Q10)	0	Top of Culvert
Cross Culverts (Q100)	0	Crown of Road
Closed Conduit Storm Drains (Q10)	1.0	Gutter Flow Line
Closed Conduit Storm Drains (Q100)	0	Top of Curb
Open Channels (Q10)	1.0	Top of Bank

Open Channels (Q100)	0	Top of Bank
Roadside Ditches (Q10)	0	Top of Bank
Roadside Ditches (Q100)	0	1/3 Travel Way
Curb and Gutter (Q100)	Shall inundate no more than 1/3 of the traveled way	
Bridges (Q100)	2.0	Lowest Member

B. FRICTION LOSSES

The Mannings Equation shall be used to calculate friction losses for hydraulic profiles. The following Mannings “n” values shall be used:

<u>Facility</u>	<u>“n”</u>
Corrugated Metal Pipe	
Annular	0.210
Helical	0.180
Spiral Rib	0.120
Reinforced Concrete Pipe	0.014
High Density Polyethylene Pipe	
Corrugated	0.210
Smooth Wall	0.120
Concrete or Asphalt lined	
Ditches & Channels	0.150
Cast in Place	0.150
Precast	0.014
Earth Ditches and Channels	
Smooth Geometric	0.030
Irregular or Natural	Refer to Brater & King
“Handbook of Hydraulics”	
Patented Products	See Manufacturer’s
Specs	

C. JUNCTION LOSSES

At points in the hydraulic profile where there is a change in the flow rate or conveyance geometry, the energy loss being experienced due to these changes and the corresponding change in water surface elevation shall be calculated using either the pressure-momentum

method or the energy equation method. The value of the loss coefficient, k, used in the energy equation shall be at the discretion of the consulting engineer and subject to the approval of the Engineer.

D. MINIMUM AND MAXIMUM VELOCITIES

<u>Facility</u>	<u>Minimum Velocity, fps</u>	<u>Maximum Velocity, fps</u>
Earth Ditches & Channels Concrete or Asphalt Lined	2.0	4.0 - 6.0
Ditches & Channels	2.0	14.0
Closed conduits	2.0	14.0

$V_{max} > 4.0$ fps subject to prior approval by Engineer.

Velocities exceeding 14 fps are special circumstances and criteria shall be established on a case by case basis to provide for protection from scour and unstable flow conditions.

E. DETENTION FACILITIES

Detention facilities are intended to reduce the peak discharge of a watershed by storing the excess flow in a reservoir and slowly releasing it back into the system after the peak of the storm has passed. Reservoir size and outlet configuration shall be designed using an inflow hydrograph computed using HEC-1. The required storage volume and outflow requirements shall be determined using a flood routing method established in the engineering profession as being acceptable. An example of an acceptable method is the Modified Plus Method.

All detention reservoirs shall be designed such that the water surface returns to its base elevation within twenty-four (24) hours of the end of the storm and shall be placed as required by the Engineer.

Section 16.12.030 Culverts

The following are minimum standards. They shall in no way relieve the consulting engineer from designing culverts to meet actual design conditions. All storm drainpipe intended for use within the roadway shall be checked for maximum allowable cover utilizing manufacturer's design values. The gauge or class of pipe shall be specified on the plans.

A. ROAD CROSS CULVERTS

Culverts crossing the roadway shall be adequate to carry the design flows. The culvert shall be reinforced concrete pipe, corrugated steel pipe, corrugated aluminum pipe or high-density polyethylene plastic pipe. The minimum culvert diameter shall be eighteen (18") inches when the culvert length does not exceed eighty (80') feet and twenty-four (24") inches when culvert length exceeds eighty (80') feet. The maximum spacing between cross culverts shall be five hundred (500') feet, and the maximum differential in elevation between successive cross culverts shall be twenty (20') feet unless otherwise approved by the Engineer.

All corrugated metal pipe (both steel and aluminum) shall be a minimum of twelve (12) gauge. All reinforced concrete pipe shall be a minimum of Class III. The minimum cover depth for all culverts shall be one (1') foot.

B. DRIVEWAY CULVERTS

Culverts crossing driveway entrances shall be adequate to carry the design flow and shall be of the materials specified in Section 16.12.030.A, above. Minimum pipe size shall be twelve (12") inches.

C. CROSS CULVERT INLETS

In cut areas with other than concrete curb and gutter, cross culvert inlets shall be installed as shown on Standard Drawing D-3, as required. Cross culverts in fill areas shall be provided with a flared end section (FES) as shown on Standard Drawing D-2, as required.

Section 16.12.040 Open Ditches

All open drainage facilities shall be adequately protected from erosion by the use of an appropriate lining, and shall, as a minimum, meet the design criteria set forth in "Erosion and Sediment Control Guidelines for Development Areas of the Sierras", prepared by the High Sierra RC&D. Temporary and permanent drainage structures not specifically included in these specifications are "Special Circumstances."

A. EXISTING DITCHES

Unless justified within the calculations, all abrupt changes in alignment or profile and all underbrush and debris which seriously restricts the flow in existing ditches shall be regraded and improved. Such work shall be shown on the improvement plans. Unless previously approved by the Engineer, centerline curve radius of an open ditch shall be a minimum of thirty-five (35') feet.

B. DIVERSION

The diversion of natural drainage, subject to Engineer's approval, will be allowed only within the limits of the proposed project. All natural drainage must leave the improved area at its original horizontal and vertical alignment unless a special agreement, approved by the Engineer, has been executed with the adjoining property owners.

C. NEW CONSTRUCTION

When selecting a ditch section or a lining material, consideration shall be given to the esthetics of the area. A trapezoidal section shall take precedence over a deep "V" ditch whenever possible.

A lining material shall be used which will adequately protect the channel from erosion.

1. Seeded Earth Ditches. This type of ditch may be used, subject to approval by the Engineer, only where the velocity does not exceed four (4') feet per second (6 fps with Engineer's approval) and the native material, when scarified, will support plant growth. Information regarding approved seed mixtures is available at the Department.
2. Concrete Poured in Place or Air Blown. Minimum thickness to be four (4") inches with welded wire fabric WW F6x6 - W2/W2, fiber mesh reinforcement or other approved reinforcing method in sides and bottom.
3. Asphaltic Concrete (Type B). Minimum thickness shall be three (3") inches after compaction (90% relative).

D. ROADSIDE GUTTERS

When roadside gutters are used to convey storm drainage, the flow from the ten (10) year design storm (Q10) shall not inundate the traveled way, and the flow from the one hundred (100) year design storm (Q100) shall not inundate more than one-third (1/3) of the traveled way.

The maximum length of a roadside gutter shall be five hundred (500) lineal feet between cross culverts unless otherwise approved by the Engineer. The maximum length of an asphalt concrete dike shall be five hundred (500) lineal feet between down drains.

E. TOE DITCHES

Rock-lined toe ditches may be used, subject to the approval of the Engineer, only at the base of fills. This type of ditch shall not be used as a roadside ditch. Rock lining shall conform to the provisions of Section 72 of the State Specifications. The minimum size

shall satisfy the specifications for No. 2 Backing. The minimum thickness of the rock lining shall be twelve (12”) inches.

Section 16.12.050 Closed Conduit Storm Sewers

A. CAPACITY

Special provisions shall be made within the drainage system to ensure that the inlet flow line elevation and the capacity of the drainage system is such that it may be extended to serve the entire drainage basin at the time of ultimate development. This is to include the entire upstream portion and the portion of the basin outside the development, regardless of existing conditions.

B. PIPE

Closed conduit storm drains shall be constructed of reinforced concrete pipe, corrugated metal pipe or high-density polyethylene plastic pipe.

C. STRUCTURES

Unless otherwise approved by the Engineer, all manholes, junction structures and catch basins shall conform to the following standards:

<u>Facility</u>	<u>Type</u>	<u>Reference</u>
Manhole	RCP	Nevada County Std. Dwg. D-4
Junction Structures	GMP or	CALTRANS Std. Plan D75 OCP (1)
Catch Basins	GO or	CALTRANS Std. Plan D74 GT3 (2)
or		
Standard Nevada County Std. Dwg. D-3 Drop Inlet		
1) Use type 36RX grate or steel cover, redwood cover prohibited		
2) Use type 24-13 grate		

D. OUTFALLS

All drainage outfalls shall be shown in both plan and profile on the improvement plans until a definite daylight condition is established.

When the outfall is from a closed conduit drain into a natural drainage course, an energy dissipater approved by the Engineer must be provided.

COVER REQUIREMENTS

At locations where the general minimum cover requirements cannot feasibly be obtained,

the conduit shall be either encased in concrete or provided with a concrete cover, or another method of pipe protection as specified by the Consulting Engineer and approved by the Engineer.

Section 16.17.060 Headwalls, Wingwalls, Endwalls and Trash Racks

The location and design of all proposed structures shall be considered individually and shall be designed in accordance with the State Standard Drawings and the Nevada County Standard Specifications. The design shall be as approved by the Engineer.

Section 16.12.050 Easements

The boundary lines of all drainage easements shall be shown on the plans.

A. FOR IMPROVED DRAINAGE FACILITIES

Easements shall be provided for all ditches, culverts and conduit systems whether constructed as newly built improvements or as rebuilt improvements.

B. FOR EXISTING DRAINAGE FACILITIES

Easements shall be provided for all existing drainage facilities within the boundaries of and/or affected by any land areas to be improved.

C. EXTENT

All drainage easements shall extend from the point at which a flow is concentrated to 1) the point of confluence with a natural drainage course, or 2) the point where the flow is returned to sheet flow.

D. FOR OFFSITE DRAINAGE FACILITIES

All concentrated drainage leaving the boundaries of the area to be approved in other than natural drainage courses will require either specific easements or drainage release letters from the property owners of the lands from the point at which the drainage leaves the limits of the improvement area to the point at which it is deposited in a natural water course. The requisite easements must include adequate provision for all of the drainage structures to be used in the offsite drainage (i.e., culverts, ditches, dissipaters, etc.).

CHAPTER 13: ROAD STANDARDS, EROSION PROTECTION

Section:

Section 16.13.010	General
Section 16.13.020	Erosion Control Plan

Section 16.13.010 General

All soil exposed by the construction shall be protected from erosion. The erosion protection measures shall be made part of the improvement plans and subject to approval by the Engineer. Temporary erosion protection measures shall be installed during the construction to contain all material within the project boundary.

Permanent erosion protection measures shall be installed when the work is complete. Additional measures, as deemed necessary by the Engineer, shall be installed prior to final approval of the work.

Section 16.13.020 Erosion Control Plan

In addition to the ditch linings and the energy dissipaters required by Sections 16.12.040 and 16.12.050 of these standards, an Erosion Control Plan to prevent sediment runoff from all disturbed soils is required. The Erosion Control Plan shall be submitted with, or be made a part of, the Improvement Plans and shall be reviewed by the Engineer and the Resource Conservation District prior to approval of the Improvement Plans.

Revegetation and stabilization with specific amounts and types of vegetative species, mulch and fertilizer materials and timing of placement shall be listed in the Erosion Control Plan. Sediment catchment installations shall be required to contain sediment runoff from migrating beyond the project boundaries. Soil disturbing activities may be limited to specific times of the year by either the Department or the Resource Conservation District.

CHAPTER 14: ROAD STANDARDS. SURVEY MONUMENTS

Sections:

Section 16.14.010	General
Section 16.14.020	Horizontal Control Monuments
Section 16.14.030	Vertical Control Monuments
Section 16.14.040	Construction Staking

Section 16.14.010 General

The Consulting Engineer shall place a note in the Improvement Plans stating that the Contractor is responsible for the protection of all survey monuments, markers and accessories. Any such survey feature that is disturbed or removed during the course of construction shall be restored or replaced by a person legally authorized to survey in the State of California.

Section 16.14.020 Horizontal Control Monuments

Survey monuments shall be placed at right-of-way boundaries, property boundaries or sectional corners within the improvement as required by the Engineer. These monuments shall be placed in such a way so as to provide easily accessible horizontal control for the work.

Section 16.14.030 Vertical Control Monuments

If an established benchmark or other vertical control monumentation is not easily accessible, the Consulting Engineer shall establish vertical monumentation to control the work. The location and datum shall be shown on the Improvement Plans. An assumed datum may be used with Engineer's approval.

Section 16.14.040 Construction Staking

All construction staking shall conform to established staking methods and shall be uniform throughout the project. The staking method shall be supplied to the Engineer upon request. The Contractor shall keep the Consulting Engineer informed in advance of the times and locations where construction staking is needed. Stakes damaged or destroyed by the operations of the Contractor will be replaced at his expense.

CHAPTER 15: ROAD STANDARDS, ENFORCEMENT

Sections:

Section 16.15.010	General
Section 16.15.020	Stop Work Notice
Section 16.15.030	Criminal Enforcement
Section 16.15.040	Nuisance Abatement
Section 16.15.050	Nonexclusive Remedies

Section 16.15.010 General

The Engineer may issue a stop work notice for good cause, subject to appeal to the Board of Supervisors. However, no work shall be performed pending appeal except as authorized by the Engineer.

Section 16.15.020 Stop Work Notice

- A. Whenever it comes to the attention of the Engineer that any person is performing work in violation of the provisions of this Chapter, the Engineer may serve upon such person a written notice citing such violations and directing that person performing the work to stop work immediately.
- B. Upon receipt of such stop work notice, the person performing the work shall:
1. Stop work immediately until authorized by the Engineer to proceed; and
 2. Within twenty-four (24) hours provide the Engineer with a list of remedies which can be immediately undertaken to bring the work into compliance with this Chapter; and
 3. Within twenty-four (24) hours after acceptance of such remedies by the Engineer undertake, at the violator's expense, such action as is necessary to bring the work into compliance with this Chapter.
 4. If engineering work is required to identify and define the proper course of action, as determined by the Department, such work shall be provided by the violator at no cost to the County.

Section 16.15.030 Criminal Enforcement

Any person violating a stop work notice shall be guilty of a misdemeanor. Any person who violates any other provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; two hundred dollars (\$200) for a second violation of the same Section

within a twelve (12) month period; and five hundred dollars (\$500) for a third or subsequent violation of the same Section within a twelve (12) month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Section 16.15.040 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 provided by law.

Section 16.15.050 Nonexclusive Remedies

The remedies provided herein are not exclusive and are in addition to any other remedy or penalty provided by law.

TITLE 17: MITIGATION AND DEVELOPMENT FEES
CHAPTER 1: RECREATION MITIGATION FEES

Sections:

Section 17.01.010	Recreation Mitigation Fees for Truckee-Donner Recreation and Park District
Section 17.01.020	Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)
Section 17.01.030	Quimby Act Dedications of Land and Fees In-Lieu of Dedications.

Section 17.01.010 Recreation Mitigation Fees for Truckee-Donner Recreation and Park District

- A. A development impact mitigation fee for recreation is hereby established in unincorporated Nevada County, within the jurisdiction of the Truckee-Donner Recreation and Park District (“the District”).
- B. The amount of the mitigation fee shall be adopted by resolution of the Board of Supervisors, after approval of a fee study by the District that meets the requirements of the “Mitigation Fee Act”(Cal. Gov’t Code §66000, or “AB 1600”). The study shall show a reasonable relationship, or nexus, between the purpose and amount of the fee, the need for public facilities to be financed by the fee, and the impacts and type of development on which the fee is imposed.
- C. The mitigation fee shall be imposed on new construction in a manner that is consistent with the Mitigation Fee Act. The mitigation fee proceeds shall be used exclusively for capital assets and improvements that mitigate impacts created by new development. The fee proceeds shall not be used to correct deficiencies, or to upgrade recreational facilities or service levels, for the primary benefit of existing development.
- D. This Section is intended to be fully consistent with the Mitigation Fee Act, the provisions of which are incorporated here by reference. In the event of any inconsistency between 17.01 and the Act, the Act shall control. (Ord. 2281. (01/27/2009); Ord. 2531. (10/24/2023))

Section 17.01.020 Park and Recreation Facilities Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)

A. All single-family and multi-family residential development within the unincorporated areas of Nevada County and which are outside of the boundaries of the Truckee-Donner Recreation and Park District shall pay to the County of Nevada the following sums at the time of building permit issuance that shall be phased in over time starting from the date of adoption. The final fee amount shall be collected each year thereafter.

Western County Recreation Benefit Zone	Single Family Dwelling - Year 1	Single Family Dwelling - Year 2	Single Family Dwelling - Year 3	Multi-Family Dwelling - Year 1	Multi-Family Dwelling - Year 2	Multi-Family Dwelling - Year 3
Grass Valley and Nevada City Recreation Benefit Zone						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
Twin Ridges Recreation Benefit Zone						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
Oak Tree Recreation Benefit Zone						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
Bear River Recreation Benefit Zone Lake of the Pines						
≥ 2,500 Square	\$ 674	\$ 1,003	\$ 1,331	\$ 674	\$ 1,003	\$ 1,127

Feet						
750 - 2,499 Square Feet	\$ 539	\$ 802	\$ 1,065	\$ 539	\$ 802	\$ 1,065
< 750 Square Feet	\$ 404	\$ 602	\$ 799	\$ 404	\$ 602	\$ 799
Remaining Development Area						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669
Western Gateway Recreation Benefit Zone Lake Wildwood						
≥ 2,500 Square Feet	\$ 413	\$ 478	\$ 542	\$ 413	\$ 478	\$ 458
750 - 2,499 Square Feet	\$ 330	\$ 383	\$ 434	\$ 330	\$ 383	\$ 434
< 750 Square Feet	\$ 248	\$ 287	\$ 325	\$ 248	\$ 287	\$ 325
Remaining Development Area						
≥ 2,500 Square Feet	\$ 1,410	\$ 2,096	\$ 2,782	\$ 1,410	\$ 2,096	\$ 2,355
750 - 2,499 Square Feet	\$ 1,128	\$ 1,677	\$ 2,226	\$ 1,128	\$ 1,677	\$ 2,226
< 750 Square Feet	\$ 846	\$ 1,258	\$ 1,669	\$ 846	\$ 1,258	\$ 1,669

Western County Recreation Benefit Zone

The above referenced Recreation benefit Zones shall mean those zones as such identified in the Nevada County Park and Recreation Facilities Fee Nexus Study.

A. The Park and Recreation Facilities Mitigation Fee Schedule shall be automatically adjusted annually for the inflation of construction and acquisition costs. The Fee Schedule will be adjusted annually on July 1 of each year beginning in Year 2 (fiscal year 2020/21) from the date of adoption. The adjustment will be based on the 20-City Construction Index as reported in the Engineering News-Record (ENR) for the 12-month period ending in March of the year of the adjustment.

B. Fees will be collected from new residential development in the unincorporated Western County; use of these funds, however, may need to wait until a sufficient fund balance can be accrued. According to Cal. Gov't Code § 66006, the County is required to deposit, invest, account for, and expend the fees in a prescribed manner. The fifth fiscal year following the first deposit into the fee account or fund, and every five (5) years thereafter, the County is required to make all of the following findings with respect to that portion of the account or fund remaining unexpended:

1. Identify the purpose for which the fee is to be put.
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete facility improvements.
4. Designate the approximate dates on which the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The County must refund the unexpended or uncommitted revenue portion of the fee for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.

C. The following types of development specifically are exempt from the Park and Recreation Facilities Mitigation Fee:

1. All federal and state agencies, public school districts, special districts, and the County will be exempt from the fee program, unless other arrangements or agreements are established with the County.
2. Any replacement or reconstruction of any structure that is damaged or destroyed as a result of fire, flood, explosion, wind, earthquake, riot, or other calamity, or act of God. If the building replaced or reconstructed exceeds the documented total floor area of the damaged/destroyed building, the excess square footage is subject to the Recreation Development Fee. If a structure is replaced with an alternative land use, such as replacing a commercial building with residential units, no exemption shall apply.
3. Residential accessory structures that do not increase covered building square footage such as open decks and pools. (Ord. 2460. (01/08/2019); Ord. 2531. (10/24/2023))

Section 17 01.030 Quimby Act Dedications of Land and Fees In-Lieu of Dedications.

A. The provisions of the Quimby Act (hereafter “the Act”, or Cal. Gov't Code § 66477) are incorporated here by reference. A requirement of the dedication of land, or the payment of fees in lieu thereof, or a combination of both, is hereby established

throughout unincorporated County of Nevada. The dedication, or payment of fees in-lieu, is for park and/or recreational purposes and is made a condition of the approval of a tentative map or parcel map (Cal. Gov't Code § 66477(a)). The land, fees, or combination thereof, are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision (Cal. Gov't Code §66477(a)(3)).

B. The provisions of this Section are to be applied in coordination with any local public agency that has territorial jurisdiction for recreation and park services. Pursuant to Cal. Gov't Code § 66477(c), the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the County and such other local public agency.

C. All dedications of land for recreation and park purposes, that are required as a condition of the subdivision of land, shall meet all the requirements of the Act. This Section does not apply to subdivisions containing less than five (5) parcels and not used for residential purposes (Cal. Gov't Code §. 66477(a)(8)), nor does it apply to commercial or industrial subdivisions (Cal. Gov't Code §66477(d)).

D. The amount of Quimby Act fees in-lieu of dedication of land shall be prescribed by resolution of the Board of Supervisors, in a manner that is consistent with the requirements of the Act. Such fees shall be in addition to any applicable development impact mitigation fee for recreation that is imposed pursuant 17.01.010 to 17.01.020. Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less (Cal. Gov't Code § 66477(a)(7)).

E. Land or fees required under the Act shall be conveyed to, or be paid over to, the local public agency which provides park and recreational services on a communitywide level (Cal. Gov't Code § 66477(b)). (Ord. 2251. (01/27/2009); Ord. 2531. (10/24/2023))

CHAPTER 2: FIRE PROTECTION DEVELOPMENT FEES

Sections:

Section 17.02.010	Purpose
Section 17.02.020	Definitions
Section 17.02.030	Establishment of Fee, Exemptions, Credits
Section 17.02.040	Application and Collection of Fee
Section 17.02.050	Use of Fees, Hold Harmless
Section 17.02.060	Appeal from Fee Assessment

Section 17.02.010 Purpose

This Section is enacted to provide the authority for and process by which development fees may be imposed for fire prevention, suppression and safety within the unincorporated territory of the County of Nevada. Such fees may be imposed for each fire protection district or agency which causes to be prepared and presented a study adequate to demonstrate the reasonable relationship between new development and the fee to be charged. It is intended hereby that new development shall pay its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on the fire protection district's ability to provide such service. (Ord. 1703. (04/09/1991); Ord. 2531. (10/24/2023))

Section 17.02.020 Definitions

As used in this Section:

- A. **COSTS OF CAPITAL IMPROVEMENTS** means any costs related to acquisition, construction, repair and financing, but does not include costs of routine maintenance.
- B. **DEVELOPMENT PROJECT** means any project, not specifically exempted herein, undertaken for the purpose of development, regardless of the intended use thereof, and includes all projects involving the issuance of a permit for construction, but not a permit to operate.
- C. **FLOOR AREA** means the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts and courts or other uncovered areas. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Such unenclosed floor area may be subject to a different, separately calculated fee only if the supporting study and fee resolution so provide.

D. LOCAL AGENCY includes any agency of a public entity, specifically including school districts and special districts.

E. PUBLIC ENTITY means state, county, city, city and county, district, public authority, public agency or public corporation or other political subdivisions.

F. PUBLIC FACILITIES includes facilities and equipment, public capital improvements, public services and amenities.

Section 17.02.030 Establishment of Fee, Exemptions, Credits

A. A fire protection development fee is hereby established for all non-exempt new development projects within the unincorporated areas of Nevada County and within the boundaries of a fire protection district or area for which a fee is established pursuant to this Section. The Board of Supervisors shall establish the amount of such fee for each individual fire protection district or agency by resolution at a publicly noticed meeting upon completion by the fire protection district or agency of an adequate study, commissioned, adopted and provided by such district or agency. Said study shall establish a reasonable development fee for the district or area and demonstrate by competent analysis the reasonable relationship between such fee and the impacts of such development, satisfying the statutory requirements for fees for development projects contained in Chapter 5 of Division 1 of Title 7 of the Government Code (Cal. Gov't Code § §66000 - 66008), commonly referred to as AB 1600. Said fees may from time to time be amended as circumstances warrant by the adoption of a subsequent resolution by the Board of Supervisors. Any action to adopt a resolution levying or increasing such fee for any individual fire protection district or agency shall follow the procedures set forth in Cal. Gov't Code § § 66016 - 66019, and any subsequent amendments thereto including, without limitation, notice, public hearing and effective date provisions.

B. Public facilities and projects being constructed for use by a public entity or local agency shall be exempt from fees hereunder. Remodeling of, or reconstruction within three (3) years of damage to, a lawfully existing structure shall not be considered to be a new development project subject to a fee hereunder if rebuilt for the same general use on the same site or in the same fire protection district or fee area, except to the extent the structure is increased in size, in which event it shall be subject to assessment based upon the net increase in floor area.

C. To the extent, if any, that a fire protection district development fee or exaction was assessed and paid for any parcel as a condition for the approval of the subdivision which created the parcel, a credit for the fee paid or the cost of the exaction shall be given.

Section 17.02.040 Application and Collection of Fee

Any developer or owner applying for a building permit for any new development project in an area for which a fire protection development fee has been established pursuant to this Section shall, as a condition to approval and issuance of said permit, be assessed and pay the assessed fee directly to the applicable fire protection district or agency. A certificate issued by the fire protection district or agency or other satisfactory evidence of such payment shall be presented to the Nevada County Building Division prior to issuance of a building permit. Notwithstanding the foregoing, to the extent Cal. Gov't Code § 66007 requires a delay of payment of the fee on residential development until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, said provisions shall control and fees shall be collected and proof of payment submitted prior to issuance of a certificate of occupancy.

Section 17.02.050 Use of Fees, Hold Harmless

A. All fire protection development fees shall be collected by the local fire protection district or agency on whose behalf they are imposed. Said respective fire protection districts or agencies shall be responsible for compliance with Cal. Gov't Code §§ 66000 - 66008, with regard to the fees assessed and collected. As a further condition of the imposition and collection of fees as established by this Section, each fire protection district or agency collecting such fees shall be conclusively presumed to have agreed to hold the County of Nevada harmless and to indemnify and defend the County from all actions, claims and damages related to said fees, including, without limitation, any challenge to the validity of or use of said fees. The fees collected, together with any interest thereon, shall be maintained and accounted for in a separate capital facilities account or fund in a manner to avoid any commingling of such monies with other revenues or funds and expended in a timely fashion only for approved purposes.

B. The fire protection development fees shall be used by the local fire protection districts or agencies for capital expenditures to mitigate the impacts attributed to new development. Specifically, these fees shall be used to pay all of the applicable portion of the costs of capital improvements to public facilities necessitated by the development projects, whether identified by a capital improvement plan or otherwise. Fees remaining unexpended or uncommitted five (5) or more years after deposit shall be subject to the provisions of Cal. Gov't Code § 66001.

Section 17.02.060 Appeal from Fee Assessment

A. Any developer or owner assessed fees for a project established pursuant to this Section may appeal the amount of such fees on the following grounds and no other:

1. That the project, in whole or in part, is exempt from any fee;
2. That the floor area upon which the fee was computed is in error; or
3. That the credit allocated to this project for prior exactions paid, as provided for in 17.02.030 (B), is in error.

B. Any such appeal shall be filed in writing with the office of the fire protection district or agency imposing said fee, within thirty (30) calendar days of the date the fee is assessed, and shall include a statement on appeal setting forth the grounds for the appeal and, where applicable, the fee acknowledged to be correct, the correct computations thereof and the basis therefor.

C. Upon the filing of such an appeal, it shall be considered at the next regular meeting of the Board of Directors or other governing Board of such fire protection district or agency for which such matter can properly be adjudicated. At that time, the Board shall determine if the appeal was filed within the applicable time limits and on an allowable ground and shall summarily reject any untimely or improper appeal. The Board shall further determine if the appeal contains sufficient information as required by subsection B. If the Board determines that the information is insufficient, it may summarily reject the appeal for that reason or immediately notify the appellant of the insufficiency and allow an additional seven (7) calendar days in which to correct such deficiency. If, upon the expiration of any additional time, the Board determines that the statement on appeal is still insufficient, it shall summarily reject the appeal.

D. Upon determination that an appeal is timely and sufficient, the Board shall set the matter for hearing as soon as time on their agenda permits and upon at least ten (10) days prior notice, then and there to consider all evidence presented by or on behalf of staff and appellant as to the correct amount of fees to be assessed. At the conclusion of the appeal hearing, the Board may approve or change the fee assessed to reflect proper computations or excuse all or part of any fee to the extent it determines the project is exempt pursuant to this Section or the resolution establishing the applicable fee. Any action to change or excuse the fee shall be by not less than a majority of the full board, with any action culminating in fewer votes being deemed to constitute a denial of the appeal resulting in no change of fees. The Board charged with hearing such appeals may adopt reasonable procedures for conduct of such appeal hearings and may charge a reasonable appeal fee, subject to refund if the appeal is upheld.

E. The decision of the Board of Directors or other governing board on such fee appeal may be appealed to the Board of Supervisors within ten (10) calendar days by filing a Notice of Appeal conforming to the requirements of and following the procedure set out in Sections governing Appeals 12..05.120, in the County's Code. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant

and the fire protection district or agency whose fee is being appealed. Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. At the appeal hearing, evidence shall be limited to the issues properly raised in the notice of appeal. The Board of Supervisors shall have the authority to limit the amount of time that the appellant and the fire protection district or agency may have in the appeal hearing to not less than fifteen (15) minutes each. At the conclusion of the appeal hearing, the Board of Supervisors may sustain or overrule the appeal and may approve or change the fee assessed or excuse all or any part thereof to the extent the project is exempt. The decision of the Board of Supervisors shall be final.

CHAPTER 3: ROAD DEVELOPMENT FEES ON NEW DEVELOPMENT

Sections:

Section 17.03.010	Purpose
Section 17.03.020	Road Development Fees, Reimbursement Fees
Section 17.03.030	Calculation and Payment of Fees
Section 17.03.040	Limited Use of Fees
Section 17.03.050	Developer Construction of Facilities

Section 17. 03.010 Purpose

In order to implement the goals and objectives of the Circulation Element of the County of Nevada's General Plan and to mitigate the cumulative impacts on roads caused by new development in the County, certain road improvements must be or had to be constructed. The Board of Supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following sections, the Board of Supervisors has found the fee to be consistent with its General Plan and, pursuant to Cal. Gov't Code § 65913.2, has considered the effects of the fee with respect to the County's housing needs as established in the Housing Element of the General Plan. (Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

Section 17.03.020 Road Development Fees, Reimbursement Fees

A. ROAD DEVELOPMENT FEE. A road development fee is hereby established and shall be levied against development in the unincorporated territory of the County to pay for road improvements. The Board of Supervisors shall, in a separate Resolution, set forth the specific amount of the fee based upon a study describing the benefit and impact area on which the development fee is imposed, listing the specific public improvements to be financed, describing the estimated cost of these road improvements and describing the reasonable relationship between this fee and the various types of new developments. As set in the fee resolution, this development fee shall be calculated and paid as provided in Section 17.03.030. On an annual basis, the Department of Public Works shall review the study to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described road improvements are still needed. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. REIMBURSEMENT FEE. In addition to said road development fee, any person developing real property may also be required to contribute a sum, including an amount attributable to interest, to reimburse any other person who has been required as a condition of development to construct road improvements of supplemental size, length or

capacity in proportion to the benefit enjoyed. Payment of said sum may be included as a condition of approval of a development permit, provided, however, that said reimbursement amount shall be required to be paid, whether or not imposed as a condition of approval, when a reimbursement agreement is in effect with another property owner (developer) pursuant to 17.03.050 which identifies the person's property to be developed as being within the benefit area subject to charges thereunder. The rate and amount of interest shall be determined by the County Auditor consistent with the interest earned by County investments during the applicable period of time. (Ord. 2239. (05/29/2007); Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

C.

Section 17.03.030 Calculation and Payment of Fees

ROAD DEVELOPMENT FEE CALCULATION. The applicable road development fees shall be calculated in accordance with the development fee schedule in effect as of the date that the fees are paid by the developer, property owner or other responsible party.

ROAD DEVELOPMENT FEE PAYMENT. The fees may be paid at any point in time that the developer or property owner chooses following the determination by the County Planning Department that an application for development has been properly filed with the Department and the application has been found to be complete, or is deemed to be complete under Cal. Gov't Code § 65943 provided, however, that in no event shall the fees be paid any later than upon the issuance of a building permit (as to any non-residential development) or upon the earliest of the final inspection, the issuance of a certificate of occupancy, or such time as may be authorized pursuant to Cal. Gov't Code § 66007(b) (as to residential development).

ROAD DEVELOPMENT FEE ON AS-BUILT CONSTRUCTION.

In the event that development on real property exists without proper permits, the Road Development Fee will be calculated in accordance with the development fee schedule in effect as of the date of the issuance of a building permit.

In cases where a property is acquired with existing, unpermitted structures, the Road Development Fee may be calculated in accordance with the applicable fee schedule in effect at the time of original building construction. (Ord. 2376. (01/28/2014); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

Section 17.03.040 Limited Use of Fees

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

A. Pay for the future construction of road improvements described in the Resolutions enacted pursuant to 17.03.020, or to reimburse the cost for those described or listed road improvements constructed with funds advanced from other sources to the advancing governmental entity, or

B. Reimburse developers who have been required or permitted by 17.03.050Sec. 3.5 to install such listed road improvements which are oversized with supplemental size, length, or capacity. (Ord. 2060. (06/05/2001); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

Section 17.03.050 Developer Construction of Facilities

Whenever a developer is required, as a condition of approval of a development permit, to construct road improvements described in a resolution adopted pursuant to 17.03.020 (A), which road improvements are determined by the County of Nevada to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the road network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this Section on the development project, shall be offered. When the road improvements required as a condition of approval of a development are determined to have supplemental size, length or capacity over that needed for the impacts of that development, but said improvements are other than those described in a Resolution adopted pursuant to 17.03.020 (A), a reimbursement agreement with the developer, without a credit against fees, may be offered with regard to other properties which have the right to use and stand to benefit from such improvements. In any event, the reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the road improvements or the burdens created by the development project. (Ord. 1837. (07/13/1993); Ord. 1829. (04/13/1993); Ord. 1809. (11/10/1992); Ord. 2531. (10/24/2023))

CHAPTER 4: PROCEDURES FOR PROTEST, LITIGATION AND/OR REFUNDS OF DEVELOPMENT FEES

Sections:

Section 17.04.010	Intent of this Section
Section 17.04.020	Requirements for Protest as Prerequisite to any Suit
Section 17.04.030	Statute of Limitations
Section 17.04.040	Procedures for the Discretionary Refund of Development Fees
Section 17.04.050	Procedures for the Mandatory Refund of Development Fees

Section 17.04.010 Intent of this Section

It is the intent of the Board of Supervisors in adopting this Section to establish and to codify in the County of Nevada ordinances the procedures by which any person or party may file a protest and any litigation against the County contesting the propriety of the imposition of any development fee or other exaction as a condition of the approval of any development or development project (as those terms are defined in Cal. Gov't Code §§ 65927 and 65928, respectively). To the extent that such procedures are established by State law, it is the intent of the Board that all applicable provisions of State law will be fully implemented within the County of Nevada, and to the extent that any reference is made herein to State law, such reference shall be made to the applicable code sections as they exist on November 10, 1992, and to any subsequent amendments thereto. To the extent that State law does not control, it is the intent of the Board to establish procedures and requirements which shall control as to the matters covered by this Section.

Section 17.04.020 Requirements for Protest as Prerequisite to any Suit

Any person or party on whom a fee, dedication, reservation, or other exaction has been imposed, the payment of which is required as a condition of approval of any development or development project (as defined in Cal. Gov't Code §§ 65927 and 65928, respectively), may protest the imposition of any such fee or other exaction. Any such protest shall be filed in accordance with the provisions of Cal. Gov't Code § 66020 (including any subsequent amendments thereto) within ninety (90) days of the date of the imposition thereof.

For the purposes of this Section, the imposition of any fees, dedications, reservations, or other exactions occurs when the condition requiring the payment or dedication is incorporated into the approval of any development (project) through the approval of a tentative subdivision map or through the issuance of any use permit, site plan (permit), variance or any similar zoning permit.

Section 17.04.030 Statute of Limitations

Any suit, litigation or other legal action to attack, review, set aside, void, or annul the imposition of any fees, dedications, reservations or others, including but not limited to, any request for the refund thereof, shall be filed within 180 days after the date of the imposition thereof. As a prerequisite to the filing of any such suit, a protest shall be filed in accordance with the provisions of 17.04.020. Thereafter, all persons or parties are barred from any action or proceeding to contest the propriety of the imposition of any such fees, dedications, reservations or other exactions and are barred from alleging the invalidity of any such imposition in defense of any action brought to enforce same.

Section 17.04.040 Procedures for the Discretionary Refund of Development Fees

Whenever the Board of Supervisors finds that the County has imposed and collected any development fees which are in excess of the amounts which are reasonably required to be contributed by any development project or projects to (1) offset the individual or cumulative impacts created by the projects on the infrastructure owned or operated or controlled by the County; or (2) pay for the estimated reasonable cost of providing the service or facilities by the County, which funds have been held by the County for less than five (5) years, then the Board of Supervisors may order the refund of such fees as follows:

A. Prior to authorizing the refund of such fees to any particular project, the Board shall review the record of the approval of the development project (including any applicable environmental documents therefor) and any applicable studies concerning the imposition of the development fees to determine if: (1) the fees, when imposed, were unwarranted as not being reasonably necessary to offset the individual or cumulative impacts created by the development project, or are in excess of the estimated reasonable cost of providing the public service or facilities and/or (2) the need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source, and/or (3) the need for the infrastructure has been eliminated.

B. Whenever the Board is considering refunding development fees to all project applicants on a pro rata basis (i.e., a ten percent (10%) refund for all projects), the Board shall not be required to review individual project records, and instead the Board shall determine whether a refund is warranted based on any of the following findings:

1. The need for the fees has been extinguished or reduced as the infrastructure has been provided by some other funding source; and/or
2. The need for the infrastructure has been eliminated; and/or
3. The amount of the fees are in excess of that which was needed to provide infrastructure to offset the impact due to development.

C. Any action by the Board to refund development fees shall be taken at a regularly scheduled meeting of the Board which shall be preceded by a notice of the intent to consider the refund which shall identify the development project or projects and shall be published pursuant to Cal. Gov't Code §6061 (publication once in a newspaper of general circulation) and shall be supported by evidence in the record.

Section 17.04.050 Procedures for the Mandatory Refund of Development Fees

In accordance with the provisions of Cal. Gov't Code § 66001, the Board of Supervisors shall annually review all accounts containing development fees paid to the County to determine if there are any funds therein which have been in the account for five (5) or more years. If there are any such funds the Board shall review the reason for the imposition of the fee in order to identify the purpose to which the fee is to be put and to determine if there is (at the present) a reasonable relationship between the fee and the purpose for which the fee was imposed. For any fee as to which the Board determines that there no longer is a reasonable relationship between the fee and the purpose for which it was imposed, the Board shall order the refund of the fee to the then current record owner or owners of the lots or units of the development project or projects on a prorated basis together with the estimated interest that was earned thereon while on deposit with the County.

TITLE 18: FLOODPLAIN MANAGEMENT REGULATIONS

CHAPTER 1: FLOODPLAIN MANAGEMENT REGULATIONS

Sections:

Section 18.01.010	Purpose & Intent
Section 18.01.020	Definitions
Section 18.01.030	General Provisions
Section 18.01.040	Administration
Section 18.01.050	Provisions for Flood Hazard Reduction
Section 18.01.060	Procedures for Exception

Section 18.01.010 Purpose & Intent

A. The Legislature of the State of California has in Cal. Gov't Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of the County of Nevada does hereby adopt the following floodplain management regulations.

B. This Chapter will provide the floodplain management criteria for all development in areas of special flood hazard within the unincorporated areas of the County of Nevada. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. In order to accomplish its purpose, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which results in damaging increases in erosion or flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Controlling filling, grading, dredging and other development which may increase flood damage, and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

Section 18.01.020 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- A. **ACCESSORY STRUCTURE** means a structure or a portion of a structure, either attached or detached, which is subordinate to, and the use of which is incidental to, that of the main structure or use on the same premises.
- B. **AREAOF SPECIAL FLOOD HAZARD** - See Special Flood Hazard Area.
- C. **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood).
- D. **BASEMENT** means any area of the building having its floor subgrade (below ground level) on all sides.
- E. **BREAKAWAY WALLS** are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten (10 lbs) and no more than twenty (20 lbs) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
- F. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

G. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

H. COMMISSION OR PLANNING COMMISSION - The Planning Commission of Nevada County.

I. DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations including the physical extension and/or construction of urban land uses. Development activities include the subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (except for agricultural activities). Routine repair and maintenance activities are exempted.

J. EXCEPTION means a grant of relief from the requirements of this Chapter, which permits construction in a manner that would otherwise be prohibited by this Chapter.

K. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 25, 1988.

L. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION the preparation of additional sites by the construction of facilities for servicing the locates which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

M. FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

N. FLOOD BOUNDARY AND FLOODWAY MAP means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration

has delineated both the areas of flood hazard and the floodway.

O. FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Nevada County.

P. FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Q. FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of flooding).

R. FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

S. FLOODPLAIN ADMINISTRATOR is the community official designated by title to administer and enforce the floodplain management regulations. SEE ZONING ADMINISTRATOR.

T. FLOODPLAIN MANAGEMENT REGULATIONS means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state and local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

U. FLOOD PROOFING means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

V. FLOODWAY means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

W. FUNCTIONALLY DEPENDENT USE means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term does not include private docks and piers.

X. HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Y. HISTORIC STRUCTURE means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminary determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in state with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of Interior in states without approved programs.

Z. LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

AA. MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

BB. MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

CC. MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

DD. NEW CONSTRUCTION means for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a

floodplain management regulation adopted by this community.

EE. ONE HUNDRED YEAR FLOOD OR 100-YEAR FLOOD means a flood, which has a one percent annual probability of being equaled or exceeded. It is identical to the base flood which will be term used throughout this Chapter.

FF. PERSON means an individual or their agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

GG. REMEDY A VIOLATION means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

HH. SPECIAL FLOOD HAZARD AREA (SFHA) means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, A1-30 or AE.

II. START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

JJ. STRUCTURE means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

KK. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal

or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

LL. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

3. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
4. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

MM. RECREATIONAL VEHICLE means a vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

NN. RECREATIONAL VEHICLE, QUALIFIED means a Recreational Vehicle that meets all of the following minimum construction standards:

1. Either:
 - a. Manufactured after 1974 and before 1999 in compliance with the 1974 ANSI 119.2 standard or better as provided herein and with requirements of the State Department of Housing and Community Development (HCD) and bearing its certification sticker, or
 - b. Manufactured after 1998 in compliance with the 1998 Edition of the ANSI standard A119.5 for park trailers, and the 1996 Edition of the ANSI standard 119.2 for all other recreational vehicles or better and bearing a label or insignia indicating the manufactures compliance to the appropriate ANSI standard.

2. Certified, to the satisfaction of the Building Department, to meet the snow load requirements of Cal. Code Regs tit. 25 §and to have the snow load capacity to resist the roof live load applicable to the site where the unit is placed (or placed under an approved protecting ramada if the recreational vehicle does not itself meet the required minimum load standards);
3. Contains a minimum of 320 square feet of internal living area;
4. Set up in compliance with no less than the manufacture's minimum specifications or engineer's certification, with provisions for attachment of not less than six (6) ground anchors to the chassis being provided unless other methods are determined necessary for safety by the Building Official (when over-the- roof ties are provided, strapping shall conform to Federal Specification QQS 781-H); and
5. Manufactured or modified with HCD or HUD approval to meet the fire safety requirements of ANSI A119.5 Standard for Park Trailers Sections 3-2.3, 3-2.4 and 3-4 (including 3-4.1, 3-4.2, 3-4.3 and 3-4.4).

OO. VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by the County of Nevada's Floodplain Management Ordinance is presumed to be in violation until such time as that documentation is provided.

PP. ZONING ADMINISTRATOR - The Planning Director of the County of Nevada shall be the Zoning Administrator; provided, however, that the Planning Director shall be authorized to appoint no more than two of the senior staff planners as Deputy Zoning Administrators who shall be entitled to serve in lieu of the Zoning Administrator.

The Zoning Administrator and/or the Deputy Zoning Administrator shall have the authority under this Chapter to review and to approve or disapprove the following types of applications subject to the other provisions of this Chapter: area variances, site plans (permits), use permits and any other matters which are assigned to the Zoning Administrator pursuant to this Code.

Section 18.01.030 General Provisions

A. LANDS TO WHICH THIS CHAPTER APPLIES. This Chapter shall apply to all areas of special flood hazards within the unincorporated area of the County of Nevada.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the County of

Nevada titled “Flood Insurance Study for Nevada County, California Unincorporated Areas” dated July 19, 1982, revised July 2, 1987, with accompanying Flood Insurance Rate maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated January 19, 1983, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this Chapter. The FIS and attendant mapping is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the Nevada County Planning Department, 950 Maidu Ave. Suite 170, Nevada City, California 95959.

C. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations of the Nevada County Codes. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as necessary to prevent or remedy any violation.

D. ABROGATION AND GREATER RESTRICTIONS. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. INTERPRETATION. In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Nevada County Board of Supervisors, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

Section 18.01.040 Administration

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The Planning Commission or Zoning Administrator is hereby appointed to administer and implement this Chapter by granting or denying Use Permits in accordance with its provisions.

B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1. Permit Review. Review all development permits to determine:
 - a. Permit requirements of this Chapter have be satisfied, including determination of substantial improvement and substantial damage of existing structures;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada; and
2. All Letters of Map Revisions (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.
3. Development of Substantial Improvement and Substantial Damage Procedures.
 - a. Using FEMA publication FEMA 213, “Answers to Questions About Substantial Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, including defining “Market Value.”
 - b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
 - c. Review, Use and Development of Other Base Flood Data. When base flood

elevation data has not been provided in accordance with Section 18.01.030 (B), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer 18.01.050 herein.

NOTE: A base flood elevation may be obtained by using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Appropriate Zone A Areas - A Guide to Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- d. Notification of Other Agencies;
 - e. Alteration or Relocation of a Watercourse;
 - f. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - g. Submit evidence of such notification to the Federal Emergency Management Agency; and
 - h. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
4. Base Flood Elevation Changes Due to Physical Alteration.
- a. Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter or Map Revision (LOMR).
 - b. All LOMRs for flood control projects are approved prior to the issuance of public permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
5. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and including a copy of a map of the community clearly delineating the new corporate limits.

6. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:
 - a. Certification required by Section 18.01.050.A.3.a and Section 18.01.050.D (lowest floor elevations);
 - b. Certification required by Section 18.01.050.A.3.b (elevation or floodproofing of nonresidential structures);
 - c. Certification required by Section 18.01.050.A.3.c (wet flood proofing standard);
 - d. Certification of elevation required by Section 18.01.050.C.1.c (subdivisions and other proposed development standards);
 - e. Certification required by Section 18.01.050.F.2 (floodway encroachments); and
 - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
7. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard where there appears to be a conflict between mapped boundary and actual field conditions. The person contesting the location of boundary shall be given reasonable opportunity to appeal the interpretation as provided in Section 18.01.040.D.

C. USE PERMIT REQUIRED.

A Use Permit pursuant to Section 12.04.310 and 12.05.060 of the Nevada County Code , shall be obtained before construction or development, including manufactured homes, begins within any special flood hazard area established in Section 18.01.030.B. Application for a Use Permit shall be made on forms furnished by the County of Nevada Planning Department. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:
 - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - b. Proposed locations of water supply, sanitary sewer, and other utilities;
 - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

- d. Location of the regulatory floodway when applicable;
 - e. Base flood elevation information as specified in 18.01.030 or 18.01.040.B.3;
 - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 18.01.050.A.3.b of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- 2. Certification from a registered civil engineer or architect that the nonresidential flood proofed building meets the flood proofing criteria in Section 18.01.050.A.3.b.
 - 3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 18.01.050.A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - 5. All appropriate certifications listed in Section 18.01.040.B.5 of this ordinance.

D. APPEALS. The Board of Supervisors of the County of Nevada shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

Section 18.01.050 Provisions for Flood Hazard Reduction

A. STANDARDS FOR CONSTRUCTION. In all areas of special flood hazards, the following standards are required:

- 1. Anchoring.
 - a. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes shall meet the anchoring standards of Section

18.01.050.D.

2. Construction Materials and Methods.

- a. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
- b. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed using methods and practices that minimize flood damage;
- c. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- d. All new construction and substantial improvements of structures, including manufactured homes, within Zones AH or AO, shall be constructed so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Floodproofing.

- a. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
 - 1) In the AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
 - 2) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the Flood Insurance Rate Map (FIRM), or elevated at least two (2') feet above the highest adjacent grade if not depth number is specified.
 - 3) In an A Zone, without Base Flood Elevation (BFE) specified on the FIRM [Unnumbered A Zone], elevated one (1') foot above the BFE; as determined under Section 18.01.040.B.3.

Upon the Completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community-building inspector

to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

- a. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to Section 18.01.050.A.3.a or:
 - 1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 18.01.050.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
 - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - 3) Be certified by a registered civil engineer or architect that the standards of Section 18.01.050.A.3.b.1 and 2 are satisfied. Such certification shall be provided to the Floodplain Administrator.
- b. Flood Openings. All construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
 - 1) For non-engineered openings:
 - 2) Have a minimum of two openings on different sides having a total net area of not less than one (1 sq. in.) square inch for every one (1 sq. ft.) square foot of enclosed area subject to flooding;
 - 3) The bottom of all openings shall be no higher than one (1') foot above grade;
 - 4) Openings may be equipped with screens, louvers, valves or other coverings or devices proved that the permit the automatic entry and exist of floodwater; and
 - 5) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
 - 6) Be certified by a registered civil engineer or architect.
 - 7) Manufactured Homes see Section 18.01.050.D.
 - 8) Garages and Low-Cost Accessory Structures.
 - 9) Attached Garages.
 - a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 18.01.050.A.3.c. Areas of the garage below the BFE must be constructed with flood-resistant materials. See

Section 18.01.050.A.2.

- b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

4. Detached Garages and Accessory Structures.

- a. “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 18.01.020, may be constructed such that its floor is below the BFE, providing the structure is designed and constructed in accordance with the following requirements:
 - 1) Use of the accessory structure must be limited to parking or limited storage;
 - 2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - 3) The accessory structure must be adequately anchored to prevent floatation, collapse, and lateral movement;
 - 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - 5) The accessory structure must comply with floodplain encroachment provisions in Section 18.01.050.F; and
 - 6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 18.01.050.A.3.c

Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 18.01.050.A.

B. STANDARDS FOR UTILITIES

- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
- 2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT

1. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, shall:
 - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - b. Identify the elevations of lowest floors of all proposed structures and pads on final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - 1) Lowest floor elevation.
 - 2) Pad elevation.
 - 3) Lowest adjacent grade.
 - 4) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
 - 5) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - 6) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. STANDARDS FOR MANUFACTURED HOMES

1. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and flood-proofing requirement in Section 18.01.050.D.
2. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in Section 18.01.050.C and D. Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.
3. All manufactured homes that are placed or substantially improved, on sites located:
 - (a) outside of a manufactured home park or subdivision;
 - (b) in a new manufactured home park or subdivision;
 - (c) in an expansion to an existing manufactured home park or subdivision;
 - or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of

a flood, shall:

- a. Within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
4. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 18.01.050.D.3 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - a. Lowest floor of the manufactured home is at or above the base flood elevation; or
 - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty- six (36") inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

E. STANDARDS FOR RECREATIONAL VEHICLES

1. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements of Section 18.01.040.C of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 18.01.050.D.3.

F. FLOODWAYS. Located within areas of special flood hazard established in Section 18.01.030.B are areas designated as floodways. Since the floodway is an

extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Nevada.
2. Within the adopted regulatory floodway, the County of Nevada shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If Section 18.01.050.F.1 and 2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 18.01.050.

Section 18.01.060 Procedures for Exception

A. EXCEPTION. The Planning Agency shall consider all requests for exception from the requirements of this Chapter. Any exception shall be filed pursuant to the requirements of this Chapter and Nevada County Codes governing Zoning, Use Permits.

B. EXCEPTION REVIEW

1. In reviewing such applications, the Planning Agency shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger of life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Generally, exception may be issued for new construction and substantial improvements to be erected on a lot of one-half acre (0.5) or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Section 18.01.040 and Section 18.01.050 have been fully considered. As the lot size increases beyond one-half (0.5) acre, the technical justification required for issuing the exception increases.
 3. Upon consideration of the factors of Section 18.01.060.C and the purposes of this Chapter, the Planning Agency may attach such conditions to the granting of exception, as it deems necessary to further the purposes of this Chapter.
 4. The Planning Agency shall maintain the records of all appeal actions and report any exceptions to the Federal Insurance Administration upon request.

C. CONDITIONS FOR EXCEPTION FINDINGS

1. Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
2. Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
4. Exceptions shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the exception would deny the applicant the right to develop the property, and would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.
5. Exceptions may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 18.01.060.B through Section 18.01.060.C are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
6. Any applicant to whom an exception is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Clerk to the Planning Agency in the office of the Nevada County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**TITLE 19: CALIFORNIA ENVIRONMENTAL QUALITY ACT
CHAPTER 1: COUNTY CEQA GUIDELINES AND PROCEDURES**

Sections:

Section 19.01.010	Authority and Purpose
Section 19.01.020	Definitions
Section 19.01.030	General Responsibilities of Planning Department as Coordinating Agency
Section 19.01.040	Fees
Section 19.01.050	Consultants
Section 19.01.060	Environmental Impact Report Consultant Selection Procedures
Section 19.01.070	Time Limits
Section 19.01.080	Delegation of Responsibilities
Section 19.01.090	Ministerial Projects
Section 19.01.100	Scope of Environmental Review
Section 19.01.110	Initial Study
Section 19.01.120	Negative Declaration
Section 19.01.130	Consideration of Negative Declaration
Section 19.01.140	Notice of Determination
Section 19.01.150	EIR Process
Section 19.01.160	Notice of Completion
Section 19.01.170	Public Review of EIR
Section 19.01.180	Response to Comments
Section 19.01.190	Certification of EIR
Section 19.01.200	Appeals of the Adequacy of the EIR

Section 19.01.010 Authority and Purpose

- A. The guidelines set forth in this document are intended as a supplement to the California Environmental Quality Act of 1970, (CEQA, Cal. Pub Res. Code §§ 21000 - 21194), and the Guidelines for Implementation of CEQA (Cal. Code Regs. Tit. 14 §§ 14100 - 15007). Any inconsistencies between these guidelines and the State CEQA Guidelines, as they presently exist or may hereinafter be amended, shall be resolved by applying the State Guidelines to the exclusion of these Guidelines.
- B. These guidelines are binding on all officers, boards, departments, agencies, and commissions of Nevada County government.

Section 19.01.020 Definitions

- A. THE ADVISORY REVIEW COMMITTEE (ARC) is hereby established as

a committee composed of the Planning Director, Director of the Department of Public Works, Chief Building Inspector, and the Environmental Health Director or their specific designated representatives. The purpose and function of the ARC is to review the initial environmental study for projects undertaken by the County or subject to County approval in order to determine the environmental impacts stemming from such projects. Each member of the ARC is to be responsible for reviewing the environmental impacts of projects and for making determinations which are consistent with State and County guidelines. Decisions of the ARC shall be treated as recommendations only. Members of the ARC shall be required to file conflict of interest statements in accordance with the County's conflict of interest code. (Ord. 2239. (05/29/2007); Ord. 2531. (10/24/2023))

B. LEAD AGENCY: As used in the State law and the County guidelines, the term "Lead Agency" shall refer to the County official, board, commission, or committee with the original authority to approve or to carry out a project. Whenever any project is subject to the review and approval of both the Board of Supervisors and the Planning Commission (i.e. zoning ordinances or general plan), the Planning Commission shall act as Lead Agency and shall be the body responsible for certification of the adequacy and adoption of the environmental document, and both the Planning Commission and the Board shall review and consider the environmental document as part of their decision making process (see CEQA Guidelines, Cal. Code Regs. tit. 14 §15090). The decision of the Lead Agency on the adequacy of the environmental review may be appealed as provided for herein.

Notwithstanding anything to the contrary herein, the Board of Supervisors may delegate the responsibility for the preparation, conducting of public hearings, and certification of the adequacy and adoption of the environmental document to staff or to any board, committee, or commission (hereinafter collectively the "County"); provided however that the Board of Supervisors or the decision-making body or person shall be required to read and consider the environmental document before it takes action to approve or carry out a project.

Section 19.01.030 General Responsibilities of Planning Department as Coordinating Agency

The County Planning Department shall be responsible for insuring that the environmental review required by CEQA occurs for all land use projects requiring the issuance of any discretionary permits within the unincorporated territory of the County.

Whenever the County undertakes any project subject to CEQA, the County Officer or Department principally responsible for the project shall submit the project to the Planning Department for environmental review. The Planning Department shall be responsible for the preparation of the appropriate environmental documents and to that end shall be responsible for the selection and oversight of any consultants retained for that purpose.

The officer or department overseeing the project shall be responsible for the cost of conducting the environmental review.

Section 19.01.040 Fees

A. Nevada County, in preparing EIRs or Negative Declarations or Initial Studies for projects to be carried out by any person other than the County itself, shall charge and collect a reasonable fee from such person or entity in order to recover the estimated costs incurred in preparing the Initial Study, Negative Declaration, or EIR.

B. Nevada County shall charge and collect a reasonable fee, not to exceed the actual cost of reproduction, from members of the public for a copy of an environmental document.

Section 19.01.050 Consultants

A. The County may retain consultants in the preparation and evaluation of the Initial Study, Negative Declaration, and Environmental Impact Reports. If consultants are retained for the preparation of environmental documents, the expenses involved in the preparation shall be borne by the applicant for the project.

B. Following notification by the Planning Department that a consultant is to be retained, the applicant shall initiate the preparation of the environmental documents by filing with the Planning Department a request for preparation of a work program for the necessary work. Any supplemental information requested by the Planning Department related to the preparation of such a document shall be submitted with the request. The Planning Department, upon receipt of a request, shall prepare a request for proposals (RFP) to be sent to qualified consultants. The RFP shall include the following:

1. Primary topics or aspects of the environment or proposed project which require detailed exploration and evaluation; and
2. Tasks to be performed in preparation of the report; and
3. List of resources and/or types of consultants to be utilized in the report preparation; and
4. A request for the consultants to submit their work program, scope, and approach to complete the EIR together with their estimated costs of services, their time frame for completion, and any other information that is pertinent.

C. The applicant may review the “work program” and indicate to the Planning Department in writing concurrence with or suggested alterations to the program. Such suggestions may be considered by the Department, but it is not bound to comply with the applicant’s suggestions. Prior to initiation of work on the documents, the applicant shall deposit with the County of Nevada the total estimated cost to complete the document.

During the preparation of the report, the applicant will be kept apprised of the costs of the County-retained consultants.

D. Any failure of the applicant to comply with these provisions shall constitute grounds for the denial of the applicant's project.

Section 19.01.060 Environmental Impact Report Consultant Selection Procedures

A. The Planning Department shall establish a list of qualified environmental impact report consultants. The established list will also indicate the firms' particular fields of expertise.

B. Environmental impact report consultants wishing to do work for the County may submit a resume indicating the firm's principal personnel, work experience, statement of qualifications, and any other information deemed necessary for the Planning Department to make the determination. An invitation to bid will be based on experience, knowledge of the County and available expertise to ensure high quality, in-depth and comprehensive environmental impact reports for the project requiring the EIR.

C. The selection of the consultant shall be determined by the Planning Department after review and evaluating the scope and comprehensiveness of each proposal submitted by the consultants. The scope, quality, and cost of the proposal will be major factors in the selection of a consultant.

D. Consultants with a possible conflict of interest, either direct or indirect, in the project shall not be considered.

Section 19.01.070 Time Limits

A. Pursuant to the provisions of Cal. Gov't Code § 65950 and Cal. Pub. Res. Code § 21151.5, whenever the County is the Lead Agency for any "Development Project" (as defined in Cal. Gov't Code § 65928), the County shall complete its environmental review within the following time limits from the date on which an application requesting approval is accepted as complete by the County, in accordance with the provisions of Cal. Gov't Code § 65943.

1. One year for projects for which an EIR is prepared.

2. 105 days for projects for which a Negative Declaration is prepared.

B. The time limits established by this Section may be extended in the event that compelling circumstances justify additional time and the project applicant consents

thereto. As used herein, compelling circumstances shall include, but shall not be limited to any of the following:

1. The failure of the applicant to pay in advance all costs associated with the preparation of the environmental document.
2. The failure of the applicant to provide any information requested by County and/or County's consultant.
3. The filing of any appeal or litigation contesting any action taken by the County with regard to a project.
4. A determination by County, following preparation of a Negative Declaration, that an EIR is required.

C. The date of acceptance by the County of Nevada of an application requesting approval of the project shall be the date the application is found to be complete and so certified by the County. The date of acceptance shall not be the date of filing the application but will be on the date that the applicant is expressly notified in writing that the County has thoroughly reviewed the application and has found it to be complete. In the event of County's failure to formally accept an application as complete, the application shall be deemed complete thirty (30) days after its filing.

D. In the event that the applicant does not consent to an extension of time, the Lead Agency may deny the project at a duly noticed public hearing.

E. Notwithstanding the foregoing, any application for a land use permit which is accompanied by a request or dependent upon a change in any ordinance or general or specific plan shall be deemed to be an incomplete application unless and until the ordinance or general or specific plan amendment is adopted. The permit application will be deemed accepted thirty (30) days after the enactment of the general or specific plan and/or ordinance amendment which the application was dependent upon. These provisions shall not be affected or abrogated by any decision or action by the County to include the land use permit (project) in its environmental review of the proposed general or specific plan or ordinance amendments. The purpose of this provision is to avoid any assertion or finding that an application for a land use permit has been "deemed approved" when at the time of the filing of the application it was inconsistent with the County's general or specific plan and/or ordinances.

Section 19.01.080 Delegation of Responsibilities

A. The Lead Agency within the County may assign specific functions to County staff, or to any board, committee, or commission to assist in administering CEQA.

Functions which may be delegated include but are not limited to:

1. Determination of whether a project is exempt from CEQA.
2. Preparation and circulation of an initial study.
3. Preparation and circulation of a Negative Declaration or EIR.
4. Conducting hearings on the environmental documents.
5. Preparation of responses to public comments.
6. Preparation of suggested findings.
7. Certification and adoption of the environmental document.
8. Preparation and filing of notices.

B. The Lead Agency, or the Board of Supervisors if a project is before the Board for final action thereon, may not delegate the following functions:

1. Review and consideration of a final EIR or Negative Declaration prior to approving a project.
2. The adoption of findings as required by the State CEQA Guidelines.

Section 19.01.090 Ministerial Projects

The following projects are deemed ministerial and do not require formal environmental review:

- A. Issuance of building permits.
- B. Approval of the recordation of parcel maps and final maps if all of the conditions of tentative map approval have been complied with.
- C. Approval of individual utility service connection and disconnections.
- D. Transportation (overload and over-width) permits.
- E. Grading permits in conjunction with the construction of a single-family residence with an approved site plan pursuant to Title 14, Building, in the Nevada County Codes.
- F. All licenses issued by the County of Nevada.
- G. Any other action by the County which does not require the exercise of discretion and/or judgment.
- H. All land uses that qualify as ministerial projects under the County's zoning

ordinance. (Subsection E amended by Ord. 1919. (11/05/1996); Ord. 2531. (10/24/2023))

Section 19.01.100 Scope of Environmental Review

The project to be studied shall be the total proposal for the development of the property. If the proposal is for a change in the general or specific plan and/or a rezoning of property, the environmental review shall present a discussion of all of the potentially significant impacts that could occur from the maximum development that may occur under the proposed general plan amendment and/or rezoning. In addition to the foregoing analysis, if the applicant for the general or specific plan amendment and/or rezoning presents a specific proposal for the development of the subject land, the environmental review should also consider the impacts associated with the proposal. The Planning Department may require such information about the project as it deems necessary in order to include the project in the environmental analysis.

Section 19.01.110 Initial Study

Whenever a project requiring environmental review is approved or undertaken by the County as Lead Agency, an initial study should be prepared unless it has already been determined (1) that the project could not have any significant adverse environmental impacts, or (2) an EIR should be prepared. The initial study should be prepared using the forms set out in Appendices 1 and 2 and shall include factual information in support of the answers provided to the questions contained in these forms.

Section 19.01.120 Negative Declaration

Where the initial study shows that a Negative Declaration should be prepared, procedures shall be as follows:

A. The County shall prepare or cause to be prepared a Negative Declaration which shall include the information required in Cal. Code Regs. tit. 14 § 15071 of the State CEQA Guidelines.

B. The Planning Department shall publish notice of the preparation of the Negative Declaration in a newspaper of general circulation within the County no less than ten (10) days prior to the meeting of the Board, Commission, Committee, or County staff, (hereinafter collectively the "County") which considers the adoption of the proposed Negative Declaration; provided, however, that when a Negative Declaration is required to be submitted to the State Clearinghouse, the notice of preparation of the Negative Declaration shall be published no less than thirty (30) days prior to the meeting which considers its adoption. Notice should also be given to all organizations and individuals

who have previously requested same and to the owners of all property contiguous to the subject project, by mail, ten (10) days in advance of the Board, commissioner, committee, or County staff meeting. Following the publication of the notice required by this Section, the proposed Negative Declaration shall be available for public inspection.

C. The Planning Department shall send a copy of the public notice of the proposed Negative Declaration together with a copy of the proposed Negative Declaration to all Responsible and Trustee Agencies within the State. Where one or more State Agencies will be a Responsible or Trustee Agency, the Planning Department shall send copies of the notice and the proposed Negative Declaration to the State Clearinghouse for distribution to the State Agencies. It shall also send such notice to Federal and Local Public Agencies having to issue subsequent permits for the projects and other interested persons, organizations and private utility companies interested in the project and requesting same.

D. Notwithstanding anything to the contrary in this Section, the period for review by the public and the State Agencies may be shortened to less than thirty (30) days if approved by the State Clearinghouse (reference is to Cal. Code Regs. § 15073(d) of the guidelines).

E. At the time and place specified in the above-referenced notice, or at any duly continued meeting thereof, the Lead Agency shall conduct a public hearing at which members of the public shall be permitted to speak on the proposed Negative Declaration.

F. Following the public hearing the Lead Agency shall consider the proposed Negative Declaration and all testimony and evidence submitted with regard thereto. The Lead Agency may adopt the Negative Declaration or mitigated Negative Declaration only if it finds that there is an absence of substantial evidence that the proposed project might have a significant adverse impact on the environment. If it could be fairly argued that such substantial evidence does exist (in the record), an EIR shall be required.

1. The decision to adopt a Negative Declaration may be appealed to the Board of Supervisors within ten (10) days of the adoption thereof by filing a Notice of Appeal following the procedure set out in Section of the Nevada County Code governing Zoning, 12.05.120.F. All appeals shall conform to the requirements and procedures set out in Sections under Zoning, 12.05.120.D, 12.05.120.F, 12.05.120.G, 12.05.120.H, 12.05.120.L and 12.05.120.N of the County of Nevada Code. If an appeal is filed on multiple actions, the appeal of the adoption of the Negative Declaration must be explicitly stated as a separate ground for the appeal. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any). Appeal fees shall be paid in accordance with the latest schedule adopted by the Board of Supervisors. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and grounds for the appeal. Failure to comply with these requirements may result in the summary denial

of the appeal. (Subsection amended by Ord. 2047. (02/06/2001); Ord. 2531. (10/24/2023))

2. At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest, and staff, on each of the issues raised in the notice of appeal and the written statement of appeal provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes each.
3. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure required by law, including but not limited to the failure to provide proper or timely notice, the appeal hearing shall be deemed to be curative of any procedural omissions or errors stemming from the hearing held by the lower body.
4. The intent of these provisions is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.
5. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

Section 19.01.130 Consideration of Negative Declaration

Prior to approving any project, the Lead Agency shall read and consider the Negative Declaration.

Section 19.01.140 Notice of Determination

After the Lead Agency decides to carry out or to approve a project for which a Negative

Declaration has been approved, the Planning Department shall file a Notice of Determination in compliance with Cal. Code Regs. tit. 14 § 15075 of the Guidelines after the expiration of the ten (10) day appeal period.

Section 19.01.150 EIR Process

A. Environmental Impact Reports for public projects may be prepared by using the methods provided below or through the County's own effort.

B. The Environmental Impact Report for private projects shall be prepared according to one of the following methods:

1. EIR prepared through County-retained consultants.

- a. The applicant shall initiate the preparation of the EIR by filing an authorization with the Planning Department for staff to prepare a Request for Proposals together with a fee in the amount consistent with the latest adopted resolution or ordinance of the Board of Supervisors.
- b. Any supplemental information compiled by the applicant related to the preparation of such a document may also be submitted with the request.
- c. Staff shall secure the preparation of an EIR following the procedures set out in this Section.

2. Project sponsor submittal of preliminary draft EIR.

- a. The project sponsor can initiate the review process by filing environmental data in the form of a preliminary draft EIR with the Planning Department along with the fee amount as established by the latest resolution adopted by the Board of Supervisors. In such cases the applicant's project shall not be accepted as filed with the County until the preliminary draft EIR is submitted to the County
- b. The sponsor's preliminary draft EIR shall be subject to an independent evaluation and analysis by a County-retained consultant as required by Cal. Code Regs. tit. 14 § 15084 of the officially adopted State CEQA Guidelines.
- c. The cost of modifying the sponsor's preliminary draft EIR to reflect the independent judgment of the County will be directly related to the scope, completeness and in-depth analysis of the environment and project provided in the document.
- d. The Planning Department, upon receipt of the preliminary draft EIR, shall prepare a work program outlining the process necessary to modify the EIR to reflect the independent judgment of the County.

Section 19.01.160 Notice of Completion

A. Public notice of the completion of a draft EIR shall be provided by the Lead Agency within the County at the same time as notice of completion is sent to the Resources Agency. Notice shall be given to all organizations and individuals previously requesting such notice and shall also be published in a newspaper of general circulation in the area affected by the proposed project.

B. The method of providing notice specified in subsection A above shall not preclude the County from providing additional notice, nor shall it preclude the County from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such projects.

Section 19.01.170 Public Review of EIR

A. CONSULTATION: After completing a draft EIR, the Lead Agency within the County shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project.

B. REVIEW TIME: In order to provide sufficient time for public review of a draft EIR, review periods for draft EIRs shall not be less than thirty (30) days nor longer than ninety (90) days except in unusual situations.

C. PUBLIC HEARINGS: The Lead Agency shall hold a public hearing on the draft EIR. The public hearing may be conducted either in separate proceedings or in conjunction with other proceedings of the public agency. Notice shall be given of the public hearing in the same manner as that required for rezonings.

D. HEARING BODY: Notwithstanding subparagraph C above, on general or specific plan amendments and changes to the zoning ordinances, the Planning Commission shall be the body with the duty to conduct hearings and to review, approve, and to certify the adequacy of the EIRs.

E. AVAILABILITY OF COPIES OF DRAFT EIR: Copies of the draft EIR shall be filed in the County public libraries in Grass Valley, Nevada City and Truckee for public use and copies may be purchased in the County Planning Department.

Section 19.01.180 Response to Comments

Following the public review period and the conclusion of the public hearing, the Lead Agency shall have responses to all pertinent comments prepared. The responses shall be

in writing and shall describe the disposition of all significant environmental issues raised. The response shall provide a good faith reasoned analysis. The responses may take the form of revisions to the draft EIR or may be in a separate section in the final EIR.

Section 19.01.190 Certification of EIR

Following preparation of the response to comments, the final EIR shall be reviewed for its adequacy. Any interested citizen or party may submit written comments on the adequacy of the proposed response to comment to the Planning Department at any time up to seven (7) calendar days before the response to comments and the draft EIR are submitted to the Lead Agency for certification as a final EIR; provided, however, that the County shall not be required to respond to comments received or to revise the EIR. If the Lead Agency finds that the EIR is complete and has been prepared in accordance with the requirements of CEQA, the Lead Agency shall certify same.

Section 19.01.200 Appeals of the Adequacy of the EIR

Within ten (10) days of the Lead Agency's decision to certify an EIR, an appeal of the adequacy of the EIR may be submitted to the Board of Supervisors by filing a Notice of Appeal following the procedures set forth in Section 12.05.120 F of the Nevada County Code. If an appeal is filed on multiple actions, the Notice of Appeal must expressly state each deficiency in the EIR as a basis for the appeal. All appeals shall conform to the requirements and procedures set out in Sections 12.05.120.D, 12.05.120.F, 12.05.120.G, 12.05.120.H, 12.05.120.L and 12.05.120.N of the Nevada County Code. The appellant shall file with the Clerk of the Board of Supervisors within twenty (20) calendar days from the date of filing of its notice of appeal, a written statement on appeal which contains a full explanation of the legal basis and ground for the appeal. Failure to comply with these requirements may result in the summary denial of the appeal. (Subsec. Amend. by Ord. 2047. (02/06/2001); Ord. 2531. (10/24/2023))

A. The appeal shall be heard at a public hearing preceded by ten (10) days written notice to each appellant and the real party in interest (if any).

At the appeal hearing, the Board shall receive all relevant evidence offered by the appellant, the real party in interest and staff on each of the issues raised in the notice of appeal; provided, however, that neither the appellant nor any other person or party shall be allowed to raise issues which were not expressly set out in the notice of appeal. The Board shall have the authority to limit the amount of time that the appellant and the real party in interest may each have in an appeal hearing to not less than thirty (30) minutes. Members of the public may be allowed to testify on issues raised by the appellant and may be limited to five (5) minutes.

B. Appeal fees shall be pursuant to the latest adopted resolution and/or

ordinance of the Board of Supervisors.

C. Failure to comply with these requirements will exclude consideration by the Board of Supervisors as to the adequacy of the EIR offered by the persons appealing the decision to approve or to disapprove any project.

D. Where the appeal is based, in whole or in part, on the failure of the County to comply with any procedure or other legal requirement, including but not limited to, the failure to provide proper or timely notice, the conducting of an appeal hearing shall be deemed to be curative of any such procedural omissions or errors stemming from the hearing held by the lower body.

E. The intent of this provision is to require each aggrieved and/or objecting party to timely file an appeal which expressly states each error or omission which that person or party believes exists in order to allow the County an opportunity to address any such error or omission and to take such remedial action, if any, as may be legally required.

F. At the conclusion of the appeal hearing and based upon the evidence presented therein and the record from the Lead Agency's hearing, the Board of Supervisors may sustain, overrule, or modify any action taken by the Lead Agency with regards to the environmental document. If the Board of Supervisors overturns or modifies the action of the Lead Agency as to the environmental document, the Lead Agency shall consider the new or modified environmental document when acting on the project; provided however, if the Lead Agency's action on the project has been appealed to the Board of Supervisors, the Lead Agency shall not be required to take any further action on the environmental document or the project.

TITLE 20: AGRICULTURAL LANDS AND OPERATIONS
CHAPTER 1: AGRICULTURAL LANDS AND OPERATIONS

Sections:

Section 20.01.010	Definitions
Section 20.01.020	Nuisance
Section 20.01.030	Disclosure
Section 20.01.040	Resolution of Disputes
Section 20.01.050	Noncompliance with this Chapter

Section 20.01.010 Definitions

A. AGRICULTURAL LAND shall mean and include all those land areas of the County of Nevada now used for agricultural operations or upon which agricultural operations may be established in the future in conformity with applicable zoning regulations.

B. AGRICULTURAL OPERATION shall mean and include, but not be limited to, cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including production of timber, trees, shrubs, flowers, herbs and all other plants, viticulture, horticulture, apiculture, the raising of livestock and horses, fur-bearing animals and all other kinds of animal husbandry, the culture of breeding of poultry, fish, marine life, mollusca, all other types of animal or plant life, and commercial practices performed as incident to or in conjunction with such agricultural operations, including agritourism, selling, processing, packing, preparation for market, delivery to storage or market or to carriers for transportation to market. (Ord. 1627. (03/20/1990); Ord. 2225. (12/12/2006); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

Section 20.01.020 Nuisance

No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private or public, due to any changed condition in or about the locality, after it has been in operation for more than three (3) years if it was not a nuisance when it began. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

Section 20.01.030 Disclosure

Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a disclosure statement containing substantially the following language is provided to, and a written acknowledgement thereof is signed by, the prospective buyer by inclusion in the disclosure form required by Article 1.5 of Chapter 2 of Title 4 of the Cal. Civil Code §§ 1102 – 1102.19.

NEVADA COUNTY RIGHT TO FARM NOTICE

Nevada County permits operation of properly conducted agricultural operations within the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, agritourism, traffic, operation of machinery during any time of the day or night, storage and disposal of manure, and the ground or aerial application of spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. Nevada County has determined in the Nevada County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land will not be considered a nuisance for purposes of the Nevada County Code and that residents or users nearby property should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Nevada County Right to Farm Ordinance see Agriculture in the Nevada County Code or contact the Nevada County Agricultural Commissioner's Office.

The County elects to require this additional disclosure under the authority of Cal. Civ. Code §§1102.6 –1102.15, and failure to comply therewith is subject to the same remedies as other violations of the State disclosure statutes. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

Section 20.01.040 Resolution of Disputes

A. A party who believes in good faith that an agricultural operation (described in Section 1.1 above) is causing inconvenience or discomfort to them shall notify the operator in writing of such concerns. The submission of said notification should be accompanied by personal discussions, if possible, to enable the claimant and the operator to attempt to reach a mutually agreeable reconciliation.

B. If both parties are unable to reach a mutually agreeable reconciliation as set forth above, then the parties may notify the county agricultural commissioner as set forth below in an attempt to resolve the matter:

1. The aggrieved party shall notify the agricultural party and the county agricultural commissioner within thirty (30) days of the occurrence of the agricultural operation giving rise to the controversy.
2. Within fifteen (15) days after receiving the complaint, the county agricultural commissioner shall set a meeting with the affected parties and shall attempt to mediate the dispute.
3. If the dispute cannot be successfully mediated by the county agricultural commissioner, then both parties may agree to enter into an arbitration agreement providing for an arbitration proceeding in accordance with Cal. Civ. Proc. §§ 1280-1294.4. The expense of such arbitration shall be the responsibility of the affected parties. (Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

Section 20.01.050 Noncompliance with this Chapter

No transfer subject to this Chapter shall be invalidated solely because of the failure of any person to comply with the provisions of this Section- see Cal. Civ. Code § 1102.13. (Ord. 1627. (03/20/1990); Ord. 2499. (11/16/2021); Ord. 2531. (10/24/2023))

CHAPTER: 2 BEEKEEPING

Section 20.02.010 Findings and Purpose

Section 20.02.020 Definitions

Section 20.02.030 Apiary Locations—Encroachment, Stocking Limit & Nuisance

Section 20.02.040 Enforcement

Section 20.02.010 Findings and Purpose

The Board of Supervisors hereby finds and determines as follows:

- A. The health of local bee populations as related to the sustainability of our local environment and ecosystems is vitally important.
- B. Many beekeepers find the County of Nevada to be an ideal summer holding ground for apiaries due to potential foraging opportunities for bees and minimal pesticide use within the County.
- C. Due to the demand for apiary sites in the County of Nevada as summer holding grounds for hives destined for pollination in other counties, both commercial and recreational beekeepers in the County of Nevada are facing an imminent threat of deleterious overstock of the local landscape.
- D. The oversubscription of food sources may result in a significant reduction in honey production and pollination, as well as an increase in the prevalence of bee pests and diseases.
- E. The Nevada County Board of Supervisors desires to protect the sustainability of foraging opportunities for both commercial and recreational beekeeping and beekeeping industry and the public health, safety and welfare from public nuisances, by ensuring there will be ample space between colonies of beehives.
- F. This Section is intended to supplement and harmonize with the Apiary Protection Act, Cal. Food & Agric. Code §§ 29000 -29812, and related regulations.
- G. Based on the findings set forth in this Section20.02.010, 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. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

Section 20.02.020 Definitions

As used in this Section, the following definitions shall apply:

- A. AFRICANIZED HONEY BEE means a bee population that is a hybrid of *Apis mellifera* and *Apis mellifera scutellata*.
- B. BEEKEEPER means the owner, operator and/or person in control of any Apiary.
- C. COMMERCIAL APIARY is any Apiary containing ten (10) or more hives or nucleus colonies of bees but does not include a Hobbyist Apiary or a Pollination Apiary.
- D. COMMISSIONER means the Nevada County Agricultural Commissioner or their designee.
- E. HOBBYIST APIARY means an apiary containing nine (9) or fewer colonies.
- F. MATING NUCLEUS APIARY means a Commercial Apiary containing nucleus colonies primarily used for queen bee rearing and mating and is registered with the Commissioner for that purpose.
- G. POLLINATION APIARY means an apiary of any size established for the pollination of commercial seed, fruit, nuts, or other commercial crops dependent upon bee pollination.

Any word or phrase used in this Section and not herein defined shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Food and Agriculture Code (Cal. Food & Agric. §§ 29190-29195). (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

Section 20.02.030 Apiary Locations—Encroachment, Stocking Limit & Nuisance

- A. Locational Requirements.
 - 1. Protection from Encroachment. No person shall establish, place, keep, cause or allow a Commercial Apiary closer than two (2) miles (by GPS coordinates) from any other registered Commercial Apiary location, except if:
 - a. All Commercial Apiary locations within a two-mile (2) radius are being kept or maintained by the same Beekeeper; or
 - b. The proposed location of the encroaching Commercial Apiary was listed on the beekeepers 2018 Apiary Registration, and the Commercial Apiary location has been registered by the same Beekeeper, or registered transferee, every subsequent year; or

- c. Written permission is provided to the Commissioner from the owner of the existing Commercial Apiary being encroached upon; or
 - d. The encroaching Commercial Apiary is a Pollination Apiary.
- 2. Availability of Water. No person shall place, keep, cause or allow any Apiary to remain in any location unless one of the following conditions exists:
 - a. There is a natural water supply in existence within a distance of one-half (0.5) mile from the Apiary; or
 - b. An artificial water supply for the Apiary is maintained within one hundred fifty (150') feet from any such Apiary. If the artificial water supply is not owned or controlled by the Beekeeper, the Beekeeper shall have written consent to use the artificial water supply and such written consent shall be provided to the Commissioner upon request.

B. Transfer of Encroachment Protection to New Owner. A Commercial Apiary location that has been registered with and approved by the Commissioner may be transferred by a Beekeeper to another party only if:

- 1. The selling party has an active Commercial Apiary at the approved location at the time of transfer;
- 2. The Commercial Apiary is in compliance with the registration and permit requirements of Cal. Food & Agric. Code §29040; and
- 3. The active Commercial Apiary is sold or transferred to the transferee.

A Beekeeper proposing to transfer an approved location must present written documentation of the sale or transfer to the Commissioner within thirty (30) days after the date of sale or transfer. The transferee must register the transferred Apiary and pay the appropriate registration fee for the current calendar year within thirty (30) days after the date of sale or transfer.

C. Expiration of Protection from Encroachment. Every Commercial Apiary Location must be occupied and re-registered on an annual basis. After a lapse of registration of one (1) year, or if colonies are not placed on a site within the annual registration period, then previous registration rights to a location as well as protection from encroachment will expire.

D. Seasonal Hive Limit. Except for Mating Nucleus Apiaries and Pollination Apiaries, no parcel may contain more than forty-eight (48) live colonies of bees between

May 15 and October 15. Commercial Apiaries that are part of a research or educational project are exempt from the colony limit herein described.

E. Permission of Property Owner. No person shall place, keep, cause or allow any Apiary to remain on land not owned or possessed by such person unless the person has the permission of the owner or person lawfully in possession of such land, or an authorized agent thereof, and can establish proof of such approval upon demand of the Commissioner. The approval shall include the name and phone number of the person granting approval.

F. Overly Defensive and Africanized Honey Bees. No person shall keep an Apiary of overly defensive or Africanized honey bees. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

Section 20.02.040 Enforcement

Any act in violation of any provision of this Section 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. (Ord. 2466. (05/14/2019); Ord. 2531. (10/24/2023))

CHAPTER 3: TREES AND PLANTS

Sections:

Section. 20.03.010 Definitions

Section 20.03.020 Certificates

Section 20.03.030 Detention and Inspection

Section 20.03.040 Equipment Controls

Section 20.03.050 Treatment within the County of Nevada

Section 20.03.060 Enforcement

Section 20.03.010 Definitions

- A. GRAPE PHYLLOXERA means the insect *Phylloxera Vitifoliae*.
- B. INFESTED WITH GRAPE PHYLLOXERA means that Grape Phylloxera has been detected and not eradicated.
- C. COMPETENT ANNUAL SURVEY means a survey conducted annually using known methods for the detection of Grape Phylloxera.
- D. WESTERN GRAPELEAF SKELETONIZER or “GLS” shall mean the insect *Harrisina brillians*.
- E. GLS INFESTED AREA shall mean an area in which GLS has been detected and not eradicated.
- F. GREEN-GROWING GRAPEVINES shall mean grapevine plants with leaves which, unlike dormant grapevines without leaves, are at risk from GLS infestation.
- G. GROWING OR HOLDING AREA shall mean a specific grapevine nursery stock growing ground or holding location plus all land within one mile of the exterior perimeter of such growing ground or holding location.

Section 20.03.020 Certificates

- A. FORM OF CERTIFICATES. All certificates required by this section shall

be on California Department of Food and Agriculture Form 66-079, "Certificate of Quarantine Compliance", as such may be amended from time to time.

B. GRAPE PHYLLOXERA

1. Certificate Required. All inter-county shipments of grapevines and cuttings, rooted or otherwise, must be certified by the Agricultural Commissioner at the point of origin as free of Grape Phylloxera or treated as stated in this subsection.
2. Origin Certificate. Certification may be granted if a Competent Annual Survey of the point of origin has been made by the County Agricultural Commissioner and a certificate has been issued stating that no Grape Phylloxera is known to exist in the area where the vines or cuttings were grown.
3. Treatment Certificates. If no Competent Annual Survey has been made, or if a survey has been made and the area is found to be infested with Grape Phylloxera, then all vines and cuttings originating from that area must be subjected to one of the following methods of treatment, and so certified:
 - a. Hot Water Treatment: Complete submergence in water at a temperature not less than 125 degrees Fahrenheit for five (5) minutes or 130 degrees Fahrenheit for three (3) minutes.
 - b. Methyl Bromide Fumigation: Atmospheric fumigation in an approved gas-tight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing chamber of gas after fumigation, and an interior thermometer (visible from the outside) with a dosage of not less than two pounds of Methyl Bromide per 1000 cubic feet for a period of at least three hours at a temperature of not less than 65 degrees Fahrenheit. The fan is to be operated during and for ten minutes after the injection of the gas.

C. WESTERN GRAPELEAF SKELETONIZER

1. Certificate Required. No green-growing grapevines originating outside the County of Nevada, but inside the State of California, shall be shipped to, off-loaded, distributed, stored or planted within the County of Nevada unless accompanied by an Origin Certificate or a Treatment Certificate.
2. Origin Certificate. Origin Certificates may be issued only when the Agricultural Commissioner or their duly authorized representatives in the shipping county has surveyed for GLS and has determined that GLS does not occur in the growing or holding area. Such determination shall be indicated on the Origin Certificate by a written statement that "no GLS is

known to exist in the area where the vines were grown or held”.

3. Treatment Certificates. Green-growing grapevines originating from unsurveyed or GLS-infested areas shall be accompanied by a certificate affirming that the grapevines have been treated by at least one of the following methods:
 - a. Treatment with six (6) to eight (8) pounds of cryolite per acre, with thorough coverage.
 - b. Other insecticidal treatment approved in writing by the Nevada County Agricultural Commissioner.

Section 20.03.030 Detention and Inspection

No intrastate shipment of grapevines, cuttings, or green-growing grapevines, rooted or otherwise, destined for the County of Nevada shall be off-loaded within the County of Nevada prior to reaching its destination. Upon arriving at such destination, each shipment shall be held until the certificates required by this Chapter have been reviewed and the shipment has been inspected by the Nevada County Agricultural Commissioner or their duly authorized representative.

Section 20.03.040 Equipment Controls

These rules govern the movement of any farming implements, machinery, and field equipment, tractors, grape picking boxes, used grape stakes, or other appliances which have been used or operated in culturing, harvesting, or transporting within the vineyard. Inspections will be required for any/all equipment transported over or working on vineyard properties.

All such equipment shall be held upon arrival in the County of Nevada until released by the County Agricultural Commissioner, or their Inspector. All such equipment will be inspected and released if:

- A. Accompanied by a certificate signed by the Agricultural Commissioner, or their inspector, at origin stating that such equipment has not previously been used in an infested area; or
- B. Certified by the Agricultural Commissioner or their inspector at origin as having been thoroughly cleaned and free of all soil and debris immediately prior to leaving that area of infestation.
- C. All such equipment found contaminated with soil and debris and not certified as required in subparagraph A. above:

1. May be refused movement from that area; or
2. Shall be treated at the owner's expense in an area designated by and under the supervision of the Agricultural Commissioner or their inspector. The location of said cleaning operation shall be designated by the Agricultural Commissioner.

Section 20.03.050 Treatment within the County of Nevada

- A. Following inspection in accordance with County requirements and prior to any further distribution, storage or use, the person receiving any intrastate shipment of plants which are infected as described herein shall, upon written request by the Nevada County Agricultural Commissioner or their duly authorized representatives, treat such plants in whatever manner is determined by the Commissioner or their representatives to be reasonably necessary to prevent the introduction or spread of the infestation.
- B. If any infestation of any pest as described herein is located within Nevada County, any vines or cuttings from the infested property shall be treated in whatever manner is determined by the Commissioner or their representatives to be reasonably necessary to prevent the introduction or spread of the infestation.
- C. Any equipment as described in this code may be refused movement from the infested area or be treated at the owner's expense under the direction of the Agricultural Commissioner.

Section 20.03.060 Enforcement

Any person, firm, partnership, association, or corporation who violates or causes the violation of any of the provisions of this Section shall be guilty of a misdemeanor.

TITLE 21: AIRPORT LAND USE COMPATIBILITY

CHAPTER 1: PURPOSE

Sections:

Section 21.01.100	Purpose
Section 21.01.200	Basic Function of Airport Land Use Compatibility Planning
Section 21.01.030	Principal Airport Land Use Commission Compatibility Concerns

Section 21.01.010 Purpose

The purpose of this ordinance is to adopt specific sections of the Nevada County Airport Land Use Compatibility Plan (“NCALUCP”) and the Truckee Tahoe Airport Land Use Compatibility Plan (“TTALUCP”) as local land use policy. These plans serve as planning tools to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adopted of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

Section 21.01.020 Basic Function of Airport Land Use Compatibility Planning

The basic function of airport land use planning is to promote compatibility between the airport and surrounding land uses. As adopted by an Airport Land Use Commission (ALUC), an Airport Land Use Compatibility Plan (ALUCP) serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. The ALUCP sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

Any city, county, special district, community college district, or school district that exists, or may be established or expanded into the identified airport influence area defined by an ALUCP is also subject to the provisions of the plan, when making planning decisions regarding proposed development of lands within an airport influence area. However, the authority of an ALUCP does not extend to state, federal, or tribal lands, to airport operations, or to existing land uses. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

Section 21.01.030 Principal Airport Land Use Commission Compatibility Concerns

The ALUCs are concerned only with the potential impacts related to:

- A. Exposure to aircraft noise.
- B. Land use safety with respect both to people on the ground and the occupants of aircraft.
- C. Protection of airport airspace from tall objects and certain other land use characteristics (e.g., bird attractions, sources of smoke, glare, etc.).
- D. General concerns related to aircraft overflight. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

CHAPTER 2: NEVADA COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

Sections:

Section 21.02.010	Applicability
Section 21.02.020	Geographic Scope
Section 21.02.030	Adoption of Policy

Section 21.02.010 Applicability

The Nevada County Airport Land Use Commission adopted the Nevada County Airport Land Use Compatibility Plan “NCALUCP” on September 21, 2011, to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Cal. Pub. Util. Code §§ 21670 – 21679.5 applicable to airport land use compatibility planning in the vicinity of the Nevada County Airport. The NCALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances, and to landowners in their design of new development. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

Section 21.02.020 Geographic Scope

The Nevada County Airport lies in the western portion of Nevada County within the Loma Rica Industrial Area and east of the City of Grass Valley. The influence area for the Nevada County Airport extends 1.7 miles from the airport’s runway. This influence area encompasses land within the jurisdictions of Nevada County and the City of Grass Valley.

As established and adopted by the Nevada County Airport Land Use Commission, the geographic scope of the NCALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Nevada County Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Nevada County Airport influence area and the compatibility zones are depicted by NCALUCP Map 2A (Compatibility Policy Map) contained therein. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

Section 21.02.030 Adoption of Policy

The following sections of Chapter 2 of the NCALUCP, adopted by the Nevada County Airport Land Use Commission in September of 2011, are hereby incorporated by reference,

and adopted as Nevada County local land use policy:

- A. Section 1. General Applicability.
- B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.
- C. Section 3. Compatibility Criteria for Land Use Actions.
- D. Section 5. Specific Compatibility Criteria. (Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

CHAPTER 3: TRUCKEE TAHOE AIRPORT LAND USE COMPATIBILITY PLAN

Sections:

Section 21.03.010	Applicability
Section 21.03.020	Adoption of Policy
Section 21.03.030	General Applicability

Section 21.03.010 Applicability

The Truckee Tahoe Airport Land Use Commission adopted the Truckee Tahoe Airport Land Use Compatibility Plan "TTALUCP" on October 19, 2010 to articulate the procedures and criteria, established in accordance with the California State Aeronautics Act, Public Utilities Code §§ 21670 et seq., applicable to airport land use compatibility planning in the vicinity of the Truckee Tahoe Airport. The TTALUCP sets forth compatibility criteria applicable to Nevada County in the preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

(Ord. 2390.(10/28/2014); Ord. 2531. (10/24/2023))

Section 21.03.020 Geographic Scope

The Truckee Tahoe Airport is located approximately two miles east of the Town of Truckee off of State Route 267 and is located in the unincorporated areas of both Nevada County and Placer County. The influence area for the Truckee Tahoe Airport extends roughly 2.7 miles from the airport runways. This influence area encompasses lands within three local jurisdictions: County of Nevada, County of Placer and the Town of Truckee.

As established and adopted by the Truckee Tahoe Airport Land Use Commission, the geographic scope of the TTALUCP encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the Truckee Tahoe Airport, as well as lands on which the uses could negatively affect airport usage.

The specific limits of the Truckee Tahoe Airport influence area and compatibility zones are depicted in TTALUCP Figure 2A (Compatibility Map) contained therein.

(Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023)))

Section 21.03.030 Adoption of Policy

The following sections of [Chapter 2](#) of the TTALUCP adopted by the Truckee Tahoe Land Use Commission in October of 2010 are hereby incorporated by reference and adopted as Nevada County local land use policy: A. Section 1. General Applicability.

B. Section 2. Review Process and as outlined in General Plan Land Use Element Policy 1.10.2, as may be amended.

C. Section 3. Basic Compatibility Criteria.

D. Section 4. Supporting Compatibility Criteria.

(Ord. 2390. (10/28/2014); Ord. 2531. (10/24/2023))

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-I 1.1	1	1.01.010	GENERAL PROVISIONS	Scope	Authority of County
A-I 1.1A	1	1.01.020	GENERAL PROVISIONS	Scope	How Code Designated and Cited
A-I 1.2	1	1.01.030	GENERAL PROVISIONS	Scope	Definitions and Rules of Construction
A-I 1.3	1	1.01.040	GENERAL PROVISIONS	Scope	Provisions Considered as Continuations of Existing Ordinances
A-I 1.4	1	1.01.050	GENERAL PROVISIONS	Scope	Effect of Repeal of Ordinances
A-I 1.4.A	1	1.01.060	GENERAL PROVISIONS	Scope	Subsequent Amendments to State or Federal Law
A-I 1.5	1	1.01.070	GENERAL PROVISIONS	Scope	Severability of Parts of Codes
A-I 1.6	1	1.01.080	GENERAL PROVISIONS	Scope	Catchlines of Sections
A-I 1.7	1	1.01.090	GENERAL PROVISIONS	Scope	General Penalty; Continuing Violations
A-I 1.8	1	1.01.100	GENERAL PROVISIONS	Scope	County Boundaries
A-I 1.9	1	1.01.110	GENERAL PROVISIONS	Scope	Designation of County Seat
A-I 1.10	1	1.01.120	GENERAL PROVISIONS	Scope	Credit Cards Accepted
A-I 1.11	1	1.01.130	GENERAL PROVISIONS	Scope	Location and Hours of County Offices
A-II 1.1	R	Reserved		In General	Reserved
A-II 1.2	R	Reserved		In General	Reserved
A-II 1.3	R	Reserved		In General	Reserved
A-II 1.4	R	Reserved		In General	Reserved
A-II 1.5	R	Reserved		In General	Reserved
A-II 1.6	R	Reserved		In General	Reserved
A-II 1.7	R	Reserved		In General	Reserved
A-II 1.8	R	Reserved		In General	Reserved
A-II 1.9	R	Reserved		In General	Reserved
A-II 1.10	R	Reserved		In General	Reserved
A-II 1.11	R	Reserved		In General	Reserved

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 5	R	Reserved		Reserved	Reserved
A-II 6	R	Reserved		Reserved	Reserved
A-II 7.1	2	2.03.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Filing of Campaign Statements	Electronic Filing of Campaign Statements
A-II 8	R	Reserved		Reserved	Reserved
A-II 9	R	Reserved		Reserved	Reserved
A-II 10.1	R	Reserved		Delinquency Prevention Commission	Reserved
A-II 10.2	R	Reserved		Delinquency Prevention Commission	Reserved
A-II 10.3	R	Reserved		Delinquency Prevention Commission	Reserved
A-II 11.1	2	2.18.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership HealthPlan of California Commission	Intent
A-II 11.2	2	2.18.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership HealthPlan of California Commission	Authorization to Join Commission
A-II 11.3	2	2.18.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership HealthPlan of California Commission	Membership of Commission
A-II 11.4	2	2.18.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership Health plan of California Commission	Term of Office
A-II 11.5	2	2.18.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership Health plan of California Commission	Powers and Duties of Commission
A-II 11.6	2	2.18.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership Health plan of California Commission	Obligations of Commission
A-II 11.7	2	2.18.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership Health plan of California Commission	Committees
A-II 11.8	2	2.18.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership Health plan of California Commission	Termination of Membership
A-II 12.1	2	2.14.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Authority of Board of Supervisors to Establish
A-II 12.2	2	2.14.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	State Mandated Boards, Committees, Commissions, Councils, or Special Districts
A-II 12.3	2	2.14.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Boards
A-II 12.4	2	2.14.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Commissions
A-II 12.5	2	2.14.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Committees
A-II 12.6	2	2.14.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Councils

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 12.7	2	2.14.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Special Districts
A-II 12.8	2	2.14.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Miscellaneous Advisory Entities
A-II 12.9	2	2.14.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Adoption of State Law Regulating to Law Libraries
A-II 13.1	2	2.15.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Rates Established Generally
A-II 13.11	2	2.15.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Assessment Appeals Board
A-II 13.2	2	2.15.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Paid Meetings Authorized for Planning Commission
A-II 13.3	2	2.15.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Juvenile Justice/Delinquency Prevention Commission
A-II 13.4	2	2.15.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Authorized Meeting, Defined
A-II 13.5	R	Reserved		Travel Expenses and Compensation of Committees and Commissions	Reserved
A-II 13.6	R	Reserved		Travel Expenses and Compensation of Committees and Commissions	Reserved
A-II 13.7	2	2.15.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Drawing of Warrants
A-II 13.8	R	Reserved		Travel Expenses and Compensation of Committees and Commissions	Reserved
A-II 13.9	2	2.15.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Travel Expenses and Compensation of Committees and Commissions	Grand Jury Compensation and Mileage - Grand Jury Sessions
A-II 13.10	R	Reserved		Travel Expenses and Compensation of Committees and Commissions	Reserved
A-II 14.1	2	2.21.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Legislative Intent
A-II 14.2	2	2.21.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Application
A-II 14.3	2	2.21.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	General Rules and Regulations
A-II 14.4	2	2.21.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Fleet Services Manager Responsibilities
A-II 14.5	2	2.21.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Department Head Responsibilities
A-II 14.6	2	2.21.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Driver's Responsibilities
A-II 14.7	2	2.21.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Temporary and/or Permanent Retention of County Vehicles
A-II 14.8	2	2.21.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Reporting of Vehicle Accidents
A-II 14.9	2	2.21.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Use of Private Vehicles on County Business

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 14.10	2	2.21.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Vehicles	Violations
A-II 15.1	2	2.07.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Public Defender	Office Established
A-II 15.2	2	2.07.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Public Defender	Appointment of the Public Defender
A-II 15.3	2	2.07.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Public Defender	Duties and Responsibilities of the Office of Public Defender
A-II 16 (reserved)	R	Reserved		Reserved	Reserved
A-II 17.1	2	2.05.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Position Created
A-II 17.2	2	2.05.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Appointment and Removal - Residence
A-II 17.3	2	2.05.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Salary and Benefits
A-II 17.4	2	2.05.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Administrative Powers and Duties
A-II 17.5	2	2.05.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	General Administration
A-II 17.6	2	2.05.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Budgetary Matters
A-II 17.7	2	2.05.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Departmental Supervision - Appointment and Removal
A-II 17.8	2	2.05.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Functional Responsibilities
A-II 17.9	2	2.05.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Duties, Responsibilities and Authorities of Predecessor Position
A-II 17.10	R	Reserved		County Executive Officer (County Administrator)	Reserved
A-II 17.11	2	2.05.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Donations to the County of Nevada
A-II 17.12	2	2.05.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Contracting Authority
A-II 17.13	2	2.05.120	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Ex Officio District Administrator for Nevada County Sanitation District No. 1
A-II 17.14	2	2.05.130	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Executive Officer (County Administrator)	Settlement Authority
A-II 18	R	Reserved		Reserved	Reserved
A-II 19.1	2	2.04.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Clerk of the Board of Supervisors	Office Established
A-II 19.2	2	2.04.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Clerk of the Board of Supervisors	Deputies Authorized
A-II 19.3	2	2.04.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Clerk of the Board of Supervisors	Duties Established
A-II 19.4	R	Reserved		Clerk of the Board of Supervisors	Reserved

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 19.5	R	Reserved		Clerk of the Board of Supervisors	Reserved
A-II 19.6	R	Reserved		Clerk of the Board of Supervisors	Reserved
A-II 2.1	R	Reserved		Board of Supervisors	Reserved
A-II 2.2	2	2.01.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Board of Supervisors	Compensation - Board of Supervisors
A-II 2.3	2	2.01.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Board of Supervisors	Expenditures for Training and Orientation of Supervisors - Elect
A-II 2.4	2	2.01.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Board of Supervisors	Time and Place of Meetings of Board of Supervisors
A-II 2.5	2	2.01.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Board of Supervisors	Rules Regarding Abstentions
A-II 2.6	R	Reserved		Board of Supervisors	Reserved
A-II 2.7	R	Reserved		Board of Supervisors	Reserved
A-II 20.1	R	Reserved		Correctional Peace Officer Standards and Training	Reserved
A-II 20.2	R	Reserved		Correctional Peace Officer Standards and Training	Reserved
A-II 20.3	R	Reserved		Correctional Peace Officer Standards and Training	Reserved
A-II 20.4	R	Reserved		Correctional Peace Officer Standards and Training	Reserved
A-II 21.1	2	2.06.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Counsel Office	County Counsel Office Established
A-II 21.2	2	2.06.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Counsel Office	Position of County Counsel
A-II 21.3	2	2.06.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Counsel Office	Duties and Responsibilities of the Office of County Counsel
A-II 21.4	2	2.06.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Counsel Office	County Counsel to Perform Legal Services for the Public Administrator
A-II 22	R	Reserved		Reserved	Reserved
A-II 23	R	Reserved		Reserved	Reserved
A-II 24	5	5.01.010	REVENUE & FINANCE ADMINISTRATION	Fees	Consolidated Fee Schedule
A-II 24.1	5	5.01.020	REVENUE & FINANCE ADMINISTRATION	Fees	Coroner Fees
A-II 24.2	5	5.01.030	REVENUE & FINANCE ADMINISTRATION	Fees	Elections Department Fees
A-II 24.3	5	5.01.040	REVENUE & FINANCE ADMINISTRATION	Fees	Concealed Firearm License Fee
A-II 24.4	5	5.01.050	REVENUE & FINANCE ADMINISTRATION	Fees	Fingerprinting Fee Required

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 24.5	5	5.01.060	REVENUE & FINANCE ADMINISTRATION	Fees	Fees for Transportation of Trees, Shrubs and Boughs
A-II 24.6	R	Reserved		Fees	Reserved
A-II 24.7	R	Reserved		Fees	Reserved
A-II 24.8	5	5.01.070	REVENUE & FINANCE ADMINISTRATION	Fees	County Clerk-Recorder Fees
A-II 24.9	R	Reserved		Fees	Reserved
A-II 24.10	R	Reserved		Fees	Reserved
A-II 24.11	R	Reserved		Fees	Reserved
A-II 24.12	5	5.01.080	REVENUE & FINANCE ADMINISTRATION	Fees	Probation Department Fees
A-II 24.13	R	Reserved		Fees	Reserved
A-II 24.14	R	Reserved		Fees	Reserved
A-II 24.15	5	5.01.090	EMERGENCY OPERATION & SERVICES	Fees	Fee for Explosives Permit
A-II 24.16	5	5.01.100	REVENUE & FINANCE ADMINISTRATION	Fees	Identification Photographs
A-II 24.17	R	Reserved		Fees	Reserved
A-II 24.18	5	5.01.110	REVENUE & FINANCE ADMINISTRATION	Fees	Geographic Information System
A-II 24.19	1	1.01.120	REVENUE & FINANCE ADMINISTRATION	Scope	Credit Cards Accepted
A-II 24.20	5	5.01.120	REVENUE & FINANCE ADMINISTRATION	Fees	Library Fines and Fees
A-II 24.21	5	5.01.130	REVENUE & FINANCE ADMINISTRATION	Fees	Transcription and Duplication Fees by the Clerk of the Board of Supervisors
A-II 25.1	2	2.13.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Office of Assessor
A-II 25.2	2	2.13.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Office of the Auditor-Controller
A-II 25.3	2	2.13.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	County Clerk and County Recorder and Elections Office
A-II 25.4	R	MERGED WITH COUNTY OFFICES		County Offices and Departments	Elections Office
A-II 25.5	2	2.13.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Office of the District Attorney
A-II 25.6	2	2.13.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Nevada County Sheriff's Office
A-II 25.6.1	2	2.13.051	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Qualifying for State Aid

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 25.6.2	2	2.13.052	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Compliance with CPOST Standards
A-II 25.6.3	2	2.13.053	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Compliance with Corrections Standards Authority Standards
A-II 25.6.4	2	2.13.054	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Adherence to Standards
A-II 25.7	2	2.13.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Office of Coroner
A-II 25.8	2	2.13.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Office of Public Administrator
A-II 25.9	2	2.13.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Tax Collector and Treasurer
A-II 25.10	R	MERGED WITH COUNTY OFFICES		County Offices and Departments	Office of Tax Collector
A-II 26.1	2	2.17.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Amendment to Pers Contract	Amended PERS Contract
A-II 26.2	2	2.17.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Amendment to Pers Contract	Execution of Amended PERS Contract Authorized
A-II 27	R	Reserved		Reserved	Reserved
A-II 28	2	2.02.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Elected Officers
A-II 28.1	2	2.02.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Assessor
A-II 28.2	2	2.02.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Auditor - Controller
A-II 28.3	2	2.02.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	County Clerk-Recorder and Elections Official
A-II 28.4	2	2.02.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	District Attorney
A-II 28.5	2	2.02.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Sheriff-Coroner-Public Administrator
A-II 28.6	2	2.02.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Treasurer and Tax Collector
A-II 29 (reserved)	R	Reserved		Reserved	Reserved
A-II 3	R	Reserved		Reserved	Reserved
A-II 30.1	2	2.25.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Selection
A-II 30.2	2	2.25.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Duties of the Assessment Appeals Board
A-II 30.3	2	2.25.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Term
A-II 30.4	2	2.25.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Vacancies
A-II 30.5	2	2.25.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Continuing Business

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 30.6	2	2.25.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Eligibility
A-II 30.7	2	2.25.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Meetings
A-II 30.8	2	2.25.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Selection of Chairperson
A-II 30.9	2	2.25.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Quorum
A-II 30.10	R	Reserved		Assessment Appeals Contract	Reserved
A-II 30.11	2	2.25.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Conflict of Interest
A-II 30.12	2	2.25.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Objection to Board Member
A-II 30.13	2	2.25.120	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Removal of Member
A-II 30.14	2	2.25.130	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Clerk
A-II 30.15	2	2.25.140	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Fees for Finding of Facts - Assessment Appeals Board Hearings
A-II 30.16	2	2.25.150	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Assessment Appeals Contract	Fee for Processing of an Application for Charged Assessment
A-II 31	R	Reserved		Reserved	Reserved
A-II 32	R	Reserved		Reserved	Reserved
A-II 33.1	2	2.11.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Information and General Services Agency	Agency Established
A-II 33.2	2	2.11.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Information and General Services Agency	Duties and Responsibilities
A-II 33.3	2	2.11.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Information and General Services Agency	Information and General Services Agency Director
A-II 33.4	2	2.11.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Information and General Services Agency	Information and General Services Appointed Positions
A-II 33.5	R	Reserved		Information and General Services Agency	Reserved
A-II 33.6	2	2.11.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Information and General Services Agency	Revenue Collection Services
A-II 34	R	Reserved		Reserved	Reserved
A-II 35.1	2	2.10.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Human Resources Department	Human Resources Department Established
A-II 35.2	2	2.10.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Human Resources Department	Responsibilities and Duties
A-II 35.3	2	2.10.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Human Resources Department	Human Resources Director
A-II 35.4	2	2.10.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Human Resources Department	Adoption of Personnel Rules by Resolution

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 36.1	2	2.22.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Motor Vehicle In Lieu Fees	Segregation of Funds
A-II 36.2	2	2.22.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Motor Vehicle In Lieu Fees	Dedication of Funds
A-II 36.3	2	2.22.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Motor Vehicle In Lieu Fees	Intent; Reduction in Road Funding Prohibited
A-II 36.4	2	2.22.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Motor Vehicle In Lieu Fees	Reporting Requirements
A-II 36.5	2	2.22.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Motor Vehicle In Lieu Fees	Commencement of Limitation
A-II 37.1	R	Reserved		Treasurer and Tax Collector	Reserved
A-II 37.2	R	Reserved		Treasurer and Tax Collector	Reserved
A-II 37.3	2	2.02.071	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Continuing Education Requirements
A-II 37.4	R	Reserved		Treasurer and Tax Collector	Reserved
A-II 37.5	2	2.02.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Delegation of Authority to Invest County Funds
A-II 37.6	2	2.02.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Fee for Payment of Delinquent Taxes in Installments
A-II 37.7	2	2.02.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Tax Separation Application Fee
A-II 37.8	2	2.02.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Officers Elected	Title Report Costs
A-II 38.1	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.2	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.3	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.4	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.5	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.6	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.7	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.8	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.9	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.10	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 38.11	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 38.12	R	Reserved		First 5 Nevada County Children and Families First Commission	Reserved
A-II 39.1	2	2.09.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Health and Human Services Agency Established
A-II 39.2	2	2.09.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Appointment of the Director of the Health and Human Services Agency
A-II 39.3	2	2.09.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of Health and Human Services Agency
A-II 39.4	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.4.1	2	2.09.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Department of Behavioral Health Established
A-II 39.4.2	2	2.09.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Position of Behavioral Health Director and Director of Local Mental Health Services
A-II 39.4.3	2	2.09.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of Behavioral Health Department
A-II 39.4.4	2	2.09.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Mental Health and Substance Use Advisory Board
A-II 39.5	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.5.1	2	2.09.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Division of Housing and Community Services Established
A-II 39.5.2	2	2.09.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Position of Director of Housing and Community Services Division
A-II 39.5.3	2	2.09.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of Division of Housing and Community Services
A-II 39.6	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.6.1	2	2.09.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Office of the Public Defender Established
A-II 39.6.2	2	2.09.130	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Appointment of the Public Defender
A-II 39.6.3	2	2.09.120	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of the Office of Public Defender
A-II 39.7	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.7.1	2	2.09.140	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Department of Public Health Established
A-II 39.7.2	2	2.09.160	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Position of the Director of Public Health Director
A-II 39.7.3	2	2.09.150	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of the Department of Public Health
A-II 39.8	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.8.1	2	2.09.170	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Probation Department Established
A-II 39.8.2	2	2.09.190	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Appointment of the Chief Probation Officer

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 39.8.3	2	2.09.180	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of the County of Nevada Probation Department
A-II 39.9	R	Reserved		Health and Human Services Agency	Determination of Eligibility for General Assistance
A-II 39.9.1	2	2.09.200	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Department of Social Services Established
A-II 39.9.2	2	2.09.220	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Position of Social Services Director
A-II 39.9.3	2	2.09.210	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of the Department of Social Services
A-II 39.10	R	Reserved		Health and Human Services Agency	Method of Payment of General Assistance
A-II 39.10.1	2	2.09.230	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Office of Public Guardian Established
A-II 39.10.2	2	2.09.240	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Duties and Responsibilities of the Office of Public Guardian
A-II 39.10.3	2	2.09.250	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Appointment of Position of Public Guardian - Public Conservator
A-II 39.10.4	2	2.09.260	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Expenditure of Public Funds on Behalf of Conservatees
A-II 39.11	2	2.09.270	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Health and Human Services Agency	Appeals
A-II 39.12	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.13	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.14	R	Reserved		Health and Human Services Agency	Reserved
A-II 39.15	R	Reserved		Health and Human Services Agency	Reserved
A-II 4.1	R	Reserved		Donner Summit Public Utility District	Reserved
A-II 4.2	R	Reserved		Donner Summit Public Utility District	Reserved
A-II 4.3	R	Reserved		Donner Summit Public Utility District	Reserved
A-II 4.4	R	Reserved		Donner Summit Public Utility District	Reserved
A-II 4.5	R	Reserved		Donner Summit Public Utility District	Reserved
A-II 40.1	2	2.12.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Sierra Nevada Regional Department of Child Support Services	Department Established
A-II 40.2	2	2.12.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Sierra Nevada Regional Department of Child Support Services	Duties and Responsibilities
A-II 40.3	2	2.12.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Sierra Nevada Regional Department of Child Support Services	Transfer of Functions
A-II 40.4	2	2.12.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Sierra Nevada Regional Department of Child Support Services	Director of the Sierra Nevada Regional Department of Child Support Services

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 40.5	R	Reserved		Sierra Nevada Regional Department of Child Support Services	Reserved
A-II 41.1	R	Reserved		In Home Supportive Services	Reserved
A-II 41.2	R	Reserved		In Home Supportive Services	Reserved
A-II 41.3	R	Reserved		In Home Supportive Services	Reserved
A-II 41.4	R	Reserved		In Home Supportive Services	Reserved
A-II 41.5	R	Reserved		In Home Supportive Services	Reserved
A-II 41.6	R	Reserved		In Home Supportive Services	Reserved
A-II 41.7	R	Reserved		In Home Supportive Services	Reserved
A-II 42..2	2	2.08.140	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Environmental Health Department Established
A-II 42.1	2	2.08.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Community Development Agency Established
A-II 42.1.1	2	2.08.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Duties and Responsibilities
A-II 42.1.2	2	2.08.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of the Community Development Agency
A-II 42.2.1	2	2.08.160	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Environmental Health Department Transfer of Powers and Duties
A-II 42.2.2	2	2.08.170	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of the Environmental Health Department
A-II 42.2.3	2	2.08.180	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Fees for Environmental Health Department Services
A-II 42.3	2	2.08.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Building Department Established
A-II 42.3.1	2	2.08.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Building Department Duties and Responsibilities
A-II 42.3.2	2	2.08.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of the Building Department
A-II 42.4	2	2.08.190	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Planning Agency Established
A-II 42.4.1	2	2.08.200	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Planning Agency Powers and Duties
A-II 42.4.2	R	Reserved			Reserved
A-II 42.5	2	2.14.041	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Planning Commission Established, Composition and Member Appointment
A-II 42.5.1	2	2.14.042	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Planning Commission Jurisdiction, Powers and Duties
A-II 42.6	2	2.08.210	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Planning Department Established

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 42.6.1	2	2.08.220	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Planning Department Duties and Responsibilities
A-II 42.6.2	2	2.08.230	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of the Planning Department
A-II 42.6.3	2	2.08.240	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Land Use Applications and Submittals
A-II 42.6.4	R	Reserved			Reserved
A-II 42.6.5	R	Reserved			Reserved
A-II 42.7	2	2.08.250	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Office of Zoning Administrator Established
A-II 42.7.1	2	2.08.260	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Zoning Administrator Jurisdiction, Powers and Duties
A-II 42.8	R	Reserved			Reserved
A-II 42.8.1	R	Reserved			Reserved
A-II 42.9.1	2	2.08.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Agriculture Department and County Sealer of Weights and Measures
A-II 42.9.10	R	Reserved		Community Development Agency	Reserved
A-II 42.9.11	R	Reserved		Community Development Agency	Reserved
A-II 42.9.2	2	2.08.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Agriculture Department Duties and Responsibilities
A-II 42.9.3	2	2.08.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Agricultural Commissioner and Sealer of Weights and Measures
A-II 42.9.4	2	2.14.043	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	The Agricultural Advisory Commission
A-II 42.9.5	2	2.14.044	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Ex Officio Members
A-II 42.9.6	2	2.08.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Agricultural Commissioner Fees
A-II 42.9.7	R	Reserved		Community Development Agency	Reserved
A-II 42.9.8	R	Reserved		Community Development Agency	Reserved
A-II 42.9.9	R	Reserved		Community Development Agency	Reserved
A-II 42.9.3	2	2.14.045	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Terms, Appointments, Vacancies
A-II 42.9.4	2	2.14.046	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Regular Meetings
A-II 42.9.5	2	2.14.047	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Members - Compensation

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-II 42.9.6	2	2.14.048	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Staff Functions
A-II 42.9.7	2	2.14.049	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Boards, Committees, Commissions, Councils and Special Districts Established by Resolution	Purpose, Powers and Duties
A-II 42.10	2	2.08.270	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Public Works Department Established
A-II 42.10.1	2	2.08.280	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Public Works Department Duties and Responsibilities
A-II 42.10.2	2	2.08.290	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of Public Works Department
A-II 42.10.3	2	2.08.310	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Road Commissioner
A-II 42.10.4	2	2.08.320	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Repair of Damage Caused by County of Nevada to Private Property
A-II 42.10.5	2	2.08.300	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Director of Public Works Authorized to Acquire Real Property for County, Value Not to Exceed \$50,000
A-II 42.10.6	2	2.08.330	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	County Surveyor
A-II 42.10.7	2	2.08.340	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Record of Survey
A-II 43.1	2	2.16.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Payment of Salaries to Elected Officials, Officers and Employees	Payment of Salaries to Elected Officials, Officers and Employees
A-III 1.1	3	3.01.010	EMERGENCY OPERATION & SERVICES	In General	Definitions
A-III 1.2	3	3.01.020	EMERGENCY OPERATION & SERVICES	In General	Purposes of Chapter
A-III 1.3	3	3.01.030	EMERGENCY OPERATION & SERVICES	In General	Expenditures Deemed for Protection of Inhabitants and Property
A-III 1.4	3	3.01.040	EMERGENCY OPERATION & SERVICES	In General	Succession of Members of the Board of Supervisors in a Declared Emergency
A-III 1.5	3	3.01.050	EMERGENCY OPERATION & SERVICES	In General	Succession as Director of Emergency Services
A-III 1.6	3	3.01.060	EMERGENCY OPERATION & SERVICES	In General	Conformance to Federal and State Emergency Services Policies
A-III 2.1	3	3.02.010	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Nevada County - Operational Area Emergency Services Council - Created
A-III 2.2	3	3.02.020	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Composition; Appointment of Members; Officers
A-III 2.3	3	3.02.030	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Meetings
A-III 2.4	3	3.02.040	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Powers and Duties of Emergency Services Council
A-III 2.5	3	3.02.050	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Emergency Services Director - Office Created; Designated
A-III 2.6	3	3.02.060	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Powers and Duties of Emergency Services Directors Generally
A-III 2.7	3	3.02.070	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Powers in Event of Proclamation of Disaster

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-III 2.8	3	3.02.080	EMERGENCY OPERATION & SERVICES	Emergency Services Council; Director Assistant Director	Duties of Emergency Services Assistant Director
A-III 3.1	3	3.03.010	EMERGENCY OPERATION & SERVICES	Organization	Emergency Services Organization - Composition
A-III 3.2	3	3.03.020	EMERGENCY OPERATION & SERVICES	Organization	Resolution Establishing Organization and Prescribing Duties
A-III 3.3	R	Reserved		Organization	Reserved
A-III 3.4	3	3.03.030	EMERGENCY OPERATION & SERVICES	Organization	Punishment of Violations - Acts Prohibited During Emergencies
A-III 3.5	3	3.03.040	EMERGENCY OPERATION & SERVICES	Organization	Emergency Operations Center
A-IV 1.1	2	2.24.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Purchasing Agent - Office Established
A-IV 1.2	2	2.24.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Consolidation of Information and General Services and Office of Purchasing Agent
A-IV 1.3	2	2.24.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Purchasing Agent - Duties
A-IV 1.4	2	2.24.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Emergency Purchases
A-IV 1.5	2	2.24.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Purchasing Policies, Rules, Regulations, and Procedures
A-IV 1.6	2	2.24.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Delegation of Purchasing Agent Authority
A-IV 1.7	2	2.24.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Local Vendor Preference
A-IV 1.8	2	2.24.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Purchases	Acceptance of Gratuities Prohibited; Removal or Other Disciplinary Action Against Officer, Irresponsible Bidder
A-V 1.1	2	2.23.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Parcel Charge Established
A-V 1.2	2	2.23.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Responsibility of the Director of Public Works
A-V 1.3	2	2.23.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Hearing for Filing Objections or Protests
A-V 1.4	2	2.23.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Board of Supervisors' Hearing
A-V 1.6	2	2.23.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Cost Incurred
A-V 1.5	2	2.23.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parcel Charges and Procedure for Collection in County Services Areas	Charges
A-V 2 (reserved)	R	Reserved		Reserved	Reserved
A-VI 1.1	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.2	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.3	R	Reserved		Underground Utility Districts	Reserved

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-VI 1.4	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.5	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.6	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.7	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.8	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.9	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.10	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.11	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.12	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.13	R	Reserved		Underground Utility Districts	Reserved
A-VI 1.14	R	Reserved		Underground Utility Districts	Reserved
A-VII 1.1	5	5.01.140	REVENUE & FINANCE ADMINISTRATION	Fees	Property Tax Administration Fee
A-VII 1.2	5	5.01.141	REVENUE & FINANCE ADMINISTRATION	Fees	Definitions
A-VII 1.3	5	5.01.142	REVENUE & FINANCE ADMINISTRATION	Fees	Calculation and Charging of Property Tax Administration Fee
A-VII 1.4	5	5.01.143	REVENUE & FINANCE ADMINISTRATION	Fees	Responsibilities and Duties
A-VII 1.5	R	Reserved		Property Tax Administration	Reserved
A-VII 2.1	5	5.01.144	REVENUE & FINANCE ADMINISTRATION	Fees	Authority
A-VII 2.2	5	5.01.145	REVENUE & FINANCE ADMINISTRATION	Fees	Definitions
A-VII 2.3	5	5.01.146	REVENUE & FINANCE ADMINISTRATION	Fees	Criminal Justice Administration Fee
A-VII 2.4	5	5.01.147	REVENUE & FINANCE ADMINISTRATION	Fees	Effective Date
A-VII 2.5	R	Reserved		Criminal Justice Administration	Reserved
A-VIII 1.1	2	2.20.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Special Claims Procedure	Generally
A-VIII 1.2	2	2.20.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Special Claims Procedure	Presentation of Claims
A-VIII 1.3	2	2.20.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Special Claims Procedure	Time for Presentation of Claims

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
A-VIII 1.4	2	2.20.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Special Claims Procedure	Claim Procedures
G-I 1.0	R	Reserved		Scope	Reserved
G-I 1.1	R	Reserved		Scope	Reserved
G-I 1.2	R	Reserved		Scope	Reserved
G-I 1.3	R	Reserved		Scope	Reserved
G-I 1.4	R	Reserved		Scope	Reserved
G-I 1.5	R	Reserved		Scope	Reserved
G-I 1.6	R	Reserved		Scope	Reserved
G-I 1.7	R	Reserved		Scope	Reserved
G-II 1.1	2	2.26.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Required
G-II 1.2	2	2.26.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Application for New Franchise, or Renewal, Extension, or Transfer
G-II 1.3	2	2.26.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Hearing on Application
G-II 1.4	2	2.26.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Manner of Granting
G-II 1.5	2	2.26.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Fees, and Verification Procedures
G-II 1.6	2	2.26.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Possessory Interest in Public Property
G-II 1.7	2	2.26.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Bond or Other Security
G-II 1.8	2	2.26.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Insurance
G-II 1.9	2	2.26.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Remedies: Forfeiture, Liquidated Damages and Penalties
G-II 1.10	2	2.26.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Indemnification
G-II 1.11	2	2.26.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Assignment Prohibited
G-II 1.12	2	2.26.120	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Eminent Domain
G-II 1.13	2	2.26.130	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Improvements to Roads
G-II 1.14	2	2.26.140	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Conflicting Provisions and Severability
G-II 2.1	2	2.26.201	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Definitions for Cable Systems and Open Video Systems
G-II 2.2	2	2.26.202	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Required for Cable Systems and open Video Systems
G-II 2.3	2	2.26.203	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Possessory Interest in Public Property for Cable Systems and Open Video Systems
G-II 2.4	2	2.26.204	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Failure to Obtain a Franchise
G-II 2.5	2	2.26.205	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Existing Franchises
G-II 2.6	2	2.26.206	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Administration of Ordinance; Adoption of Regulations
G-II 2.7	2	2.26.207	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	General Conditions Upon Construction, Operation and Repair
G-II 2.A.1	2	2.26.301	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	General Provisions
G-II 2.A.2	2	2.26.302	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Definitions for State Video Service Franchises
G-II 2.A.3	2	2.26.303	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Fees for State Video Service Franchises
G-II 2.A.4	2	2.26.304	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Customer Service
G-II 2.A.5	2	2.26.305	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Permits and Construction
G-II 2.A.6	2	2.26.306	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Emergency Alert System

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-II 2.A.7	2	2.26.307	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Public, Educational, and Governmental Access Channel Capacity, Support, Interconnection and Signal Carriage
G-II 2.A.8	2	2.26.308	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Notices
G-II 2.A.9	R	Reserved		Franchises	Reserved
G-II 2.B.1	2	2.26.150	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Captions
G-II 2.B.2	2	2.26.160	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Calculation of Time
G-II 2.B.3	R	Reserved		Miscellaneous	Reserved
G-II 2.B.4	2	2.26.170	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Connections to Cable System; Use of Antennae
G-II 2.B.5	2	2.26.180	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Discrimination Prohibited
G-II 2.B.6	2	2.26.190	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Transitional Provisions
G-II 3.1	2	2.26.401	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Required for Franchises for Solid Waste Services
G-II 3.2	2	2.26.402	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Incorporation of This Chapter by Reference
G-II 3.3	2	2.26.403	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Authority to Use Streets, Public Easements
G-II 3.4	2	2.26.404	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Duties of Franchise Holder
G-II 4.1	2	2.26.501	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Definitions Liberty Energy Company Franchise
G-II 4.2	2	2.26.502	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Granted to Liberty Energy Power Company
G-II 4.3	2	2.26.503	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Term of Franchise - Fifty Years
G-II 4.4	2	2.26.504	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Poles, Wires, Etc., to be Installed, Constructed, Maintained Under Supervision of County Road Commissioner
G-II 4.5	2	2.26.505	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Relocation of Poles, Wires, Etc., to be Done by Grantee
G-II 4.6	2	2.26.506	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Grantee to Place Public Roads Damaged by Installation of Poles, Etc., In Good Condition
G-II 4.7	2	2.26.507	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Grantee Has Right to Install, Maintain and Use Any or All Poles. as Necessary and Proper
G-II 4.8	2	2.26.508	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Grantee Shall Pay County 2% of Gross Annual Receipts
G-II 4.9	2	2.26.509	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Granted Under Provisions of Laws of State of California
G-II 4.10	2	2.26.510	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	This Franchise Shall Not Be Exclusive
G-II 5.1	2	2.26.601	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchise Required
G-II 5.2 (repealed)	R	Reserved		Franchises for Transmissions of Electricity, Gas, Oil and Water	Reserved
G-III 10.1	6	6.06.010	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Purpose
G-III 10.2	6	6.06.020	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Definitions
G-III 10.3	6	6.06.030	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Registration Certificate Required

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 10.4	6	6.06.040	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Application for Registration Certificate
G-III 10.5	6	6.06.050	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Terms of Registration
G-III 10.6	6	6.06.060	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Annual Registration Fee
G-III 10.7	6	6.06.070	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Registration Certificate Issued to Corporation
G-III 10.8	6	6.06.080	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Transfer of Certificate
G-III 10.9	6	6.06.090	BUSINESS REGULATIONS AND LICENSES	Registration Requirement for Commercial Weighing and Measuring Instruments and Providing for a Fee for Such Registration	Delinquent Certificate
G-III 11.1	R	Reserved		Gold Country Telecare	Reserved
G-III 12.1	6	6.07.010	BUSINESS REGULATIONS AND LICENSES	Film Permits	Definitions
G-III 12.2	6	6.07.020	BUSINESS REGULATIONS AND LICENSES	Film Permits	Permits and Exemptions
G-III 12.3	6	6.07.030	BUSINESS REGULATIONS AND LICENSES	Film Permits	Rules and Regulations
G-III 12.4	6	6.07.040	BUSINESS REGULATIONS AND LICENSES	Film Permits	Applications and Issuance
G-III 12.5	6	6.07.050	BUSINESS REGULATIONS AND LICENSES	Film Permits	Liability Provisions
G-III 12.6	6	6.07.060	BUSINESS REGULATIONS AND LICENSES	Film Permits	Violation
G-III 12.7	6	6.07.070	BUSINESS REGULATIONS AND LICENSES	Film Permits	Film Liaison Position
G-III 12.8	6	6.07.080	BUSINESS REGULATIONS AND LICENSES	Film Permits	Filming Regulations
G-III 12.9	6	6.07.090	BUSINESS REGULATIONS AND LICENSES	Film Permits	Permit Maximum Time Requirements
G-III 12.10	6	6.07.100	BUSINESS REGULATIONS AND LICENSES	Film Permits	Additional Permit Requirements
G-III 13.1	R	Reserved		Adult Business Licenses and Operating Regulations	Reserved
G-III 13.2	6	6.08.010	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Definitions
G-III 13.3	6	6.08.020	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Regulations Non-Exclusive
G-III 13.4	6	6.08.030	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Adult Business Regulatory License Required
G-III 13.5	6	6.08.040	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Application - Renewals
G-III 13.6	6	6.08.050	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Investigation and Action on Application
G-III 13.7	6	6.08.060	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Grounds for Denial of Application
G-III 13.8	6	6.08.070	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Re-Application and Renewals
G-III 13.9	6	6.08.080	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Appeal of Decision
G-III 13.10	6	6.08.090	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Operating Standards

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 13.11	6	6.08.100	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Adult Business Offering Adult Live Entertainment - Additional Operating Requirements
G-III 13.12	6	6.08.110	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Adult Motion Picture Theater - Additional Operating Requirements
G-III 13.13	6	6.08.120	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Employment of and Services Rendered to Persons Under the Age of Eighteen (18) Years Prohibited - Twenty-One (21) if Liquor is Served
G-III 13.14	6	6.08.130	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Inspections
G-III 13.15	6	6.08.140	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Transfer of Adult Business License
G-III 13.16	6	6.08.150	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Suspension or Revocation of Adult Business License
G-III 13.17	6	6.08.160	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Causes for Suspension or Revocation
G-III 13.18	6	6.08.170	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Decision Following Hearing
G-III 13.19	6	6.08.180	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Appeal Procedures
G-III 13.20	6	6.08.190	BUSINESS REGULATIONS AND LICENSES	Adult Business Licenses and Operating Regulations	Violations
G-III 13.21	R	Reserved		Adult Business Licenses and Operating Regulations	Reserved
G-III 14.1	6	6.09.010	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	Gun Sales or Leases Must Be Through Qualified Dealer
G-III 14.2	6	6.09.020	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	Permit Required
G-III 14.3	6	6.09.030	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	License Qualifications
G-III 14.4	6	6.09.040	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	License is Subject to Approval
G-III 14.5	6	6.09.050	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	Renewal of License
G-III 14.6	6	6.09.060	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	License Subject to Forfeiture
G-III 14.7	6	6.09.070	BUSINESS REGULATIONS AND LICENSES	Firearms Dealers	Violation
G-III 15.1	15	15.09.010	SANITATION	Septage Haulers	Liquid Waste (Septage, greywater and leachate) Hauler Registration Required
G-III 15.1A	15	15.09.020	SANITATION	Septage Haulers	Grease Hauler Requirements
G-III 15.2	15	15.09.030	SANITATION	Septage Haulers	Cash Security Deposit
G-III 15.3	15	15.09.040	SANITATION	Septage Haulers	Application Fee
G-III 15.4	15	15.09.050	SANITATION	Septage Haulers	Duration of Registration
G-III 15.5	15	15.09.060	SANITATION	Septage Haulers	Renewal
G-III 4.1	6	6.02.010	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Purpose
G-III 4.2	6	6.02.020	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Definitions
G-III 4.3	6	6.02.030	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Service Requirements
G-III 4.4	6	6.02.040	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Initial Permit Application Procedures and Endorsement Levels
G-III 4.5	6	6.02.050	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Provisional Permits
G-III 4.6	6	6.02.060	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	General Requirements Pertaining to the Display and Use of Permits
G-III 4.7	6	6.02.070	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Grounds for Disapproval of Permit Application/Endorsement of Service Level
G-III 4.8	6	6.02.080	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	County Approval Prerequisite to Obtaining Business License
G-III 4.9	6	6.02.090	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Operation Standards and Procedures
G-III 4.10	6	6.02.100	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Required Personnel
G-III 4.11	6	6.02.110	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Insurance Requirements

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 4.12	6	6.02.120	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Vehicle Equipment
G-III 4.13	6	6.02.130	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Requirements for Interior Configuration, Design and Dimensions of Grounds Units
G-III 4.14	6	6.02.140	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Station Requirements
G-III 4.15	6	6.02.150	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	General Requirements Regulating Air Ambulances
G-III 4.16	6	6.02.160	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Drugs and Controlled Substances
G-III 4.17	6	6.02.170	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Required Reporting
G-III 4.18	6	6.02.180	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Inspections
G-III 4.19	6	6.02.190	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Enforcement
G-III 4.20	6	6.02.200	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Unprofessional Conduct
G-III 4.21	6	6.02.210	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Appeal Hearing Process
G-III 4.22	6	6.02.220	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Circumstances for Revocation and/or Suspension of County of Nevada Service Permit Authorized by Local EMS Agency
G-III 4.23	6	6.02.230	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Ground for Immediate Revocation or Suspension
G-III 4.24	6	6.02.240	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Notice of Violation
G-III 4.25	6	6.02.250	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Complaints
G-III 4.26	6	6.02.260	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Compliance
G-III 4.27	6	6.02.270	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Exemption from Requirement for Permit
G-III 4.28	6	6.02.280	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Miscellaneous Requirements
G-III 4.29	6	6.02.290	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Special Events
G-III 4.30	6	6.02.300	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Ambulance Rates
G-III 4.31	6	6.02.310	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Interfacility Transfers
G-III 4.32	6	6.02.320	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Disaster Operations
G-III 4.33	R	Reserved		Regulation of Medical Transportation Services	Reserved
G-III 4.34	6	6.02.330	BUSINESS REGULATIONS AND LICENSES	Regulation of Medical Transportation Services	Prohibited Acts
G-III 5.1	6	6.03.010	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Title
G-III 5.2	6	6.03.020	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Authority
G-III 5.3	R	Reserved		Environmental Health Certificate of Operation	Reserved
G-III 5.4	6	6.03.030	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Authorization of Fees
G-III 5.5	6	6.03.040	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Cities
G-III 5.6	6	6.03.050	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Definitions
G-III 5.7	R	Reserved		Environmental Health Certificate of Operation	Restaurant
G-III 5.8	R	Reserved		Environmental Health Certificate of Operation	Retail Food Production and Marketing Establishment
G-III 5.9	R	Reserved		Environmental Health Certificate of Operation	Food Processing Establishment
G-III 5.10	R	Reserved		Environmental Health Certificate of Operation	Mobile Food Preparation Units
G-III 5.11	R	Reserved		Environmental Health Certificate of Operation	Reserved
G-III 5.12	R	Reserved		Environmental Health Certificate of Operation	Vending Machine
G-III 5.13	R	Reserved		Environmental Health Certificate of Operation	Food Vehicle

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Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 5.14	R	Reserved		Environmental Health Certificate of Operation	Roadside Stands
G-III 5.15	R	Reserved		Environmental Health Certificate of Operation	Public Swimming Pool
G-III 5.16	6	6.03.060	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Permits Required
G-III 5.17	6	6.03.070	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Violations of Conditions
G-III 5.18	6	6.03.080	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Change in Conditions
G-III 5.19	6	6.03.090	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Revoked Certificate
G-III 5.20	6	6.03.100	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Application
G-III 5.21	6	6.03.110	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Investigation: Issuance: Denial
G-III 5.22	6	6.03.120	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Form
G-III 5.23	6	6.03.130	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Term
G-III 5.24	6	6.03.140	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Application Fees
G-III 5.25	6	6.03.150	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Appeal
G-III 5.26	6	6.03.160	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Decisions of the Environmental Health Director: Finality & Validity
G-III 5.27	6	6.03.170	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Appeals Procedure
G-III 5.28	6	6.03.180	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Appeals: Hearing and Determinations
G-III 5.29	6	6.03.190	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Environmental Health Certificates of Operation Non-Transferrable
G-III 5.30	6	6.03.200	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Certificate: Revocation
G-III 5.31	6	6.03.210	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Certificate: Revocation Petitions
G-III 5.32	6	6.03.220	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Certificates: Revocation Hearings/Determination
G-III 5.33	6	6.03.230	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Scope
G-III 5.34	6	6.03.240	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Standards
G-III 5.35	6	6.03.250	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Restaurant
G-III 5.36	6	6.03.260	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Retail Food Production & Marketing Establishment
G-III 5.37	6	6.03.270	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Food Processing Establishment
G-III 5.38	6	6.03.280	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Mobile Food Preparation Units
G-III 5.39	R	Reserved		Environmental Health Certificate of Operation	Reserved
G-III 5.40	6	6.03.290	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Vending Machines
G-III 5.41	6	6.03.300	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Vending Machines or Vehicle Identification
G-III 5.42	6	6.03.310	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Food Vehicle
G-III 5.43	R	Reserved		Environmental Health Certificate of Operation	Roadside Stands
G-III 5.44	6	6.03.320	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Public Swimming Pool
G-III 5.45	6	6.03.330	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Violations: Penalties
G-III 5.46	6	6.03.340	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Violations: Nuisance and Abatement
G-III 5.47	6	6.03.350	BUSINESS REGULATIONS AND LICENSES	Environmental Health Certificate of Operation	Permits to Distribute: Granting: Expiration Fees
G-III 6.1	R	Reserved		Prohibiting the Distribution and Display of Drug Paraphernalia	Reserved

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 6.2	6	6.04.010	BUSINESS REGULATIONS AND LICENSES	Prohibiting the Distribution and Display of Drug Paraphernalia	Definition
G-III 6.3	6	6.04.020	BUSINESS REGULATIONS AND LICENSES	Prohibiting the Distribution and Display of Drug Paraphernalia	Display of Drug Paraphernalia
G-III 6.4	6	6.04.030	BUSINESS REGULATIONS AND LICENSES	Prohibiting the Distribution and Display of Drug Paraphernalia	Distribution of Drug Paraphernalia
G-III 7.1	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.2	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.3	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.4	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.5	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.6	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.7	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.8	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.9	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.10	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.11	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.12	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.13	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.14	R	Reserved		Alarm Devices and Systems	Reserved
G-III 7.15	R	Reserved		Alarm Devices and Systems	Reserved
G-III 8.1	6	6.05.010	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Commercial Rafting; Permits Required
G-III 8.2	6	6.05.020	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Commercial Rafting on Truckee River
G-III 8.3	6	6.05.030	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Definitions
G-III 8.4	6	6.05.040	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Application for Commercial Rafting Operations; Hearings
G-III 8.5	6	6.05.050	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Time of Application
G-III 8.6	6	6.05.060	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Content of Application
G-III 8.7	6	6.05.070	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Limitation on Permits and Raft Days
G-III 8.8	6	6.05.080	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Permit Requirements
G-III 8.9	6	6.05.090	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Granting of the Permit
G-III 8.10	6	6.05.100	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Use of Raft Days; Fee
G-III 8.11	6	6.05.110	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Revocation
G-III 8.12	6	6.05.120	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	River Clean Up
G-III 8.13	6	6.05.130	BUSINESS REGULATIONS AND LICENSES	Rafting Regulations	Authority to Arrest
G-III 8.14	R	Reserved		Rafting Regulations	Reserved
G-III 1.1	6	6.01.010	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Short Title "Chain Control Regulations"
G-III 1.2	6	6.01.020	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Permit Required
G-III 1.3	6	6.01.030	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Permit Required - Application; Fees

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-III 1.4	6	6.01.040	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Installation of Removal Standards
G-III 1.5	6	6.01.050	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Suspension or Revocation of Permit
G-III 1.6	6	6.01.060	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Permit Required - Minimum Age of Applicant
G-III 1.7	6	6.01.070	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Penalty
G-III 1.8	6	6.01.080	BUSINESS REGULATIONS AND LICENSES	Chain Control Regulations	Appeal
G-III 2.1	R	Reserved		Transportation of Christmas Trees	Reserved
G-III 3	R	Reserved		Reserved	
G-III 9 (reserved)	R	Reserved		Reserved	
G-IV 1.1	8	8.01.010	ANIMAL REGULATION	Animal Control	Geographical Area Covered
G-IV 1.2	8	8.01.020	ANIMAL REGULATION	Animal Control	Title
G-IV 1.3	8	8.01.030	ANIMAL REGULATION	Animal Control	Purpose
G-IV 1.4	8	8.01.040	ANIMAL REGULATION	Animal Control	Definitions
G-IV 1.5	8	8.01.050	ANIMAL REGULATION	Animal Control	Administration: General Powers and Authority
G-IV 1.6	8	8.01.060	ANIMAL REGULATION	Animal Control	Officer's Status, Arrests and Citations
G-IV 1.7	8	8.01.070	ANIMAL REGULATION	Animal Control	Entry of Premises
G-IV 1.8	8	8.01.080	ANIMAL REGULATION	Animal Control	Administrative Policies
G-IV 1.9	8	8.01.090	ANIMAL REGULATION	Animal Control	Authority of Carry Firearms
G-IV 1.10	8	8.01.100	ANIMAL REGULATION	Animal Control	Authority to Use Tranquilizer Gun
G-IV 1.11	8	8.01.110	ANIMAL REGULATION	Animal Control	Impoundment
G-IV 1.12	8	8.01.120	ANIMAL REGULATION	Animal Control	Period of Impoundment & Notice Periods of Impoundment
G-IV 1.13	8	8.01.130	ANIMAL REGULATION	Animal Control	Pre-Seizure Hearing, Neglected or Abused Animals
G-IV 1.14	8	8.01.140	ANIMAL REGULATION	Animal Control	Post-Seizure Hearing; Neglected or Abused Animals
G-IV 1.15	8	8.01.150	ANIMAL REGULATION	Animal Control	Animals Not Redeemed
G-IV 1.16	8	8.01.160	ANIMAL REGULATION	Animal Control	Redemption of Impounded Animals
G-IV 1.17	8	8.01.170	ANIMAL REGULATION	Animal Control	Voluntary Surrender of Animals
G-IV 1.18	8	8.01.180	ANIMAL REGULATION	Animal Control	Adoption of Destruction Authority
G-IV 1.19	8	8.01.190	ANIMAL REGULATION	Animal Control	Adoption of Animals
G-IV 1.20	8	8.01.200	ANIMAL REGULATION	Animal Control	Records of Impounded or Voluntarily Surrendered Animals
G-IV 1.21	8	8.01.210	ANIMAL REGULATION	Animal Control	Deposit Fees
G-IV 1.22	8	8.01.220	ANIMAL REGULATION	Animal Control	Fees for Services
G-IV 1.23	8	8.01.230	ANIMAL REGULATION	Animal Control	Vaccination Required
G-IV 1.24	8	8.01.240	ANIMAL REGULATION	Animal Control	Licensing of Dogs Required
G-IV 1.25	8	8.01.250	ANIMAL REGULATION	Animal Control	Exemptions to Dog License Requirements
G-IV 1.26	8	8.01.260	ANIMAL REGULATION	Animal Control	Licensing Term
G-IV 1.27	8	8.01.270	ANIMAL REGULATION	Animal Control	Late Penalties
G-IV 1.28	8	8.01.280	ANIMAL REGULATION	Animal Control	License Application

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 1.29	8	8.01.290	ANIMAL REGULATION	Animal Control	Issuance of Tags and License Certificate
G-IV 1.30	8	8.01.300	ANIMAL REGULATION	Animal Control	Lost Tags
G-IV 1.31	8	8.01.310	ANIMAL REGULATION	Animal Control	Transfer of License
G-IV 1.32	8	8.01.320	ANIMAL REGULATION	Animal Control	Maintaining Records of Dog Licenses
G-IV 1.33	8	8.01.330	ANIMAL REGULATION	Animal Control	Display of License Tag Required
G-IV 1.34	8	8.01.340	ANIMAL REGULATION	Animal Control	Display of License
G-IV 1.35	8	8.01.350	ANIMAL REGULATION	Animal Control	Removal of License Tag
G-IV 1.36	8	8.01.360	ANIMAL REGULATION	Animal Control	Unlawful Use of Rabies or License Tag
G-IV 1.37	8	8.01.370	ANIMAL REGULATION	Animal Control	Kennel License Required
G-IV 1.38	8	8.01.380	ANIMAL REGULATION	Animal Control	Kennel License Term
G-IV 1.39	8	8.01.390	ANIMAL REGULATION	Animal Control	Applications for and Processing of Kennel Licenses
G-IV 1.40	8	8.01.400	ANIMAL REGULATION	Animal Control	Issuance of Denial of a Kennel License
G-IV 1.41	8	8.01.410	ANIMAL REGULATION	Animal Control	Kennel License Renewal
G-IV 1.42	8	8.01.420	ANIMAL REGULATION	Animal Control	Kennel Standard
G-IV 1.43	8	8.01.430	ANIMAL REGULATION	Animal Control	Revocation of Kennel License
G-IV 1.44	8	8.01.440	ANIMAL REGULATION	Animal Control	Resisting an Animal Control Officer
G-IV 1.45	8	8.01.450	ANIMAL REGULATION	Animal Control	Unlawful Removal of Animals
G-IV 1.46	8	8.01.460	ANIMAL REGULATION	Animal Control	Animals Prohibited from Food Establishments
G-IV 1.47	8	8.01.470	ANIMAL REGULATION	Animal Control	Animals Running at Large Prohibited
G-IV 1.47A	8	8.01.480	ANIMAL REGULATION	Animal Control	Female Dog in Heat: Running at Large/Accessibility Prohibited
G-IV 1.48	8	8.01.490	ANIMAL REGULATION	Animal Control	Dogs Running at Large on Farm Prohibited
G-IV 1.49	8	8.01.510	ANIMAL REGULATION	Animal Control	Livestock Containment
G-IV 1.50	8	8.01.520	ANIMAL REGULATION	Animal Control	Nuisances by Animals
G-IV 1.51	8	8.01.530	ANIMAL REGULATION	Animal Control	Animal Cruelty
G-IV 1.51.1	8	8.01.540	ANIMAL REGULATION	Animal Control	Failure to Provide Care or Sheltering of Animals
G-IV 1.52	8	8.01.550	ANIMAL REGULATION	Animal Control	Vicious or Dangerous Animal
G-IV 1.53	8	8.01.560	ANIMAL REGULATION	Animal Control	Authority to Declare Animals Vicious or Dangerous
G-IV 1.54	8	8.01.570	ANIMAL REGULATION	Animal Control	Potentially Dangerous or Vicious Dog
G-IV 1.55	8	8.01.580	ANIMAL REGULATION	Animal Control	Wild, Exotic or Non-Domestic Animals
G-IV 1.55A	8	8.01.590	ANIMAL REGULATION	Animal Control	Control of Stallions
G-IV 1.56	8	8.01.600	ANIMAL REGULATION	Animal Control	Animal Abandonment Prohibited
G-IV 1.56A	8	8.01.610	ANIMAL REGULATION	Animal Control	Leaving Animals in Vehicle
G-IV 1.57	8	8.01.620	ANIMAL REGULATION	Animal Control	Dead Animals and Fowl
G-IV 1.58	8	8.01.630	ANIMAL REGULATION	Animal Control	Authority to Capture of Kill Dogs Pursuing Livestock, Game Animals or Fully Protected Rare or Endangered Animals
G-IV 1.59	8	8.01.640	ANIMAL REGULATION	Animal Control	Holding of Animals
G-IV 1.60	8	8.01.650	ANIMAL REGULATION	Animal Control	Isolation of Rabid Animals of Clinically Suspected Rabid Animals

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 1.61	8	8.01.660	ANIMAL REGULATION	Animal Control	Isolation (Quarantine) of Biting Animals
G-IV 1.62	8	8.01.670	ANIMAL REGULATION	Animal Control	Isolation (Quarantine) of Bitten Animals
G-IV 1.63	8	8.01.680	ANIMAL REGULATION	Animal Control	Appeals
G-IV 1.64	8	8.01.690	ANIMAL REGULATION	Animal Control	Absence of Liability
G-IV 1.65	8	8.01.700	ANIMAL REGULATION	Animal Control	Penalties for Violations of Provisions
G-IV 1.66	R	Reserved		Animal Control	Reserved
G-IV 2.1	20	20.03.010	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Definitions
G-IV 2.2	20	20.03.020	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Certificates
G-IV 2.3	20	20.03.030	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Detention and Inspection
G-IV 2.4	20	20.03.040	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Equipment Controls
G-IV 2.5	20	20.03.050	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Treatment within the County of Nevada
G-IV 2.6	20	20.03.060	AGRICULTURAL LANDS & OPERATION	Trees and Plants	Enforcement
G-IV 3.A.1	16	16.03.010	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Fifteen Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted
G-IV 3.A.2	16	16.03.120	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Twenty Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted
G-IV 3.A.3	16	16.03.220	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Twenty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted
G-IV 3.A.4	16	16.03.260	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Thirty Miles Per Hour Prima Dacia Speed Limit Established
G-IV 3.A.5	16	16.03.270	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Thirty-Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted
G-IV 3.A.6	16	16.03.280	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Forty Miles Per Hour Prima Facie Speed Limit Established
G-IV 3.A.7	16	16.03.290	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Forty-Five Miles Per Hour Prima Facie Speed Limit Established
G-IV 3.A.7.a	16	16.03.300	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Fifty Miles Per Hour Prima Facie Speed Limit Established
G-IV 3.A.8	16	16.03.310	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking Prohibitions
G-IV 3.A.9	16	16.03.320	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Erection of Signs Prohibit Parking
G-IV 3.A.10	16	16.03.020	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Bus Zones - "Bus" Defined
G-IV 3.A.11	16	16.03.030	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Bus Zones - Established
G-IV 3.A.12	16	16.03.040	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking Prohibitions - Erection of Signs Giving Notice Thereof
G-IV 3.A.13	16	16.03.050	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Snow Emergency Routes - Generally
G-IV 3.A.14	16	16.03.060	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking During Snow Removal Operations Prohibited
G-IV 3.A.15	16	16.03.070	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Authority for the Removal of Parked Vehicles

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 3.A.16	16	16.03.080	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking During Snow Removal Operations Prohibited - Penalty
G-IV 3.A.17	16	16.03.090	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking at the Grass Valley and Nevada City Veterans' Buildings
G-IV 3.A.18	16	16.03.100	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Skateboard Prohibitions
G-IV 3.A.19	16	16.03.110	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Skateboard Prohibitions - Erection of Signs
G-IV 3.A.20	16	16.03.130	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Skateboard Prohibitions Penalty
G-IV 3.A.21	16	16.03.140	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Prohibiting the Parking or Storing of Vehicles in Excess of Seventy-Two (72) Consecutive Hours on County Roads
G-IV 3.A.22	16	16.03.150	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Traffic Control Regulations and Devices on County Roads
G-IV 3.A.23	16	16.03.160	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Speed Limits Where Persons at Work
G-IV 3.A.24	16	16.03.170	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Reserved Parking - Jurors
G-IV 3.A.25	R	Reserved		Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	<i>Repealed</i>
G-IV 3.A.26	16	16.03.180	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Gold Carts on County Roads
G-IV 3.A.27	16	16.03.190	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Traffic Signs In Lake of the Pines and Lake Wildwood Subdivisions
G-IV 3.A.28 (repealed)	16	16.03.200	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Parking Restrictions on County Property
G-IV 3.A.29	16	16.03.210	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Prohibition of Parking in No Parking Zones
G-IV 3.A.30	16	16.03.230	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Ten Miles Per Hour Speed Limit in County Parking Facilities
G-IV 3.A.31	16	16.03.240	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Enforcement of Parking Regulations
G-IV 3.A.32	16	16.03.250	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Tow Away Procedures for Parking Violations
G-IV 3.A.33	R	Reserved		Motor Vehicles and Traffic: Speed Limits, Parking and Control of Vehicles	Reserved
G-IV 3.B.1	16	16.04.010	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Load Limit of Roads and Bridges Established
G-IV 3.B.2	16	16.04.020	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Authority of Peace Officer to Require Weighing
G-IV 3.B.3	16	16.04.030	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Weights Limits for Commercial Vehicles
G-IV 3.B.4	16	16.04.040	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Interstate Trucks
G-IV 3.B.5	16	16.04.050	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Requirement of Permit for Non-Legal Load

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 3.B.6	16	16.04.060	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Application
G-IV 3.B.7	16	16.04.070	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Definitions
G-IV 3.B.8	16	16.04.080	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Bond Required
G-IV 3.B.9	16	16.04.090	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Fees for Services
G-IV 3.B.10	16	16.04.100	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Permits Non-Transferrable
G-IV 3.B.11	16	16.04.110	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Display of Permit
G-IV 3.B.12	16	16.04.120	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Revisions
G-IV 3.B.13	16	16.04.130	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Term of Permit
G-IV 3.B.14	16	16.04.140	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Notice of Completion
G-IV 3.B.15	16	16.04.150	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Movement of Vehicles
G-IV 3.B.16	16	16.04.160	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Disclaimer of Liability
G-IV 3.B.17	16	16.04.170	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Violations/Infractions
G-IV 3.B.18	16	16.04.180	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Nuisance Abatement
G-IV 3.B.19	16	16.04.190	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Non-Excusive Remedies
G-IV 3.B.20	16	16.04.200	ROADS, STREETS, VEHICLES, TRAFFIC	Motor Vehicles and Traffic: Weight Limits, Interstate Trucks, Non-Legal Loads and Permits	Enforcement Official
G-IV 4.1 - 4.39	R	Reserved		<i>These DO NOT EXIST</i>	<i>These DO NOT EXIST</i>
G-IV 4.40	9	9.02.010	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Definitions
G-IV 4.41	9	9.02.020	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Work Requiring Permit
G-IV 4.42	9	9.02.030	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Application
G-IV 4.43	9	9.02.040	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Bond or Cash Deposit Required

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 4.44	9	9.02.050	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Issuance of Written Permits
G-IV 4.45	9	9.02.060	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Refusal to Issue Permits
G-IV 4.46	9	9.02.070	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Fees
G-IV 4.47	9	9.02.080	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Permits Nontransferable
G-IV 4.48	9	9.02.090	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Display of Permit
G-IV 4.49	9	9.02.100	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Standard on Supervision and Inspection
G-IV 4.50	9	9.02.110	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Revisions
G-IV 4.51	9	9.02.120	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Term of Permit; Completion of Work
G-IV 4.52	9	9.02.130	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Notice of Completion
G-IV 4.53	9	9.02.140	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Revocation of Permit
G-IV 4.54	9	9.02.150	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Traffic Safety
G-IV 4.55	9	9.02.160	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Storage of Material
G-IV 4.56	9	9.02.170	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Dust and Debris
G-IV 4.57	9	9.02.180	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Protection of Adjoining Property
G-IV 4.58	9	9.02.190	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Preservation of Monuments
G-IV 4.59	9	9.02.200	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Restoring Taxiway
G-IV 4.60	9	9.02.210	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Care of Drainage
G-IV 4.61	9	9.02.220	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Clean Up
G-IV 4.62	9	9.02.230	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Relocation of Facilities
G-IV 4.63	9	9.02.240	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Disclaimer of Liability
G-IV 4.64	9	9.02.250	AIRPORT	Regulating Taxiway Encroachments at Nevada County Airport	Violations/Infractions
G-IV 4.A.1	16	16.05.010	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Definitions
G-IV 4.A.3	16	16.05.030	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Application
G-IV 4.A.4	16	16.05.040	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Prohibited Activities
G-IV 4.A.5	16	16.05.040	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Security Required
G-IV 4.A.6	16	16.05.060	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Exemption From Bond for Public Agency or Utility and Exception

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 4.A.7	16	16.05.070	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Exemption from Bond for City, Municipal Utility or Water District
G-IV 4.A.8	16	16.05.080	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Issuance of Written Permits
G-IV 4.A.9	16	16.05.090	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Refusal to Issue Permit
G-IV 4.A.10	16	16.05.100	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Exemption from Special Events Permit Process for State Agencies
G-IV 4.A.11	16	16.05.110	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Fees
G-IV 4.A.12	16	16.05.120	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Permits Non-Transferable
G-IV 4.A.13	16	16.05.130	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Display of Permit
G-IV 4.A.14	16	16.05.140	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Compliance with Laws and Encroachment Standards
G-IV 4.A.15	16	16.05.150	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Revisions and Revocation
G-IV 4.A.15.1	16	16.05.160	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Appeals
G-IV 4.A.16	16	16.05.170	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Term of Permit: Completion of Work
G-IV 4.A.17	16	16.05.180	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Notice of Completion
G-IV 4.A.18	16	16.05.190	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Suspension and Revocation of Permit
G-IV 4.A.19	16	16.05.200	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Emergency Work Authorization
G-IV 4.A.2	16	16.05.020	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Work Requiring Permit
G-IV 4.A.20	16	16.05.210	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Traffic Safety
G-IV 4.A.21	16	16.05.220	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Aids to Visibility
G-IV 4.A.22	16	16.05.230	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Storage of Material
G-IV 4.A.23	16	16.05.240	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Dust and Debris
G-IV 4.A.24	16	16.05.250	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Protection of Adjoining Property
G-IV 4.A.25	16	16.05.260	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Preservation of Monuments
G-IV 4.A.26	16	16.05.270	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Poles and Transmission Line Carriers
G-IV 4.A.27	16	16.05.280	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Small Pipes or Rigid Conduits
G-IV 4.A.28	16	16.05.290	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Mail Boxes
G-IV 4.A.29	16	16.05.300	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Restoring Highway
G-IV 4.A.30	16	16.05.310	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Care of Drainage
G-IV 4.A.31	16	16.05.320	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Clean-Up
G-IV 4.A.32	16	16.05.330	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Relocation of Facilities
G-IV 4.A.33	16	16.05.340	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Planting and Maintenance of Trees
G-IV 4.A.34	16	16.05.350	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Removing Trees
G-IV 4.A.35	16	16.05.360	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Hedges and Fences
G-IV 4.A.36	16	16.05.370	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Sight Distance Required
G-IV 4.A.37	R	Reserved		Regulating Roadway Encroachments	Lawns
G-IV 4.A.38	16	16.05.380	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Disclaimer of Liability
G-IV 4.A.39	16	16.05.390	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Violations/Infractions
G-IV 4.A.40	16	16.05.400	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Nuisance Abatement

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 4.A.41	16	16.05.410	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Non-Exclusive Remedies
G-IV 4.A.42	16	16.05.420	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Enforcement Official
G-IV 4.A.43	16	16.05.130	ROADS, STREETS, VEHICLES, TRAFFIC	Regulating Roadway Encroachments	Cost of Enforcement
G-IV 4.A.44	R	Reserved		Regulating Roadway Encroachments	Reserved
G-IV 5	R	Reserved		Reserved	Reserved
G-IV 6.1	16	16.06.010	ROADS, STREETS, VEHICLES, TRAFFIC	Signs - Written Authorization	Signs Upon County Roadways Property- Encroachment Permit Required
G-IV 6.2	16	16.06.020	ROADS, STREETS, VEHICLES, TRAFFIC	Signs - Written Authorization	Signs Upon County Property - Written Authorization or Encroachment Permit Not to be Issued for Strictly Private Signs
G-IV 6.3	16	16.06.030	ROADS, STREETS, VEHICLES, TRAFFIC	Signs - Written Authorization	Signs Upon County Property - Written Authorization to be Issued With Limitations if Public Benefit Shown
G-IV 6.4	16	16.06.040	ROADS, STREETS, VEHICLES, TRAFFIC	Signs - Written Authorization	Violations/Infractions
G-IV 7.1	4	4.01.010	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Findings
G-IV 7.2	4	4.01.020	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Application of Article
G-IV 7.3	4	4.01.030	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Definitions
G-IV 7.4	4	4.01.040	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Nuisance Declared; Duty to Abate Hazardous Vegetation and Combustible Material
G-IV 7.5	4	4.01.050	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Enforcement
G-IV 7.6	4	4.01.060	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Notice to Abate
G-IV 7.7	4	4.01.070	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Service of Notices
G-IV 7.8	4	4.01.080	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Enforcement Process
G-IV 7.9	4	4.01.090	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Appeals Process
G-IV 7.10	4	4.01.100	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Hazardous Vegetation Abatement Hearing Body
G-IV 7.11	4	4.01.110	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Abatement by Public Official
G-IV 7.12	4	4.01.120	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Abatement Penalties and Costs
G-IV 7.13	4	4.01.130	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Hearing on Proposed Lien
G-IV 7.14	4	4.01.140	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Notice of Lien, Recordation of Lien, Collection of Lien
G-IV 7.15	4	4.01.150	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Violations
G-IV 7.16	4	4.01.160	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Penalties for Violations
G-IV 7.17	4	4.01.170	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	Authority to Promulgate Reasonable Rules and Regulations
G-IV 7.18	4	4.01.180	FIRE SAFETY	Hazardous Vegetation and Combustible Material Abatement	No Duty to Enforce

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 8.1	15	15.13.010	SANITATION	Solid Waste	General
G-IV 8.2	15	15.13.020	SANITATION	Solid Waste	Collection - Mandatory Subscription and Payment Required
G-IV 8.3	15	15.13.030	SANITATION	Solid Waste	Collection - Containers, Participation and Separation Required by all Generators
G-IV 8.4	15	15.13.040	SANITATION	Solid Waste	Commercial Education and outreach Requirements
G-IV 8.5	15	15.13.050	SANITATION	Solid Waste	Waste Removal Time Periods
G-IV 8.6	15	15.13.060	SANITATION	Solid Waste	Pre-Collection and Storage Practices
G-IV 8.7	15	15.13.070	SANITATION	Solid Waste	Waste Ownership and Responsibility
G-IV 8.8	15	15.13.080	SANITATION	Solid Waste	Waivers
G-IV 8.9	15	15.13.090	SANITATION	Solid Waste	Commercial Edible Food Generator Requirements
G-IV 8.10	15	15.13.100	SANITATION	Solid Waste	Food Recovery Organizations and Services Requirements
G-IV 8.11	15	15.13.110	SANITATION	Solid Waste	Franchised Collector Requirements
G-IV 8.12	15	15.13.120	SANITATION	Solid Waste	Requirements for Facility Operators and Community Composting Operations
G-IV 8.13	15	15.13.130	SANITATION	Solid Waste	Self-Hauler Requirements
G-IV 8.14	15	15.13.140	SANITATION	Solid Waste	Waste Collection
G-IV 8.15	15	15.13.150	SANITATION	Solid Waste	Convenience Station Services
G-IV 8.16	15	15.13.160	SANITATION	Solid Waste	Waste Disposal
G-IV 8.17	15	15.13.170	SANITATION	Solid Waste	Hazardous Wastes
G-IV 8.18	15	15.13.180	SANITATION	Solid Waste	Financing and Fees
G-IV 8.19	15	15.13.190	SANITATION	Solid Waste	Inspection and Investigations
G-IV 8.20	15	15.13.200	SANITATION	Solid Waste	Enforcement of All Provisions of this Article Except Enforcement of Transfer Stations
G-IV 8.21	15	15.13.210	SANITATION	Solid Waste	Enforcement of Transfer Stations
G-IV 8.22	15	15.13.220	SANITATION	Solid Waste	Nuisance and Abatement
G-IV 8.23	15	15.13.230	SANITATION	Solid Waste	Severability
G-IV 8.24	15	15.13.240	SANITATION	Solid Waste	Trespass at Any County Waste Disposal or Treatment Facility
G-IV 8.25	15	15.13.250	SANITATION	Solid Waste	Parcel Charges - Western Nevada County
G-IV 8.26	15	15.13.260	SANITATION	Solid Waste	Parcel Charges - Eastern Nevada County
G-IV 8.27	15	15.13.270	SANITATION	Solid Waste	Statue of Limitations
G-IV 8.A.1	R	Reserved		Diversion of Construction and Demolition Materials	Reserved
G-IV 8.A.2	15	15.10.010	SANITATION	Diversion of Construction and Demolition Materials	Definitions
G-IV 8.A.3	15	15.10.020	SANITATION	Diversion of Construction and Demolition Materials	Threshold
G-IV 8.A.4	15	15.10.030	SANITATION	Diversion of Construction and Demolition Materials	Diversion Requirements
G-IV 8.A.5	15	15.10.040	SANITATION	Diversion of Construction and Demolition Materials	Diversion Requirement Exemption
G-IV 8.A.6	15	15.10.050	SANITATION	Diversion of Construction and Demolition Materials	Compliance with the Diversion Requirement
G-IV 9.1	R	Reserved		Gun Permit	Reserved
G-IV 10.1	R	Reserved		Fingerprinting Fee	Reserved
G-IV 11.1	9	9.03.010	AIRPORT	Nevada County Airport Commission	Airport Commission - Composition, Appointment of Members and Quorum

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 11.2	9	9.03.020	AIRPORT	Nevada County Airport Commission	Airport Commission - Powers and Duties
G-IV 12.1	9	9.01.010	AIRPORT	Nevada County Airport Rules and Regulations	Definitions
G-IV 12.2	9	9.01.020	AIRPORT	Nevada County Airport Rules and Regulations	Operation of Aircraft
G-IV 12.3	9	9.01.030	AIRPORT	Nevada County Airport Rules and Regulations	Use of Airport
G-IV 12.4	9	9.01.040	AIRPORT	Nevada County Airport Rules and Regulations	Insurance
G-IV 12.5	9	9.01.050	AIRPORT	Nevada County Airport Rules and Regulations	Fire Safety Regulations
G-IV 12.6	9	9.01.060	AIRPORT	Nevada County Airport Rules and Regulations	General Rules & Regulations
G-IV 13.1	2	2.27.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Bidding Procedure
G-IV 13.2	2	2.27.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Public Projects
G-IV 13.3	2	2.27.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Bids
G-IV 13.4	2	2.27.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Informal Bidding Procedure
G-IV 13.5	2	2.27.050	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Formal Bidding Procedure
G-IV 13.6	2	2.27.060	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Rejection of Bids and Acceptance of Bids
G-IV 13.7	2	2.27.070	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Performance of Contract by County Personnel
G-IV 13.8	2	2.27.080	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Plans, Specifications, Etc.; When Required; Examination by Bidders
G-IV 13.9	2	2.27.090	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Inapplicability of Chapter of Juvenile Forestry Camps, Juveniles Homes
G-IV 13.10	2	2.27.100	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Bid and Performance Bonds
G-IV 13.11	2	2.27.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Emergencies
G-IV 13.12	2	2.27.120	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Bidding Procedure	Change Orders on Road Projects
G-IV 13.A.1	2	2.28.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Alternative Procedures for Leasing County Property	Legislative Intent
G-IV 13.A.2	2	2.28.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Alternative Procedures for Leasing County Property	Leases for Property in Excess of \$10,000 per Month
G-IV 13.A.3	2	2.28.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Alternative Procedures for Leasing County Property	Leases for Property Less Than \$10,000 per Month
G-IV 13.A.4	2	2.28.040	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Alternative Procedures for Leasing County Property	Lease as Taxable Interest
G-IV 14.1	R	Reserved		Outdoor Burning	Reserved
G-IV 14.A.1	R	Reserved		Wood Stoves and Fireplaces	Intent
G-IV 14.A.2	14	14.15.010	BUILDING	Wood Stoves and Fireplaces	Applicability
G-IV 14.A.3	14	14.15.020	BUILDING	Wood Stoves and Fireplaces	Definitions
G-IV 14.A.4	14	14.15.030	BUILDING	Wood Stoves and Fireplaces	Permit and Inspections Required
G-IV 14.A.5	14	14.15.040	BUILDING	Wood Stoves and Fireplaces	Standards for Solid Fuel Burning Appliances
G-IV 14.A.6	14	14.15.050	BUILDING	Wood Stoves and Fireplaces	Prohibited Fuels
G-IV 14.A.7	14	14.15.060	BUILDING	Wood Stoves and Fireplaces	Fees
G-IV 14.A.8	14	14.15.070	BUILDING	Wood Stoves and Fireplaces	Violations/Infractions
G-IV 14.A.9	14	14.15.080	BUILDING	Wood Stoves and Fireplaces	Enforcement Official
G-IV 15.1	6	6.10.010	BUSINESS REGULATIONS AND LICENSES	Bingo	Bingo
G-IV 15.2	6	6.10.020	BUSINESS REGULATIONS AND LICENSES	Bingo	Definitions
G-IV 15.3	6	6.10.030	BUSINESS REGULATIONS AND LICENSES	Bingo	License Required
G-IV 15.4	6	6.10.040	BUSINESS REGULATIONS AND LICENSES	Bingo	License Fee

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 15.5	6	6.10.050	BUSINESS REGULATIONS AND LICENSES	Bingo	License Application
G-IV 15.6	6	6.10.060	BUSINESS REGULATIONS AND LICENSES	Bingo	Rules and Regulations for License Conduction Bingo Games for Charity
G-IV 15.7	6	6.10.070	BUSINESS REGULATIONS AND LICENSES	Bingo	Posting and Keeping License
G-IV 16 (reserved)	R	Reserved		Reserved	Reserved
G-IV 17.1	16	16.07.010	ROADS, STREETS, VEHICLES, TRAFFIC	Parking for Disabled Persons	On Street Parking
G-IV 17.2	16	16.07.020	ROADS, STREETS, VEHICLES, TRAFFIC	Parking for Disabled Persons	Use of Blue Curb Spaces
G-IV 17.3	16	16.07.030	ROADS, STREETS, VEHICLES, TRAFFIC	Parking for Disabled Persons	Off-Street/Publicity Owned Facilities
G-IV 17.4	16	16.07.040	ROADS, STREETS, VEHICLES, TRAFFIC	Parking for Disabled Persons	Off-Street/Private Finances Facilities
G-IV 17.5	16	16.07.050	ROADS, STREETS, VEHICLES, TRAFFIC	Parking for Disabled Persons	Identification
G-IV 18.1	R	Reserved		Unlawful to Discharge Firearm on County Property	Reserved
G-IV 18.2	2	2.19.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Use Regulations Regarding County Property	Drinking of Alcoholic Beverages in County Buildings and on County Property
G-IV 18.3	2	2.19.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Partnership HealthPlan of California Commission	Parking Restrictions on County Property
G-IV 18.4	2	2.19.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Parking Restrictions on County Property	Regulation of Smoking in County Owned Facilities
G-IV 19.1	10	10.15.010	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Title
G-IV 19.2	10	10.15.020	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Definitions
G-IV 19.3	10	10.15.030	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Assumption of Risk
G-IV 19.4	10	10.15.040	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Skier Duties - Misdemeanor
G-IV 19.5	10	10.15.050	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Skier Duties - Infraction
G-IV 19.6	10	10.15.060	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Skier Duties - General
G-IV 19.7	10	10.15.070	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Notice of Skier Duties
G-IV 19.8	10	10.15.080	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Skiers in Competition
G-IV 19.9	10	10.15.090	PUBLIC LANDS, WATERWAYS & RECREATION	Skier Responsibility	Penalties for Violation
G-IV 20.1	15	15.12.010	SANITATION	Responsibility for reporting Discharges of Hazardous Wastes	Duty of County Health Officer
G-IV 20.2	15	15.12.020	SANITATION	Responsibility for reporting Discharges of Hazardous Wastes	Duty of Director of Environmental Health
G-IV 21.1	14	14.16.010	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Art in Public Places	Intent
G-IV 21.2	14	14.16.020	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Art in Public Places	Construction of Public Buildings
G-IV 21.3	14	14.16.030	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Art in Public Places	Funding
G-IV 22.1	15	15.11.010	SANITATION	Prohibition of Radioactive Waste Disposal	Prohibition of Radioactive Waste Disposal
G-IV 23.1	7	7.01.010	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Title
G-IV 23.2	R	Reserved		Smoking Pollution Control	Reserved
G-IV 23.3	7	7.01.020	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Definitions

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IV 23.4	7	7.01.030	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Regulation of Smoking on County Owned Facilities
G-IV 23.5	7	7.01.040	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Elevators
G-IV 23.6	7	7.01.050	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Hospitals and Health Care Facilities
G-IV 23.7	7	7.01.060	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Public Meetings Rooms
G-IV 23.8	7	7.01.070	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Theaters and Auditorium
G-IV 23.9	7	7.01.080	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Public Restrooms
G-IV 23.10	7	7.01.090	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Indoor Service Lines
G-IV 23.11	7	7.01.100	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited - Restaurants
G-IV 23.12	7	7.01.110	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Regulation of Smoking in the Office Workplace
G-IV 23.13	7	7.01.120	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Smoking Prohibited in Public Areas at Various Places
G-IV 23.14	R	Reserved		Smoking Pollution Control	Reserved
G-IV 23.15	7	7.01.130	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Posting of Signs Required
G-IV 23.16	7	7.01.140	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Compliance
G-IV 23.17	7	7.01.150	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Where Smoking is Not Regulated
G-IV 23.18	7	7.01.160	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Penalty
G-IV 23.19	7	7.01.170	PUBLIC HEALTH, SAFETY & WELFARE	Smoking Pollution Control	Non-Retaliation
G-IV 23.20	R	Reserved		Smoking Pollution Control	Reserved
G-V 9.1	5	5.07.010	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Title
G-V 9.2	5	5.07.020	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	General Purpose
G-V 9.3	5	5.07.030	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Operative Date
G-V 9.4	5	5.07.040	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Purpose
G-V 9.5	5	5.07.050	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Contract with State
G-V 9.6	5	5.07.060	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Transaction Tax Rate
G-V 9.7	5	5.07.070	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Place of Sale
G-V 9.8	5	5.07.080	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Use Tax Rate
G-V 9.9	5	5.07.090	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Adoption of Provisions of State Law

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 9.10	5	5.07.100	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Limitations on Adoption of State Law and Collection of Use Taxes
G-V 9.11	5	5.07.110	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Permit Not Required
G-V 9.12	5	5.07.120	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Exemptions and Exclusions
G-V 9.13	5	5.07.130	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Amendments
G-V 9.14	5	5.07.140	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Enjoining Collection Forbidden
G-V 9.15	5	5.07.150	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Severability
G-V 9.16	5	5.07.160	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Effective Date
G-V 9.17	5	5.07.170	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Election Costs
G-V 9.18	5	5.07.180	REVENUE & FINANCE ADMINISTRATION	Wildfire Prevention, Emergency Services, and Disaster Readiness Transaction and Use Tax	Termination Date
G-V 1 (reserved)	R	Reserved		Reserved	Reserved
G-V 1.1	5	5.02.010	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Short Title; Adoption Authority
G-V 1.2	5	5.02.020	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Imposition; Rate
G-V 1.3	5	5.02.030	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Payment
G-V 1.4	5	5.02.040	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Exemptions From Tax - Instruments to Secure Debt
G-V 1.5	5	5.02.050	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Exemptions From Tax - Public Agencies
G-V 1.6	5	5.02.060	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Exemptions from Tax - Plans of Reorganization or Adjustment
G-V 1.7	5	5.02.070	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Exemptions from Tax - Order of Securities and Exchange Commission
G-V 1.8	5	5.02.080	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Exemptions from Tax - Partnerships
G-V 1.9	5	5.02.090	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	City Tax Credited Toward County Tax
G-V 1.10	5	5.02.100	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Repurchase of Unused Stamps; Stamps to be Accepted in Payment of Tax
G-V 1.11	5	5.02.110	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Administration; Allocation and Distribution of Taxes
G-V 1.12	5	5.02.120	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Refusal to Record Deed, Instrument, etc.; Until Tax is Paid
G-V 1.13	5	5.02.130	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Refunds
G-V 1.14	5	5.02.140	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Other Laws Considered in Administration of Tax
G-V 1.15	5	5.02.150	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Insufficient Tax; Notice by Recorder; Presentation of Records
G-V 1.16	5	5.02.160	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Misrepresentation to Avoid Tax a Misdemeanor
G-V 1.17	5	5.02.170	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Operative Date

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 1.18	5	5.02.180	REVENUE & FINANCE ADMINISTRATION	Real Property Revenue Transfer Tax	Tax Roll Parcel Number and Location <i>Outdoor Events</i> (Articles 2.1-2.15 Reserved and Replaced with Sales and Use tax)
G-V 2	R	Reserved		<i>Outdoor Events</i>	
G-V 2.1	5	5.03.010	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Short Title
G-V 2.2	R	Reserved		Sales and Use Tax	Purpose of Article
G-V 2.3	5	5.03.020	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Operative Date; Contract with State
G-V 2.4	5	5.03.030	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Sales Tax
G-V 2.5	5	5.03.040	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Use Tax
G-V 2.6	5	5.03.050	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Credit Against Payment of Taxes Amount Due Any City
G-V 2.7	5	5.03.060	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Preventing or Enjoining Collection of Tax
G-V 2.8	5	5.03.070	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	Amendments to State Revenue Taxation Code
G-V 2.8.1	5	5.03.080	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	When Chapter May be Made Inoperative (County)
G-V 2.9	5	5.03.090	REVENUE & FINANCE ADMINISTRATION	Sales and Use Tax	When Chapter May be Made Inoperative (City)
G-V 2.10	R	Reserved		Sales and Use Tax	Reserved
G-V 2.11	R	Reserved		Outdoor Events	Reserved
G-V 2.12	R	Reserved		Outdoor Events	Reserved
G-V 2.13	R	Reserved		Outdoor Events	Reserved
G-V 2.14	R	Reserved		Outdoor Events	Reserved
G-V 2.15	R	Reserved		Outdoor Events	Reserved
G-V 3	R	Reserved		<i>Real Property Revenue Transfer Tax</i>	<i>Real Property Revenue Transfer Tax</i> (Article 3.1-3.18 was moved to 1.1-1.18)
G-V 3.1	5	5.04.010	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Authority; Title
G-V 3.2	5	5.04.020	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Definitions
G-V 3.3	5	5.04.030	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Tax Imposed
G-V 3.4	5	5.04.040	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Exemptions
G-V 3.5	5	5.04.050	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Operator's Duties
G-V 3.6	5	5.04.060	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Annual Registration Certificate
G-V 3.7	5	5.04.070	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Reporting and Remitting
G-V 3.8	5	5.04.080	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Penalties and Interest
G-V 3.9	5	5.04.090	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Failure to Collect and Report Tax. Determination of Tax-by-Tax Administrator
G-V 3.10	5	5.04.100	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Appeal

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 3.11	5	5.04.110	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Records to be Retained
G-V 3.12	5	5.04.120	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Refunds
G-V 3.13	5	5.04.130	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Actions to Collect
G-V 3.14	5	5.04.140	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Tax Lien
G-V 3.15	5	5.04.150	REVENUE & FINANCE ADMINISTRATION	Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Violations; Misdemeanor
G-V 3.16	R	Reserved		Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	Reserved
G-V 3.17	R	Reserved		Real Property Revenue Transfer Tax	Reserved
G-V 3.18	R	Reserved		Real Property Revenue Transfer Tax	Reserved
G-V 4	R	Reserved		<i>Sales and Use Tax</i>	<i>Sales and Use Tax Articles 4.1- 4.9 was moved to 2.1.2.9)</i>
G-V 4.1	5	5.05.010	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Reassessment in Event of Damage by Misfortune or Calamity
G-V 4.2	5	5.05.020	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Application
G-V 4.3	5	5.05.030	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Assessor's Duties
G-V 4.4	5	5.05.040	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Appeal
G-V 4.5	5	5.05.050	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Tax Adjustment
G-V 4.6	5	5.05.060	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Tax Refunds
G-V 4.7	5	5.05.070	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Assessed Value Prior to Restoration and Reconstruction
G-V 4.8	5	5.05.080	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Procedure If No Application Filed
G-V 4.9	5	5.05.090	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Alternative Procedure If No Application Filed
G-V 4.10	5	5.05.100	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Assessment Upon Completion of Repair, Restoration or Reconstruction
G-V 4.11	5	5.05.110	REVENUE & FINANCE ADMINISTRATION	Reassessment of Damaged or Destroyed Property or Possessory Interest	Implementation of Chapter
G-V 5	R	Reserved		Uniform Transient Occupancy Tax (Lodging and Short-Term Rental Tax)	<i>(Reserved - 5.1-5.15 was moved to 3.1-3.14)</i>
G-V 5.1	5	5.06.010	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Title
G-V 5.2	R	Reserved		Library Transactions and Use Tax	Reserved
G-V 5.3	5	5.06.020	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Use of the Tax; Annual Report
G-V 5.4	5	5.06.030	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Expenditure Plan
G-V 5.5	5	5.06.040	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Contract with State
G-V 5.6	5	5.06.050	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Transactions Tax Rate

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 5.7	5	5.06.060	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Place of Sale
G-V 5.8	5	5.06.070	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Use Tax Rate
G-V 5.9	5	5.06.080	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Adoption of Provisions of State Law
G-V 5.10	5	5.06.090	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Limitations on Adoption of State Law and Collection of Use Taxes
G-V 5.11	5	5.06.100	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Permit Not Required
G-V 5.12	5	5.06.110	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Exemptions and Exclusions
G-V 5.13	5	5.06.120	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Amendment
G-V 5.14	5	5.06.130	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Enjoining Collection Forbidden
G-V 5.15	5	5.06.140	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Use of the Taxes
G-V 5.16	5	5.06.150	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Implementing Policies and Regulations
G-V 5.17	5	5.06.160	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Effective and Operative Dates
G-V 5.18	5	5.06.170	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Termination Date
G-V 5.19	R	Reserved		Library Transactions and Use Tax	Reserved
G-V 5.20	5	5.06.180	REVENUE & FINANCE ADMINISTRATION	Library Transactions and Use Tax	Actions to Determine Validity of Ordinance, Tax or Related Proceedings
G-V 6.1	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.2	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.3	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.4	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.5	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.6	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.7	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.8	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.9	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.10	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 6.11	R	Reserved		Reassessment of Damaged or Destroyed Property or Possessory Interest	(Reserved - moved to 4.1-4.11)
G-V 7.1	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.2	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.3	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.4	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.5	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.6	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 7.7	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.8	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.9	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.10	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.11	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.12	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.13	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.14	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.15	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.16	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.17	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.18	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.19	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 7.20	R	Reserved		Library Transactions and Use Tax	(Reserved - moved to 5.1-5.20)
G-V 8.1	5	5.08.010	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Title
G-V 8.2	5	5.08.020	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	General Tax
G-V 8.3	5	5.08.030	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Purpose
G-V 8.4	5	5.08.040	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Definitions
G-V 8.5	5	5.08.050	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Tax Imposed
G-V 8.6	5	5.08.060	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Reporting and Remittance of Tax
G-V 8.7	5	5.08.070	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Registration and Business Tax Certificates
G-V 8.8	5	5.08.080	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Payments and Communications- Timely Remittance
G-V 8.9	5	5.08.090	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Payment - When Taxes Deemed Delinquent
G-V 8.10	5	5.08.100	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Notice Not Required by the County
G-V 8.11	5	5.08.110	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Penalties and Interest
G-V 8.12	5	5.08.120	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Waiver of Penalties
G-V 8.13	5	5.08.130	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Refunds and Credits
G-V 8.14	5	5.08.140	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Refunds and Procedures
G-V 8.15	5	5.08.150	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Personal Cultivation and Non-Remunerative/Compassion Care Cultivation Not Taxed.
G-V 8.16	5	5.08.160	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Administration of the Tax
G-V 8.17	5	5.08.170	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Appeal Procedure
G-V 8.18	5	5.08.180	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Enforcement - Action to Collect
G-V 8.19	5	5.08.190	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Apportionment
G-V 8.20	5	5.08.200	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Constitutionality and Legality
G-V 8.21	5	5.08.210	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Audit and Examination of Premises and Records
G-V 8.22	5	5.08.220	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Other Licenses, Permits, Taxes, Fees or Charges

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-V 8.23	5	5.08.230	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Payment of Tax Does Not Authorize Unlawful Business
G-V 8.24	5	5.08.240	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Change of Ownership
G-V 8.25	5	5.08.250	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Deficiency Determinations
G-V 8.26	5	5.08.260	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Failure to Report—Nonpayment, Fraud
G-V 8.27	5	5.08.270	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Tax Assessment - Notice Requirements
G-V 8.28	5	5.08.280	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Tax Assessment - Hearing, Application and Determination
G-V 8.29	5	5.08.290	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Conviction for Violation - Taxes Not Waived
G-V 8.30	5	5.08.300	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Violation Deemed Misdemeanor
G-V 8.31	R	Reserved		Cannabis Business Tax	Severability
G-V 8.32	5	5.08.310	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Remedies Cumulative
G-V 8.33	5	5.08.320	REVENUE & FINANCE ADMINISTRATION	Cannabis Business Tax	Amendment or Repeal
G-V 8.34	R	Reserved		Cannabis Business Tax	Reserved
G-VI 1.1	R	Reserved			Work Furlough
G-VI 1.2	2	2.13.056	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Work Release Program
G-VI 1.3	R	Reserved		In General	Reserved
G-VI 1.4	R	Reserved		In General	Reserved
G-VI 1.5	R	Reserved		In General	Reserved
G-VI 1.6	R	Reserved		In General	Reserved
G-VI 1.7	R	Reserved		In General	Reserved
G-VI 1.8	R	Reserved		In General	Reserved
G-VI 1.9	R	Reserved		In General	Reserved
G-VI 1.10	R	Reserved		In General	Reserved
G-VI 1.11	2	2.13.055	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Work Furlough Program
G-VI 1.12	R	Reserved		In General	Reserved
G-VI 1.13	R	Reserved		In General	Reserved
G-VI 1.14	R	Reserved		In General	Reserved
G-VI 1.15	R	Reserved		In General	Reserved
G-VI 1.16	R	Reserved		In General	Reserved
G-VI 1.17	2	2.13.057	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Alternative Sentencing Program - As Permitted by Section 4024.2 of the Cal. Penal Code
G-VI 1.18	2	2.13.058	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Alternative Sentencing Program - Nevada County Probation Department to be Program Administrator
G-VI 1.19	2	2.13.059	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	County Offices and Departments	Alternative Sentencing Program - Guidelines
G-VII 1.1	11	11.01.010	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Business Premises - Preventing Persons From Entering
G-VII 1.2	11	11.01.020	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Curfew - Established
G-VII 1.3	11	11.01.030	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Curfew - Responsibility of Parents or Guardian
G-VII 1.4	11	11.01.040	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Curfew - Permitting Minors to Remain on Premises After Curfew

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-VII 1.5	11	11.01.050	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Curfew - Penalty For Violation
G-VII 1.6	11	11.01.060	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Curfew - Arrest and Disposition of Violators
G-VII 1.7	R	Reserved		In General	Reserved
G-VII 1.8	R	Reserved		In General	Reserved
G-VII 1.9	R	Reserved		In General	Reserved
G-VII 1.10	11	11.01.070	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Drunkenness
G-VII 1.11	11	11.01.080	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Employment - Hindering by Means of Procession, etc.
G-VII 1.12	11	11.01.090	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Employment - Hindering by Picketing
G-VII 1.13	11	11.01.100	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Employment - Hindering by Means of Opprobrious Remarks
G-VII 1.14	R	Reserved		In General	Reserved
G-VII 1.15	R	Reserved		In General	Reserved
G-VII 1.16	R	Reserved		In General	Reserved
G-VII 1.17	11	11.01.110	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Loitering, Obstructing Sidewalks, Highways, etc.
G-VII 1.18	11	11.01.120	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Remarks Tending to Create Breach of Peace
G-VII 1.19	11	11.01.130	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Smoking in Open Areas
G-VII 1.20	11	11.01.140	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Standards of Beach and Swimming Apparel in Public Places
G-VII 1.21	11	11.01.141	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Standards of Beach and Swimming Apparel in Public Place - Penalty for Violation
G-VII 1.22	11	11.01.150	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Prohibition of Fireworks
G-VII 1.23	R	Reserved		In General	Reserved
G-VII 1.24	11	11.01.160	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Violation
G-VII 1.25	11	11.01.170	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Establishing Identification Requirements During Criminal Investigation
G-VII 1.26	11	11.01.180	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	In Prohibition of Urinating or Defecating in Public
G-VII 1.27	11	11.01.190	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Discharging a Firearm
G-VII 1.28	11	11.01.200	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Prohibition on Use of Steel Jaw Leghold Traps
G-VII 1.29	11	11.01.210	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	School Truancy Prohibited
G-VII 1.30	11	11.01.220	MISDEMEANORS, PRISON LABOR & WORK FURLOUGH	Misdemeanors	Penalty for Violation
G-VIII 1.1	R	Reserved		Industrial Development Authority	Reserved
G-IX 1.1	10	10.01.010	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Applicability of Chapter
G-IX 1.2	10	10.01.020	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Definitions
G-IX 1.3	10	10.01.030	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Littering Beaches or Waterways
G-IX 1.4	10	10.01.040	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Shooting Across Waterways; Hunting of Waterfowl
G-IX 1.5	10	10.01.050	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Prohibited Areas for Swimming
G-IX 1.6	10	10.01.060	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Method of Establishing Boat Launching Areas, Swimming Areas, Areas Where Boats Prohibited, and other Designations

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IX 1.7	R	Reserved		In General	Reserved
G-IX 1.8	10	10.01.070	PUBLIC LANDS, WATERWAYS & RECREATION	In General	Penalty for Violations
G-IX 2.1	10	10.02.010	PUBLIC LANDS, WATERWAYS & RECREATION	Watercraft Regulations	Operator and Owner's Responsibility
G-IX 2.2	10	10.02.020	PUBLIC LANDS, WATERWAYS & RECREATION	Watercraft Regulations	Supervised Boat Racing
G-IX 2.3	10	10.02.030	PUBLIC LANDS, WATERWAYS & RECREATION	Watercraft Regulations	Supervised Water Shows
G-IX 3.1	10	10.03.010	PUBLIC LANDS, WATERWAYS & RECREATION	Small Lake Regulations	Small Lake Fishing Special Use Areas
G-IX 3.2	10	10.03.020	PUBLIC LANDS, WATERWAYS & RECREATION	Small Lake Regulations	Speed - Maximum Speed of Ten (10) Miles Per Hour
G-IX 4.1	10	10.04.010	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Boating Regulations - Rollins Reservoir
G-IX 4.2	10	10.04.020	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Maximum Speeds
G-IX 4.3	10	10.04.030	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Speed Zones
G-IX 4.4	10	10.04.040	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Area Restrictions
G-IX 4.5	10	10.04.050	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Chartlet
G-IX 4.6	10	10.04.060	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Exceptions
G-IX 4.7	10	10.04.070	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Implementation
G-IX 4.8	10	10.04.080	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Non-Marked Areas
G-IX 4.9	10	10.04.090	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Amendments
G-IX 4.10	10	10.04.100	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Aquaplaning and Water Skiing Restriction
G-IX 4.11	10	10.04.110	PUBLIC LANDS, WATERWAYS & RECREATION	Rollins Reservoir	Greenhorn Creek Inlet - Day Use Only
G-IX 5.1	10	10.05.010	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Boating Regulations - Lake Wildwood
G-IX 5.2	10	10.05.020	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Maximum Speeds
G-IX 5.3	10	10.05.030	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Speed Zones
G-IX 5.4	10	10.05.040	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Area Restrictions
G-IX 5.5	10	10.05.050	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Chartlet
G-IX 5.6	10	10.05.060	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Exceptions
G-IX 5.7	10	10.05.070	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Implementation

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IX 5.8	10	10.05.080	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Non-Marked Areas
G-IX 5.9	10	10.05.090	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Amendments
G-IX 5.10	10	10.05.100	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Aquaplaning and Water Skiing Restriction
G-IX 5.11	10	10.05.110	PUBLIC LANDS, WATERWAYS & RECREATION	Lake Wildwood	Dam Spillway Restriction
G-IX 6.1	10	10.06.010	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Boating Regulations - Englebright Lake
G-IX 6.2	10	10.06.020	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Vessel Operation Permit
G-IX 6.3	10	10.06.030	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Maximum Speeds
G-IX 6.4	10	10.06.040	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Water Skiing Restrictions
G-IX 6.5	10	10.06.050	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Chartlet
G-IX 6.6	10	10.06.060	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Exceptions
G-IX 6.7	10	10.06.070	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Implementation
G-IX 6.8	10	10.06.080	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Non-Marked Areas
G-IX 6.9	10	10.06.090	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Amendments
G-IX 6.10	10	10.06.100	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Aquaplaning and Water Skiing Restriction
G-IX 6.11	10	10.06.110	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Dam and Spillway Restrictions
G-IX 6.12	10	10.06.120	PUBLIC LANDS, WATERWAYS & RECREATION	Englebright Lake	Speed Zones
G-IX 7.1	10	10.07.010	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Boating Regulations - Donner Lake
G-IX 7.2	10	10.07.020	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Maximum Speeds
G-IX 7.3	10	10.07.030	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Speed Zones
G-IX 7.4	10	10.07.040	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Chartlet
G-IX 7.5	10	10.07.050	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Exceptions
G-IX 7.6	10	10.07.060	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Implementation
G-IX 7.7	10	10.07.070	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Non-Marked Areas
G-IX 7.8	10	10.07.080	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Amendments

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IX 7.9	10	10.07.090	PUBLIC LANDS, WATERWAYS & RECREATION	Donner Lake	Aquaplaning and Water Skiing Restriction
G-IX 8.1	10	10.08.010	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Boating Regulations - Lake of the Pines
G-IX 8.2	10	10.08.020	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Maximum Speeds
G-IX 8.3	10	10.08.030	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Speed Zones
G-IX 8.4	10	10.08.040	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Area Restrictions
G-IX 8.5	10	10.08.050	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Chartlet
G-IX 8.6	10	10.08.060	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Exceptions
G-IX 8.7	10	10.08.070	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Implementation
G-IX 8.8	10	10.08.080	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Regulation of Lake
G-IX 8.9	10	10.08.090	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Amendments
G-IX 8.10	10	10.08.100	PUBLIC LANDS, WATERWAYS & RECREATION	Lake of the Pines	Aquaplaning and Water Skiing Restriction
G-IX 9.1	10	10.09.010	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Boating Regulations - Boca Reservoir
G-IX 9.2	10	10.09.020	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Maximum Speeds
G-IX 9.3	10	10.09.030	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Speed Zones
G-IX 9.4	10	10.09.040	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Chartlet
G-IX 9.5	10	10.09.050	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Exceptions
G-IX 9.6	10	10.09.060	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Implementation
G-IX 9.7	10	10.09.070	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Non-Marked Areas
G-IX 9.8	10	10.09.080	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Amendments
G-IX 9.9	10	10.09.090	PUBLIC LANDS, WATERWAYS & RECREATION	Boca Reservoir	Aquaplaning and Water Skiing Restriction
G-IX 10.1	10	10.10.010	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Boating Regulations - Scotts Flat Lake
G-IX 10.2	10	10.10.020	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Maximum Speeds
G-IX 10.3	10	10.10.030	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Speed Zones
G-IX 10.4	10	10.10.040	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Aquaplaning and Water-Skiing Restriction

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IX 10.5	10	10.10.050	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Chartlet
G-IX 10.6	10	10.10.060	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Exceptions
G-IX 10.7	10	10.10.070	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Implementation
G-IX 10.8	10	10.10.080	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Non-Marked Areas
G-IX 10.9	10	10.10.090	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Amendments
G-IX 10.10	10	10.10.100	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Personal Watercraft Prohibited
G-IX 10.11	10	10.10.110	PUBLIC LANDS, WATERWAYS & RECREATION	Scotts Flat Lake	Overnight Camping Prohibitions
G-IX 11.1	10	10.11.010	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Boating Regulations - Spaulding Lake
G-IX 11.2	10	10.11.020	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Maximum Speeds
G-IX 11.3	10	10.11.030	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Speed Zones
G-IX 11.4	10	10.11.040	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Aquaplaning and Water Skiing Restriction
G-IX 11.5	10	10.11.050	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Chartlet
G-IX 11.6	10	10.11.060	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Exceptions
G-IX 11.7	10	10.11.070	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Implementation
G-IX 11.8	10	10.11.080	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Non-Marked Areas
G-IX 11.9	10	10.11.090	PUBLIC LANDS, WATERWAYS & RECREATION	Spaulding Lake	Amendments
G-IX 12.1	10	10.12.010	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Boating Regulations - Combie Lake
G-IX 12.2	10	10.12.020	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Maximum Speeds
G-IX 12.3	10	10.12.030	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Speed Zones
G-IX 12.4	10	10.12.040	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Aquaplaning and Water Skiing Restriction
G-IX 12.5	10	10.12.050	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Chartlet
G-IX 12.6	10	10.12.060	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Exceptions
G-IX 12.7	10	10.12.070	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Implementation
G-IX 12.8	10	10.12.080	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Non-Marked Areas

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-IX 12.9	10	10.12.090	PUBLIC LANDS, WATERWAYS & RECREATION	Combie Lake	Amendments
G-IX 13.1	10	10.13.010	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Boating Regulations - Jackson Meadows Reservoir
G-IX 13.2	10	10.13.020	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Maximum Speeds
G-IX 13.3	10	10.13.030	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Speed Zones
G-IX 13.4	10	10.13.040	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Aquaplaning and Water-Skiing Restriction
G-IX 13.5	10	10.13.050	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Chartlet
G-IX 13.6	10	10.13.060	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Exceptions
G-IX 13.7	10	10.13.070	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Non-Marked Areas
G-IX 14.1	10	10.14.010	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Purpose
G-IX 14.2	10	10.14.020	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Findings
G-IX 14.3	10	10.14.030	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Definitions
G-IX 14.4	10	10.14.040	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Prohibition
G-IX 14.5	10	10.14.050	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Watercraft Inspections and Decontamination
G-IX 14.6	10	10.14.060	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Fees
G-IX 14.7	10	10.14.070	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Public Nuisance Declaration
G-IX 14.8	10	10.14.080	PUBLIC LANDS, WATERWAYS & RECREATION	Aquatic Invasive Species Prevention	Violation
G-X 1.1	10	10.16.010	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Definitions
G-X 1.2	10	10.16.020	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Permit Required; Prohibited Activities
G-X 1.3	10	10.16.030	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Exemptions
G-X 1.4	10	10.16.040	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Outdoor Events for Which No Permit is Required
G-X 1.5	10	10.16.050	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Application for Permit - Time Requirement
G-X 1.6	10	10.16.060	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Application for Permit - Content
G-X 1.7	10	10.16.070	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Regulations for Outdoor Events
G-X 1.8	10	10.16.080	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Processing Application; Bond; Appeals

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
G-X 1.9	10	10.16.090	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Effective Date of Permit; Separate Permit Required for Each Day: Permit Non-Transferable
G-X 1.10	10	10.16.100	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Commencement of Event; Inspection Required; Re-Inspection Fee
G-X 1.11	10	10.16.110	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Special Events Medical Transportation Services Revocation of Permits and Denial of Future Permits; Failure to Comply with Permit Conditions; Closure of Events
G-X 1.12	10	10.16.120	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	
G-X 1.13	10	10.16.130	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Penalties
G-X 1.14	10	10.16.140	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Appeal Process
G-X 1.15	10	10.16.150	PUBLIC LANDS, WATERWAYS & RECREATION	Special and Outdoor Events	Other Requirements Not Waived
L-I 1.0	R	Reserved		Scope	Reserved
L-I 1.1	R	Reserved		Scope	Reserved
L-I 1.2	R	Reserved		Scope	Reserved
L-I 1.3	R	Reserved		Scope	Reserved
L-I 1.4	R	Reserved		Scope	Reserved
L-I 1.5	R	Reserved		Scope	Reserved
L-I 1.6	R	Reserved		Scope	Reserved
L-I 1.7	R	Reserved		Scope	Reserved
L-I 1.8	1	1.01.140	GENERAL PROVISIONS	Scope	General Enforcement Provisions, Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs and Charges
L-I 1.9	R	Reserved		Scope	Assessment and Collection of Enforcement Penalties, and Enforcement Fees, Costs and Charges
L-II 1.1	12	12.01.010	ZONING REGULATIONS	General Provisions	Authority and Purpose
L-II 1.2	12	12.01.020	ZONING REGULATIONS	General Provisions	Applicability
L-II 1.3	12	12.01.030	ZONING REGULATIONS	General Provisions	Zoning District Maps
L-II 1.4	12	12.01.040	ZONING REGULATIONS	General Provisions	Rules of Interpretation
L-II 1.5	12	12.01.050	ZONING REGULATIONS	General Provisions	Conflicting Provisions
L-II 1.6	R	Reserved		General Provisions	Reserved
L-II 2.1	12	12.02.010	ZONING REGULATIONS	Zoning Districts	Establishment of Zoning Districts

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-II 2.2	12	12.02.020	ZONING REGULATIONS	Zoning Districts	Residential Districts
L-II 2.2.1	12	12.02.021	ZONING REGULATIONS	Zoning Districts	Single-Family
L-II 2.2.2	12	12.02.022	ZONING REGULATIONS	Zoning Districts	Multi-Family
L-II 2.3	12	12.02.030	ZONING REGULATIONS	Zoning Districts	Rural Districts
L-II 2.4	12	12.02.040	ZONING REGULATIONS	Zoning Districts	Commercial Districts
L-II 2.5	12	12.02.050	ZONING REGULATIONS	Zoning Districts	Industrial Districts
L-II 2.6	12	12.02.060	ZONING REGULATIONS	Zoning Districts	Special Purpose Districts
L-II 2.7	12	12.02.070	ZONING REGULATIONS	Zoning Districts	Combining Districts
L-II 2.7.1	12	12.02.071	ZONING REGULATIONS	Zoning Districts	Airport Influence Combining District (AI)
L-II 2.7.2	12	12.02.072	ZONING REGULATIONS	Zoning Districts	Historic Preservation Combining District (HP)
L-II 2.7.3	12	12.02.073	ZONING REGULATIONS	Zoning Districts	Mineral Extraction Combining District (ME)
L-II 2.7.4	12	12.02.074	ZONING REGULATIONS	Zoning Districts	Mobile Home Parks Combining District (MH)
L-II 2.7.5	12	12.02.075	ZONING REGULATIONS	Zoning Districts	Planned Development Combining District (PD)
L-II 2.7.6	12	12.02.076	ZONING REGULATIONS	Zoning Districts	Potential Snow Avalanche Area Combining District (PSAA)
L-II 2.7.7	12	12.02.077	ZONING REGULATIONS	Zoning Districts	Scenic Corridor Combining District (SC)
L-II 2.7.8	12	12.02.078	ZONING REGULATIONS	Zoning Districts	Site Performance Combining District (SP)
L-II 2.7.9	12	12.02.079	ZONING REGULATIONS	Zoning Districts	Subdivision Limitation Combining District (X)
L-II 2.7.10	12	12.02.710	ZONING REGULATIONS	Zoning Districts	Rural Center Combining District (RC)
L-II 2.7.11	12	12.02.711	ZONING REGULATIONS	Zoning Districts	Regional Housing Need Combining District (RH)
L-II 2.7.12	12	12.02.712	ZONING REGULATIONS	Zoning Districts	Continuing Care Retirement Community Combining District (CCRC)
L-II 3.1	12	12.03.010	ZONING REGULATIONS	Specific Land Uses	Purpose
L-II 3.2	12	12.03.020	ZONING REGULATIONS	Specific Land Uses	Applicability
L-II 3.3	12	12.03.030	ZONING REGULATIONS	Specific Land Uses	Agricultural Uses
L-II 3.4	12	12.03.040	ZONING REGULATIONS	Specific Land Uses	Animal Keeping and Raising

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-II 3.4.1	12	12.03.041	ZONING REGULATIONS	Specific Land Uses	Backyard Chicken Keeping
L-II 3.5	12	12.03.050	ZONING REGULATIONS	Specific Land Uses	Bed and Breakfast Inns
L-II 3.6	12	12.03.060	ZONING REGULATIONS	Specific Land Uses	Campgrounds and Camps, Low Intensity
L-II 3.7	12	12.03.070	ZONING REGULATIONS	Specific Land Uses	Churches, Community Meeting and Social Events Facilities
L-II 3.8	12	12.03.080	ZONING REGULATIONS	Specific Land Uses	Communication Towers and Facilities
L-II 3.9	12	12.03.090	ZONING REGULATIONS	Specific Land Uses	Day Care Home, Large Family and Small Family
L-II 3.10	12	12.03.100	ZONING REGULATIONS	Specific Land Uses	Employee Housing
L-II 3.11	12	12.03.110	ZONING REGULATIONS	Specific Land Uses	Home Businesses
L-II 3.12	12	12.03.120	ZONING REGULATIONS	Specific Land Uses	Model Homes, Temporary
L-II 3.13	12	12.03.130	ZONING REGULATIONS	Specific Land Uses	Natural Resources - On Site Uses
L-II 3.14	12	12.03.140	ZONING REGULATIONS	Specific Land Uses	Public Utility Uses and Structures
L-II 3.15	12	12.03.150	ZONING REGULATIONS	Specific Land Uses	Recreational Vehicle Use and Temporary Occupancies
L-II 3.16	12	12.03.160	ZONING REGULATIONS	Specific Land Uses	Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing
L-II 3.17	12	12.03.170	ZONING REGULATIONS	Specific Land Uses	Residential Dwelling, Multiple-Family
L-II 3.17.1	12	12.03.171	ZONING REGULATIONS	Specific Land Uses	Single Room Occupancy Units
L-II 3.18	12	12.03.180	ZONING REGULATIONS	Specific Land Uses	Residential Guest Quarters
L-II 3.19	12	12.03.190	ZONING REGULATIONS	Specific Land Uses	Accessory and Second Dwelling Units
L-II 3.19.1	12	12.03.191	ZONING REGULATIONS	Specific Land Uses	Accessory and Junior Accessory Dwelling Units
L-II 3.19.2	12	12.03.192	ZONING REGULATIONS	Specific Land Uses	Second Dwelling Units-Consistent with Allowed Density
L-II 3.19.3	12	12.03.193	ZONING REGULATIONS	Specific Land Uses	Second Dwelling Units-Consistent with Government Code Section 65852.21
L-II 3.20	12	12.03.200	ZONING REGULATIONS	Specific Land Uses	Transitional and Supportive Housing
L-II 3.21	12	12.03.210	ZONING REGULATIONS	Specific Land Uses	Subsurface Mining
L-II 3.22	12	12.03.220	ZONING REGULATIONS	Specific Land Uses	Surface Mining Permits and Reclamation Plans
L-II 3.23	12	12.03.230	ZONING REGULATIONS	Specific Land Uses	Temporary Commercial Uses
L-II 3.24	12	12.03.240	ZONING REGULATIONS	Specific Land Uses	Wineries

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-II 3.25	12	12.03.250	ZONING REGULATIONS	Specific Land Uses	Tree Removal Near Nevada City
L-II 3.26	12	12.03.260	ZONING REGULATIONS	Specific Land Uses	Wildlife Rehabilitation Facilities
L-II 3.27	12	12.03.270	ZONING REGULATIONS	Specific Land Uses	Dog Obedience Training
L-II 3.28	12	12.03.280	ZONING REGULATIONS	Specific Land Uses	Commercial/Industrial Pre-Grading
L-II 3.29	12	12.03.290	ZONING REGULATIONS	Specific Land Uses	Adult Businesses
L-II 3.30	12	12.03.300	ZONING REGULATIONS	Specific Land Uses	Cannabis Cultivation
L-II 4.1.1	12	12.04.010	ZONING REGULATIONS	Comprehensive Site Development Standards	Purpose
L-II 4.1.2	12	12.04.020	ZONING REGULATIONS	Comprehensive Site Development Standards	Applicability
L-II 4.1.3	12	12.04.030	ZONING REGULATIONS	Comprehensive Site Development Standards	Boundary Line Adjustments
L-II 4.1.4	12	12.04.040	ZONING REGULATIONS	Comprehensive Site Development Standards	Building Sites
L-II 4.1.5	12	12.04.050	ZONING REGULATIONS	Comprehensive Site Development Standards	Clustering
L-II 4.1.6	12	12.04.060	ZONING REGULATIONS	Comprehensive Site Development Standards	Land Divisions for Public Uses and Environmental Protection Purposes
L-II 4.1.7	12	12.04.070	ZONING REGULATIONS	Comprehensive Site Development Standards	Noise
L-II 4.1.8	12	12.04.080	ZONING REGULATIONS	Comprehensive Site Development Standards	Pedestrian Pathways
L-II 4.1.9	12	12.04.100	ZONING REGULATIONS	Comprehensive Site Development Standards	Transportation Alternatives
L-II 4.2.1	12	12.04.101	ZONING REGULATIONS	Comprehensive Site Development Standards	Purpose
L-II 4.2.2	12	12.04.102.	ZONING REGULATIONS	Comprehensive Site Development Standards	Applicability
L-II 4.2.3	12	12.04.103	ZONING REGULATIONS	Comprehensive Site Development Standards	Design Guidelines
L-II 4.2.4	12	12.04.104	ZONING REGULATIONS	Comprehensive Site Development Standards	Building Height
L-II 4.2.5	12	12.04.105	ZONING REGULATIONS	Comprehensive Site Development Standards	Building Setbacks
L-II 4.2.6	12	12.04.106	ZONING REGULATIONS	Comprehensive Site Development Standards	Fencing and Hedges
L-II 4.2.7	12	12.04.107	ZONING REGULATIONS	Comprehensive Site Development Standards	Landscaping
L-II 4.2.8	12	12.04.108	ZONING REGULATIONS	Comprehensive Site Development Standards	Lighting
L-II 4.2.9	12	12.04.109	ZONING REGULATIONS	Comprehensive Site Development Standards	Parking

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-II 4.2.10	12	12.04.110	ZONING REGULATIONS	Comprehensive Site Development Standards	Permanent Open Space / Maximum Impervious Surface
L-II 4.2.11	12	12.04.111	ZONING REGULATIONS	Comprehensive Site Development Standards	Screening
L-II 4.2.12	12	12.04.112	ZONING REGULATIONS	Comprehensive Site Development Standards	Signs
L-II 4.2.13	12	12.04.200	ZONING REGULATIONS	Comprehensive Site Development Standards	Solid Waste and Recycling Storage Areas
L-II 4.3.1	12	12.04.201	ZONING REGULATIONS	Comprehensive Site Development Standards	Purpose
L-II 4.3.2	12	12.04.202	ZONING REGULATIONS	Comprehensive Site Development Standards	Applicability
L-II 4.3.3	12	12.04.203	ZONING REGULATIONS	Comprehensive Site Development Standards	General Provisions
L-II 4.3.4	12	12.04.204	ZONING REGULATIONS	Comprehensive Site Development Standards	Agricultural Lands, Important
L-II 4.3.5	12	12.04.205	ZONING REGULATIONS	Comprehensive Site Development Standards	Avalanche Hazard
L-II 4.3.6	12	12.04.206	ZONING REGULATIONS	Comprehensive Site Development Standards	Cultural Resources, Significant
L-II 4.3.7	12	12.04.207	ZONING REGULATIONS	Comprehensive Site Development Standards	Deer Habitat, Major
L-II 4.3.8	12	12.04.208	ZONING REGULATIONS	Comprehensive Site Development Standards	Earthquake Faults & Seismically Sensitive Areas
L-II 4.3.9	12	12.04.209	ZONING REGULATIONS	Comprehensive Site Development Standards	Energy Conservation
L-II 4.3.10	12	12.04.210	ZONING REGULATIONS	Comprehensive Site Development Standards	Floodplains
L-II 4.3.11	12	12.04.211	ZONING REGULATIONS	Comprehensive Site Development Standards	Mineral Areas, Significant
L-II 4.3.12	12	12.04.212	ZONING REGULATIONS	Comprehensive Site Development Standards	Rare, Threatened and Endangered Species and Their Habitat
L-II 4.3.13	12	12.04.213	ZONING REGULATIONS	Comprehensive Site Development Standards	Sleep Slopes/High Erosion Potential
L-II 4.3.14	12	12.04.214	ZONING REGULATIONS	Comprehensive Site Development Standards	Timber Resources, Important
L-II 4.3.15	12	12.04.215	ZONING REGULATIONS	Comprehensive Site Development Standards	Trees
L-II 4.3.16	12	12.04.216	ZONING REGULATIONS	Comprehensive Site Development Standards	Visually Important Ridgelines and Viewsheds
L-II 4.3.17	12	12.04.217	ZONING REGULATIONS	Comprehensive Site Development Standards	Watercourses, Wetlands and Riparian Areas
L-II 4.3.18	12	12.04.218	ZONING REGULATIONS	Comprehensive Site Development Standards	Wildland Fire Hazard Areas
L-II 5.1	12	12.05.010	ZONING REGULATIONS	Administration and Enforcement	Purpose
L-II 5.2	12	12.05.020	ZONING REGULATIONS	Administration and Enforcement	Permitting Authority Table

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-II 5.3	12	12.05.030	ZONING REGULATIONS	Administration and Enforcement	Design Review
L-II 5.4	12	12.05.040	ZONING REGULATIONS	Administration and Enforcement	Zoning Compliance
L-II 5.5	12	12.05.050	ZONING REGULATIONS	Administration and Enforcement	Development Permits
L-II 5.5.1	12	12.05.051	ZONING REGULATIONS	Administration and Enforcement	Administrative Development Permit
L-II 5.5.2	12	12.05.052	ZONING REGULATIONS	Administration and Enforcement	Development Permits
L-II 5.6	12	12.05.060	ZONING REGULATIONS	Administration and Enforcement	Use Permits
L-II 5.7	12	12.05.070	ZONING REGULATIONS	Administration and Enforcement	Variances
L-II 5.8	12	12.05.080	ZONING REGULATIONS	Administration and Enforcement	Minor Changes to an Approved Project
L-II 5.9	12	12.05.090	ZONING REGULATIONS	Administration and Enforcement	Amendments to the Nevada County General Plan and Zoning Ordinance
L-II 5.10	12	12.05.100	ZONING REGULATIONS	Administration and Enforcement	Permit Time Limits
L-II 5.11	12	12.05.110	ZONING REGULATIONS	Administration and Enforcement	Permit Revocation
L-II 5.12	12	12.05.120	ZONING REGULATIONS	Administration and Enforcement	Appeals
L-II 5.13	12	12.05.130	ZONING REGULATIONS	Administration and Enforcement	Public Hearing Notices
L-II 5.14	12	12.05.140	ZONING REGULATIONS	Administration and Enforcement	Filing Fees
L-II 5.15	12	12.05.150	ZONING REGULATIONS	Administration and Enforcement	Mitigation and Develop Fees
L-II 5.16	12	12.05.160	ZONING REGULATIONS	Administration and Enforcement	Guarantee of Performance
L-II 5.17	12	12.05.170	ZONING REGULATIONS	Administration and Enforcement	Comprehensive Master Plans, Zoning Maps and Specific Plans
L-II 5.18	12	12.05.180	ZONING REGULATIONS	Administration and Enforcement	Development Agreements
L-II 5.19	12	12.05.190	ZONING REGULATIONS	Administration and Enforcement	Legal Nonconforming Uses and Structures
L-II 5.20	12	12.05.200	ZONING REGULATIONS	Administration and Enforcement	Abatement and Removal of Inoperable Motor Vehicles
L-II 5.21	12	12.05.210	ZONING REGULATIONS	Administration and Enforcement	Enforcement and Penalty for Violations
L-II 5.22	R	Reserved		Administration and Enforcement	N/A
L-II 5.23	12	12.05.220	ZONING REGULATIONS	Administration and Enforcement	Administrative Enforcement
L-II 6.1	12	12.06.010	ZONING REGULATIONS	Definitions	Definitions

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-III 1.1	21	21.01.010	AIRPORT LAND USE COMPATIBILTY	Purpose	Purpose
L-III 1.2	21	21.01.020	AIRPORT LAND USE COMPATIBILTY	Purpose	Basic Function of Airport Land Use Compatibility Planning
L-III 1.3	21	21.01.030	AIRPORT LAND USE COMPATIBILTY	Purpose	Principal Airport Land Use Commission Compatibility Concerns
L-III 2.1	21	21.02.010	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility Plan	Applicability
L-III 2.2	21	21.02.020	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility Plan	Geographic Scope
L-III 2.3	21	21.02.030	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility Plan	Adoption of Policy
L-III 3.1	21	21.02.010	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility	Applicability
L-III 3.2	21	21.02.020	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility	Geographic Scope
L-III 3.3	21	21.02.030	AIRPORT LAND USE COMPATIBILTY	Nevada County Airport Land Use Compatibility	Adoption of Policy
L-IV 1.1	13	13.01.010	SUBDIVISION	Subdivisions	Short Title
L-IV 1.2	13	13.01.020	SUBDIVISION	Subdivisions	Purpose of Chapter
L-IV 1.3	13	13.01.030	SUBDIVISION	Subdivisions	Definitions
L-IV 1.4	13	13.01.040	SUBDIVISION	Subdivisions	Designation of Advisory Agencies
L-IV 1.5	13	13.01.050	SUBDIVISION	Subdivisions	Requirements for Maps
L-IV 1.6	13	13.01.060	SUBDIVISION	Subdivisions	Appeal by Interested Persons
L-IV 1.7	13	13.01.070	SUBDIVISION	Subdivisions	Public Hearings
L-IV 1.8	13	13.01.080	SUBDIVISION	Subdivisions	Acts Prohibited
L-IV 1.9	13	13.01.090	SUBDIVISION	Subdivisions	Exemption for Duplicate Final or Parcel Maps
L-IV 1.10	13	13.01.100	SUBDIVISION	Subdivisions	Remedies
L-IV 1.11	R	Reserved		Subdivisions	Reserved
L-IV 1.12	R	Reserved		Subdivisions	Repealed
L-IV 1.13	13	13.01.110	SUBDIVISION	Subdivisions	Prohibition and Penalty
L-IV 1.14	13	13.01.120	SUBDIVISION	Subdivisions	Prohibition Against Specifying Roofing Material Within Subdivision
L-IV 2.1	13	13.02.010	SUBDIVISION	Procedures	Conformance with General Plan

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-IV 2.2	13	13.02.020	SUBDIVISION	Procedures	Environmental Review
L-IV 2.3	13	13.02.030	SUBDIVISION	Procedures	Lot Standards
L-IV 2.4	13	13.02.040	SUBDIVISION	Procedures	Findings
L-IV 2.5	13	13.02.050	SUBDIVISION	Procedures	Vacation of Public Utility Easements
L-IV 2.6	13	13.02.060	SUBDIVISION	Procedures	Petition for Exceptions
L-IV 2.7	13	13.02.070	SUBDIVISION	Procedures	Reserved Strips
L-IV 2.8	13	13.02.080	SUBDIVISION	Procedures	Public Access to Public Resources
L-IV 2.9	13	13.02.090	SUBDIVISION	Procedures	Reservations and Dedications
L-IV 2.10	13	13.02.100	SUBDIVISION	Procedures	Fees
L-IV 2.11	13	13.02.110	SUBDIVISION	Procedures	Form of All Tentative Maps and Data to Accompany
L-IV 2.12	13	13.02.120	SUBDIVISION	Procedures	Tentative Maps
L-IV 2.13	R	Reserved		Procedures	Reserved
L-IV 2.14	13	13.02.130	SUBDIVISION	Procedures	Vesting Tentative Maps
L-IV 2.15	13	13.02.140	SUBDIVISION	Procedures	Environmental Subdivisions
L-IV 2.16	13	13.02.150	SUBDIVISION	Procedures	Final Maps
L-IV 2.17	13	13.02.160	SUBDIVISION	Procedures	Parcel Maps
L-IV 2.18	13	13.02.170	SUBDIVISION	Procedures	Corrections and Amendments of Maps and Supplemental Data Documents
L-IV 2.19	13	13.02.180	SUBDIVISION	Procedures	Reversions to Acreage
L-IV 2.20	13	13.02.190	SUBDIVISION	Procedures	Notice of Subdivision Violation: Proceedings
L-IV 2.21	13	13.02.200	SUBDIVISION	Procedures	Certificates of Compliance
L-IV 3.1	13	13.03.010	SUBDIVISION	Regulations	Street Standards
L-IV 3.2	13	13.03.020	SUBDIVISION	Regulations	Water Supply and Distribution Requirements
L-IV 3.3	13	13.03.030	SUBDIVISION	Regulations	Sewage Disposal Standards
L-IV 3.4	13	13.03.040	SUBDIVISION	Regulations	Fire Protection Standards

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-IV 3.5	13	13.03.050	SUBDIVISION	Regulations	Drainage Standards
L-IV 3.6	13	13.03.060	SUBDIVISION	Regulations	Grading
L-IV 3.7	13	13.03.070	SUBDIVISION	Regulations	Surveying, Staking and Setting Monuments
L-IV 3.8	13	13.03.080	SUBDIVISION	Regulations	Soils Report
L-IV 3.9	13	13.03.090	SUBDIVISION	Regulations	Improvement Agreements and Security
L-IV 3.10	13	13.03.100	SUBDIVISION	Regulations	Formation of Service Entities
L-IV 3.11	13	13.03.110	SUBDIVISION	Regulations	Merger
L-IV 3.12	13	13.03.120	SUBDIVISION	Regulations	Inclusionary Affordable Housing Component
L-V 1.1	14	14.01.010	BUILDING	General	Purpose
L-V 1.2	14	14.01.020	BUILDING	General	Applicability
L-V 1.3	14	14.01.030	BUILDING	General	Definitions
L-V 1.4	14	14.01.040	BUILDING	General	Codes and Regulations Adopted
L-V 1.5	14	14.01.050	BUILDING	General	Filing of Copies of Codes
L-V 1.6	14	14.01.060	BUILDING	General	Code Adoption Procedure
L-V 1.7	14	14.01.070	BUILDING	General	Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit
L-V 1.8	14	14.01.080	BUILDING	General	Compliance with Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit
L-V 1.9	14	14.01.090	BUILDING	General	Location of Property Lines
L-V 1.10	14	14.01.100	BUILDING	General	Transfer of Permit
L-V 11.1	14	14.10.010	BUILDING	Landform Grading for Agriculture	Intent
L-V 11.2	14	14.10.020	BUILDING	Landform Grading for Agriculture	Applicability
L-V 11.3	14	14.10.030	BUILDING	Landform Grading for Agriculture	Criteria
L-V 11.4	14	14.10.040	BUILDING	Landform Grading for Agriculture	Procedure
L-V 11.5	14	14.10.050	BUILDING	Landform Grading for Agriculture	Fees
L-V 11.6	14	14.10.060	BUILDING	Landform Grading for Agriculture	Appeals

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 12.0	14	14.11.010	BUILDING	CA Electrical Code	Amendments Adopted
L-V 12.1	14	14.11.020	BUILDING	CA Electrical Code	California Electrical Code Adopted
L-V 12.2	14	14.11.030	BUILDING	CA Electrical Code	Annex "H," Administration Section 80.15 A-H: Electrical Board (change to read)
L-V 12.3	14	14.11.040	BUILDING	CA Electrical Code	Annex "H," Section 80.19, E: Fees (changed to read)
L-V 12.4	14	14.11.050	BUILDING	CA Electrical Code	Annex "H," Administration Section 80.23(B)(3): Notice of Violation, Penalties (change to read)
L-V 12.5	14	14.11.060	BUILDING	CA Electrical Code	Annex "H," Section 80.27, A-D: Inspector's Qualifications (changed to read)
L-V 13.1	14	14.12.010	BUILDING	Grading	Purpose
L-V 13.2	14	14.12.090	BUILDING	Grading	Scope
L-V 13.3	14	14.12.100	BUILDING	Grading	Permits Required
L-V 13.4	14	14.12.110	BUILDING	Grading	Hazards
L-V 13.5	14	14.12.120	BUILDING	Grading	Definitions
L-V 13.6	14	14.12.130	BUILDING	Grading	Grading Permit Requirements
L-V 13.7	14	14.12.140	BUILDING	Grading	Grading Fees
L-V 13.8	14	14.12.150	BUILDING	Grading	Bonds
L-V 13.9	14	14.12.160	BUILDING	Grading	Cuts
L-V 13.10	14	14.12.020	BUILDING	Grading	Fills
L-V 13.11	14	14.12.030	BUILDING	Grading	Setbacks
L-V 13.12	14	14.12.040	BUILDING	Grading	Drainage and Terracing
L-V 13.13	14	14.12.050	BUILDING	Grading	Road and Driveway Standards
L-V 13.14	14	14.12.060	BUILDING	Grading	Erosion Control
L-V 13.15	14	14.12.070	BUILDING	Grading	Grading Inspection
L-V 13.16	14	14.12.080	BUILDING	Grading	Completion of Work
L-V 14.1	14	14.13.010	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Purpose
L-V 14.2	14	14.13.020	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Applicability

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 14.3	14	14.13.030	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Definitions
L-V 14.4	14	14.13.040	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Electric Vehicle Charging Station Requirements
L-V 14.5	14	14.13.050	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Application Standards
L-V 14.6	14	14.13.060	BUILDING	Systems Electric Vehicle Charging Station Permitting Process	Expedited Permitting Process and Permit Review
L-V 2.0	14	14.02.010	BUILDING	Division II Administration Amendments	Amendments Adopted
L-V 2.1	14	14.02.020	BUILDING	Division II Administration Amendments	Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals
L-V 2.2	14	14.02.030	BUILDING	Division II Administration Amendments	Section 114: Violations (add the following)
L-V 2.3	14	14.02.040	BUILDING	Division II Administration Amendments	Section 105.2: Work Exempt From Permit; Building Permits (amend paragraph 1 to read)
L-V 2.4	14	14.02.050	BUILDING	Division II Administration Amendments	Section 105.2: Work Exempt From Permit; Building Permits (add the following)
L-V 2.5	14	14.02.060	BUILDING	Division II Administration Amendments	Section 105.2: Work Exempt From Permit; Building Permits (add paragraph to read)
L-V 2.6	14	14.02.070	BUILDING	Division II Administration Amendments	Section 105.3.2: Time Limitation of Application (change to read)
L-V 2.7	14	14.02.080	BUILDING	Division II Administration Amendments	Section 105.5: Expiration (change to read)
L-V 2.8	14	14.02.090	BUILDING	Division II Administration Amendments	Section 109.2: Schedule of Permit Fees (change to read)
L-V 2.9	14	14.02.100	BUILDING	Division II Administration Amendments	Section 109.4: Work Commencing Before Permit Issuance (change to read)
L-V 2.10	14	14.02.110	BUILDING	Division II Administration Amendments	Section 109.6: Fee Refunds (change to read)
L-V 3.0	14	14.03.010	BUILDING	California Building Code Amendments	Amendments Adopted
L-V 3.1	14	14.03.020	BUILDING	California Building Code Amendments	Division II Section 113: Board of Appeals, General (change to read)
L-V 3.2	14	14.03.030	BUILDING	California Building Code Amendments	Division II, Section 105.2: Work Exempt from Permit (change to read)
L-V 3.2.1	14	14.03.040	BUILDING	California Building Code Amendments	Division II, Section 105.3.2: Time Limitation of Application (change to read)
L-V 3.3	14	14.03.050	BUILDING	California Building Code Amendments	Division II Section 105.5: Permit Expiration (change to read)
L-V 3.4	14	14.03.060	BUILDING	California Building Code Amendments	Division Section 109.2: Schedule of Permit Fees (change to read)
L-V 3.5	14	14.03.070	BUILDING	California Building Code Amendments	Section 202: R (add the following definition)
L-V 3.6	14	14.03.080	BUILDING	California Building Code Amendments	Section 1505.1: Fire Classification (change to read as follows)
L-V 3.7	14	14.03.090	BUILDING	California Building Code Amendments	Section 1507.1.2: Ice Barriers (add the following): Underlayment Ice Dams

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 3.8	14	14.03.100	BUILDING	California Building Code Amendments	Section 1507.2.8.2: Valleys (add the following text)
L-V 3.9	14	14.03.110	BUILDING	California Building Code Amendments	Section 1507.3.3: Underlayment (add the following)
L-V 3.10	14	14.03.120	BUILDING	California Building Code Amendments	Section 1608.2: Ground Snow Loads (change to read as follows)
L-V 3.11	14	14.03.130	BUILDING	California Building Code Amendments	Section 1608.2.1: Snow Loads (add subsection to read as follows): 1608.2.1: Ramadas
L-V 3.12	14	14.03.140	BUILDING	California Building Code Amendments	Added Section 1608.4
L-V 3.13	14	14.03.150	BUILDING	California Building Code Amendments	Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 14.03.151: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
L-V 3.13.1	14	14.03.160	BUILDING	California Building Code Amendments	Lower Roof of a Structure, ASCE 7-16 (change equation 7.7-1 to read as follows)
L-V 3.13.2	14	14.03.170	BUILDING	California Building Code Amendments	Table 7.3-1 Exposure Factor, Ce, ASCE 7-16 (change footnote 'a' to read as follows)
L-V 3.13.3	14	14.03.180	BUILDING	California Building Code Amendments	Table 7.3-2 Thermal Factor, Ct, ASCE 7-16 (replace Table 7.3-2 Thermal Factor, Ct, with the following table)
L-V 3.14	14	14.03.190	BUILDING	California Building Code Amendments	Section 1809.5 Frost Protection (change to read)
L-V 3.15	14	14.03.200	BUILDING	California Building Code Amendments	Section 3109.2.1: Barrier Height and Clearances (change to read)
L-V 4.0	14	14.04.010	BUILDING	California Residential Code Amendments	Amendments Adopted
L-V 4.1	14	14.04.020	BUILDING	California Residential Code Amendments	Division II Administration, Section R105.2: Work Exempt From Permit (changed to read)
L-V 4.2	14	14.04.030	BUILDING	California Residential Code Amendments	Section R105.2: Work Exempt From Permit; Building Permits (add paragraph to read)
L-V 4.3	14	14.04.040	BUILDING	California Residential Code Amendments	Section R105.5: Expiration (change to read)
L-V 4.4	14	14.04.050	BUILDING	California Residential Code Amendments	Section R108.2: Schedule of Permit Fees (change to read)
L-V 4.5	14	14.04.060	BUILDING	California Residential Code Amendments	Section R108.5: Refunds (change to read)
L-V 4.6	14	14.04.070	BUILDING	California Residential Code Amendments	Section R108.6: Work Commencing Before Permit Issuance
L-V 4.7	14	14.04.080	BUILDING	California Residential Code Amendments	Section R301.2.3: Snow Loads (change to read)
L-V 4.8	14	14.04.090	BUILDING	California Residential Code Amendments	Section R301.2 & Table R301.2(1) Climatic and Geographic Design Criteria
L-V 4.9	14	14.04.100	BUILDING	California Residential Code Amendments	Section R403.1.4.1 Frost Protection (change to read)
L-V 5.1	14	14.05.010	BUILDING	Fire Safety Standards and California Fire Code Amendments	Purpose
L-V 5.2	14	14.05.020	BUILDING	Fire Safety Standards and California Fire Code Amendments	Application
L-V 5.3	14	14.05.030	BUILDING	Fire Safety Standards and California Fire Code Amendments	Definitions

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 5.4	14	14.05.040	BUILDING	Fire Safety Standards and California Fire Code Amendments	Responsibility for Enforcement and Review
L-V 5.5	14	14.05.050	BUILDING	Fire Safety Standards and California Fire Code Amendments	Duties of County Fire Marshal
L-V 5.6	14	14.05.060	BUILDING	Fire Safety Standards and California Fire Code Amendments	Appointment of County Fire Marshal
L-V 5.7	14	14.05.070	BUILDING	Fire Safety Standards and California Fire Code Amendments	Fire Agency Appeals
L-V 5.8	14	14.05.080	BUILDING	Fire Safety Standards and California Fire Code Amendments	Code Adoption Procedure
L-V 5.9	14	14.05.090	BUILDING	Fire Safety Standards and California Fire Code Amendments	Permits for Burning Operations
L-V 5.10	14	14.05.100	BUILDING	Fire Safety Standards and California Fire Code Amendments	Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized
L-V 5.11	14	14.05.110	BUILDING	Fire Safety Standards and California Fire Code Amendments	Construction
L-V 5.12	14	14.05.120	BUILDING	Fire Safety Standards and California Fire Code Amendments	Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations
L-V 5.13	14	14.05.130	BUILDING	Fire Safety Standards and California Fire Code Amendments	Open Burning
L-V 5.14	14	14.05.140	BUILDING	Fire Safety Standards and California Fire Code Amendments	2022 California Code Adopted
L-V 5.15	14	14.05.150	BUILDING	Fire Safety Standards and California Fire Code Amendments	California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits
L-V 5.16	14	14.05.160	BUILDING	Fire Safety Standards and California Fire Code Amendments	California Fire Code, Section 105.6: Required Operational Permits (add subsections to read): 105.6.52 Cannabis Operations; 105.6.53 Organized Camps
L-V 5.17	14	14.05.170	BUILDING	Fire Safety Standards and California Fire Code Amendments	California Fire Code, Section 112.4: Violation Penalties (amend section to read)
L-V 5.18	14	14.05.180	BUILDING	Fire Safety Standards and California Fire Code Amendments	California Fire Code, Section 112.4: Violation Penalties (add subsection to read) 112.4.2 Reduction of Penalty
L-V 5.19	14	14.05.190	BUILDING	Fire Safety Standards and California Fire Code Amendments	California Fire Code, Section 113.4: Failure to Comply (amend section to read)
L-V 5.20	14	14.05.200	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 107.2: Schedule of Permit Fees (amend section to read)
L-V 5.21	14	14.05.210	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 308.1.9: Outdoor Open Flame Appliances (add a subsection to read)
L-V 5.22	14	14.05.220	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification
L-V 5.23	14	14.05.230	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 506.1: Key Box (add the following text)
L-V 5.24	14	14.05.240	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 603: Electrical Equipment, Wiring and Hazards (add a subsection to read): 603.3.2 Auxiliary Generator Power
L-V 5.25	14	14.05.250	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 903.2.8.1: Group R-3 (amend to read)
L-V 5.26	14	14.05.260	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.11 False Alarms

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 5.27	14	14.05.270	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions)
L-V 5.28	14	14.05.280	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 6103: Installation of Equipment (add a subsection to read): 6103.4 High Elevation Requirements
L-V 5.29	14	14.05.290	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code, Section 6107: Safety Precautions and Devices (add a subsection to read): 6107.5 Protecting Appurtenances From the Elements
L-V 5.30	14	14.05.300	BUILDING	Fire Safety Standards and CA Fire Code Amendments	California Fire Code Appendix B, Table B105.2: Required Fire-Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses (amend table to read)
L-V 5.31	14	14.05.301	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System
L-V 5.32	14	14.05.302	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System
L-V 5.33	14	14.05.303	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants
L-V 5.34	14	14.05.304	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants
L-V 5.35	14	14.05.305	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry Hydrant Connection
L-V 5.36	14	14.05.306	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection
L-V 5.37	14	14.05.307	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers
L-V 5.38	14	14.05.308	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds
L-V 5.39	14	14.05.309	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage
L-V 5.40	14	14.05.310	BUILDING	Fire Safety Standards and CA Fire Code Amendments	Appendix D, Section D101: General (add a paragraph to read as follows)
L-V 6.1	14	14.06.010	BUILDING	Permit Fees After Declaration of Emergency	Waiver of Fees; Declaration of Emergency
L-V 7.0	14	14.07.010	BUILDING	CA Plumbing Code Amendments	Amendments Adopted
L-V 7.1	14	14.07.020	BUILDING	CA Plumbing Code Amendments	California Plumbing Code
L-V 7.2	14	14.07.030	BUILDING	CA Plumbing Code Amendments	Division II Administration Section 104.5: Fees (change to read)
L-V 7.3	14	14.07.040	BUILDING	CA Plumbing Code Amendments	Division II Administration Section 104.3.2: Plan Review Fees (change to read)
L-V 7.4	14	14.07.050	BUILDING	CA Plumbing Code Amendments	Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
L-V 7.5	14	14.07.060	BUILDING	CA Plumbing Code Amendments	Division II Administration, Section 104.4.3 Expiration (change to read)
L-V 7.6	14	14.07.070	BUILDING	CA Plumbing Code Amendments	Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
L-V 7.7	14	14.07.080	BUILDING	CA Plumbing Code Amendments	Division II Administration, Section 107.0 Board of Appeals (change to read)

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 7.8	14	14.07.090	BUILDING	CA Plumbing Code Amendments	Section 312.0: Protection of Piping, Materials, and Structures (add text to read)
L-V 7.9	14	14.07.100	BUILDING	CA Plumbing Code Amendments	Section 606.0: Valves (add a subsection to read): Section 606.11 Water Supply Valve Freeze Protection
L-V 7.10	14	14.07.110	BUILDING	CA Plumbing Code Amendments	Section 609.1: Installation (add text to read)
L-V 7.11	14	14.07.120	BUILDING	CA Plumbing Code Amendments	Section 721.0: Location (change to read)
L-V 7.12	14	14.07.130	BUILDING	CA Plumbing Code Amendments	Section 906.7: Vent Termination: Frost or Snow Closure (change to read)
L-V 7.13	14	14.07.140	BUILDING	CA Plumbing Code Amendments	Section 1212.11 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)
L-V 8.0	14	14.08.010	BUILDING	CA Mechanical Code Amendments	Amendments Adopted
L-V 8.1	14	14.08.020	BUILDING	CA Mechanical Code Amendments	California Mechanical Code
L-V 8.2	14	14.08.030	BUILDING	CA Mechanical Code Amendments	Division II Administration Section: 107.0 Board of Appeals, General (change to read)
L-V 8.3	14	14.08.040	BUILDING	CA Mechanical Code Amendments	Division II Administration Section 104.5: Fees (change to read)
L-V 8.4	14	14.08.050	BUILDING	CA Mechanical Code Amendments	Division II Administration Section 104.3.2: Plan Review Fees (change to read)
L-V 8.5	14	14.08.060	BUILDING	CA Mechanical Code Amendments	Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
L-V 8.6	14	14.08.070	BUILDING	CA Mechanical Code Amendments	Division II Administration, Section 104.4.3 Expiration (change to read)
L-V 8.7	14	14.08.080	BUILDING	CA Mechanical Code Amendments	Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
L-V 8.8	14	14.08.090	BUILDING	CA Mechanical Code Amendments	Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances
L-V 8.9	14	14.08.100	BUILDING	CA Mechanical Code Amendments	Section 802.2.6: Direct-Vent Appliances (add the following)
L-V 8.10	14	14.08.110	BUILDING	CA Mechanical Code Amendments	Section 802.3.3.5 Exit Terminals (add the following)
L-V 8.11	14	14.08.120	BUILDING	CA Mechanical Code Amendments	Section 802.6.1 Gas Vent Termination (add the following)
L-V 9.0	14	14.09.010	BUILDING	International Swimming Pool and Spa Code Amendments	Amendments Adopted
L-V 9.1	14	14.09.020	BUILDING	International Swimming Pool and Spa Code Amendments	Division II Administration, Section 105.4 Time Limitation of Application (change to read)
L-V 9.2	14	14.09.030	BUILDING	International Swimming Pool and Spa Code Amendments	Division II Administration, Section 105.5.3 Expiration (change to read)
L-V 9.3	14	14.09.040	BUILDING	International Swimming Pool and Spa Code Amendments	Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)
L-V 9.4	14	14.09.050	BUILDING	International Swimming Pool and Spa Code Amendments	Section 105.6 Fees & Section 105.6.2 Fee Schedule (change to read)
L-V 9.5	14	14.09.060	BUILDING	International Swimming Pool and Spa Code Amendments	Section 108 Means of Approval (change to read)

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-V 10.0	R	Reserved		Repealed	Repealed
L-V 20.1	14	14.14.010	BUILDING	Small Residential Rooftop Solar	Purpose
L-V 20.2	14	14.14.020	BUILDING	Small Residential Rooftop Solar	Applicability
L-V 20.3	14	14.14.030	BUILDING	Small Residential Rooftop Solar	Definitions
L-V 20.4	14	14.14.040	BUILDING	Small Residential Rooftop Solar	Solar Energy System Requirements
L-V 20.5	14	14.14.050	BUILDING	Small Residential Rooftop Solar	Duties of the Building Department and Building Official
L-V 20.6	14	14.14.060	BUILDING	Small Residential Rooftop Solar	Permit Review and Inspection Requirements
L-VI 1.1	15	15.01.010	SANITATION	Sewage	Purpose
L-VI 1.2	15	15.01.020	SANITATION	Sewage	Definitions
L-VI 1.3	15	15.01.030	SANITATION	Sewage	Applicability of this Chapter
L-VI 1.4	15	15.01.040	SANITATION	Sewage	Sewage Disposal
L-VI 1.5	15	15.01.050	SANITATION	Sewage	System Permit Required
L-VI 1.6	15	15.01.060	SANITATION	Sewage	Department Fees
L-VI 1.7	15	15.01.070	SANITATION	Sewage	Connection to Public Sewer System
L-VI 1.8	15	15.01.080	SANITATION	Sewage	Site Evaluation Required
L-VI 1.9	15	15.01.090	SANITATION	Sewage	Soil Testing Required
L-VI 1.10	15	15.01.100	SANITATION	Sewage	Site Approval Report
L-VI 1.11	15	15.01.110	SANITATION	Sewage	Sewage Disposal System Construction Permit Application
L-VI 1.12	15	15.01.120	SANITATION	Sewage	Action on Permit Application
L-VI 1.13	15	15.01.130	SANITATION	Sewage	Inspections
L-VI 1.14	15	15.01.140	SANITATION	Sewage	System Monitoring and Maintenance
L-VI 1.15	15	15.01.150	SANITATION	Sewage	Sewage Disposal System Abandonment
L-VI 1.16	15	15.01.160	SANITATION	Sewage	Variances
L-VI 1.17	15	15.01.170	SANITATION	Sewage	Advisory Group Established

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-VI 1.18	15	15.01.180	SANITATION	Sewage	Appeals
L-VI 1.19	15	15.01.190	SANITATION	Sewage	Requirements for Land use Projects
L-VI 1.20	15	15.01.200	SANITATION	Sewage	Centralized Sewage Disposal Criteria
L-VI 1.21	15	15.01.210	SANITATION	Sewage	Violations, Nuisances and Abatement
L-VI 1.22	R	Reserved		Sewage	Reserved
L-VI 2 (reserved)	R	Reserved		Reserved	Reserved
L-VI 3.1	15	15.02.010	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Purpose
L-VI 3.2	15	15.02.020	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Definitions
L-VI 3.3	15	15.02.030	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Centralized Wastewater Collection, Treatment & Disposal Systems
L-VI 3.4	15	15.02.040	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Centralized Wastewater System Construction and Operation
L-VI 3.5	15	15.02.050	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Centralized Wastewater System Permit Fee and Certificate of Operation
L-VI 3.6	15	15.02.060	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Sewage Entity Approval Required for Small or Large Systems
L-VI 3.7	15	15.02.070	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Centralized Wastewater Disposal Permit Application Process
L-VI 3.8	15	15.02.080	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Location of Treatment System and Any Soil Absorption Fields
L-VI 3.9	15	15.02.090	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Percolation Test and Soil Mantle
L-VI 3.10	15	15.02.100	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Centralized Wastewater System Design
L-VI 3.11	15	15.02.110	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Applicable Standards
L-VI 3.12	15	15.02.120	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Responsibilities and Administrative Authority
L-VI 3.13	15	15.02.130	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Environmental Health Director's Responsibility
L-VI 3.14	15	15.02.140	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Relationship to a Regional Water Quality Control Board of the State of California
L-VI 3.15	15	15.02.150	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Inspections and Performance Monitoring
L-VI 3.16	15	15.02.160	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Violations, Nuisances, Abatement
L-VI 3.17	15	15.02.170	SANITATION	Centralized Wastewater Collection, Treatment and Disposal System	Conflict of Interest
L-VI 4.1	15	15.03.010	SANITATION	Graywater Systems	Definitions

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-VI 4.2	15	15.03.020	SANITATION	Graywater Systems	Graywater Use Permitted
L-VI 4.3	15	15.03.030	SANITATION	Graywater Systems	Standards of Graywater Use
L-VI 4.4	15	15.03.040	SANITATION	Graywater Systems	Capturing and Storing Graywater
L-VI 4.5	15	15.03.050	SANITATION	Graywater Systems	Prohibited Uses of Graywater
L-VI 4.6	15	15.03.060	SANITATION	Graywater Systems	Alternate Disposal of Graywater
L-VI 4.7	15	15.03.070	SANITATION	Graywater Systems	Revocation of Graywater Discharge Permit
L-VI 4.8	15	15.03.080	SANITATION	Graywater Systems	Permit Fees
L-VI 5.1	15	15.04.010	SANITATION	Waterless Toilet Systems	Definitions
L-VI 5.2	15	15.04.020	SANITATION	Waterless Toilet Systems	Waterless Toilet Use Permitted
L-VI 5.3	15	15.04.030	SANITATION	Waterless Toilet Systems	Standards of Waterless Toilet Use
L-VI 5.4	15	15.04.040	SANITATION	Waterless Toilet Systems	Alternate Disposal System Sizing
L-VI 5.5	15	15.04.050	SANITATION	Waterless Toilet Systems	Sewage Disposal System Sizing
L-VI 5.6	15	15.04.060	SANITATION	Waterless Toilet Systems	Revocation of Waterless Toilet Permit
L-VI 5.7	15	15.04.070	SANITATION	Waterless Toilet Systems	Permit Fees
L-VII 1.1	16	16.01.010	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Purpose and Intent
L-VII 1.2	16	16.01.020	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Uniform System Established
L-VII 1.3	16	16.01.030	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Base Lines Established and Numbering Relative Thereto
L-VII 1.4	16	16.01.040	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Addresses Assigned
L-VII 1.5	16	16.01.050	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Exemptions of Certain Communities and Developments
L-VII 1.6	16	16.01.060	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Address Standards
L-VII 1.7	16	16.01.070	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Posting Required for Building Permits
L-VII 1.8	16	16.01.080	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Duty of Property Owner
L-VII 1.9	16	16.01.090	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Addressing	Penalty for Failure to Post Addresses
L-VII 2.1	16	16.02.010	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Purpose and Intent

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-VII 2.2	16	16.02.020	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Definitions
L-VII 2.3	16	16.02.030	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Uniform System Established
L-VII 2.4	16	16.02.040	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Road Naming Standards
L-VII 2.5	16	16.02.050	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Posting of Named Roads
L-VII 2.6	16	16.02.060	ROADS, STREETS, VEHICLES, TRAFFIC	Uniform System For Road Naming	Changing a Road Name
L-VIII (reserved)	R	Reserved		Reserved	Reserved
L-IX 1.1	17	17.01.010	MITIGATION & DEVELOPMENT FEES	Recreation Mitigation Fees	Recreation Mitigation Fees for Truckee-Donner Recreation and Park District
L-IX 1.2	17	17.01.020	MITIGATION & DEVELOPMENT FEES	Recreation Mitigation Fees	Park and Recreation Facilitates Mitigation Fees for the Unincorporated Areas of Nevada County (Lying Outside of the Truckee-Donner Recreation and Park District)
L-IX 1.3	17	17.01.030	MITIGATION & DEVELOPMENT FEES	Recreation Mitigation Fees	Quimby Act Dedications of Land and Fees In-Lieu of Dedications
L-IX 2.1	17	17.02.010	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Purpose
L-IX 2.2	17	17.02.020	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Definitions
L-IX 2.3	17	17.02.030	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Establishment of Fee, Exemptions, Credits
L-IX 2.4	17	17.02.040	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Application and Collection of Fee
L-IX 2.5	17	17.02.050	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Use of Fees, Hold Harmless
L-IX 2.6	17	17.02.060	MITIGATION & DEVELOPMENT FEES	Fire Protection Development Fees	Appeal from Fee Assessment
L-IX 3.1	17	17.03.010	MITIGATION & DEVELOPMENT FEES	Road Development Fees on New Development	Purpose
L-IX 3.2	17	17.03.020	MITIGATION & DEVELOPMENT FEES	Road Development Fees on New Development	Road Development Fees, Reimbursement Fees
L-IX 3.3	17	17.03.030	MITIGATION & DEVELOPMENT FEES	Road Development Fees on New Development	Calculation and Payment of Fees
L-IX 3.4	17	17.03.040	MITIGATION & DEVELOPMENT FEES	Road Development Fees on New Development	Limited Use of Fees
L-IX 3.5	17	17.03.050	MITIGATION & DEVELOPMENT FEES	Road Development Fees on New Development	Developer Construction of Facilities
L-IX 4.1	17	17.04.010	MITIGATION & DEVELOPMENT FEES	Procedures for Protest, Litigation and/or Refunds of Development Fees	Intent of this Section
L-IX 4.2	17	17.04.020	MITIGATION & DEVELOPMENT FEES	Procedures for Protest, Litigation and/or Refunds of Development Fees	Requirements for Protests as Prerequisite to any Suite
L-IX 4.3	17	17.04.030	MITIGATION & DEVELOPMENT FEES	Procedures for Protest, Litigation and/or Refunds of Development Fees	Statute of Limitations
L-IX 4.4	17	17.04.040	MITIGATION & DEVELOPMENT FEES	Procedures for Protest, Litigation and/or Refunds of Development Fees	Procedures for the Discretionary Refund of Development Fees

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-IX 4.5	17	17.04.050	MITIGATION & DEVELOPMENT FEES	Procedures for Protest, Litigation and/or Refunds of Development Fees	Procedures for the Mandatory Refund of Development Fees
L-IX 5.1	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.2	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.3	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.4	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.5	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.6	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-IX 5.7	R	Reserved		Development Fee for Electrical Service Availability	Reserved
L-X 1.1	R	Reserved		General Provisions	Reserved
L-X 1.2	15	15.05.010	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Definitions and Interpretation
L-X 1.3	15	15.05.020	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Connection Required
L-X 1.4	15	15.05.030	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Permit Required
L-X 1.5	15	15.05.040	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Minimum Yield
L-X 1.6	15	15.05.050	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Determination of Yield
L-X 1.7	15	15.05.060	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Storage Requirements
L-X 1.8	15	15.05.070	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Potability
L-X 1.9	15	15.05.080	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Supply and Resources, General Provisions	Surface Water Uses
L-X 1.10	15	15.05.090	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Pressure
L-X 1.11	15	15.05.100	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Issuance of Building Permit
L-X 1.12	15	15.05.110	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Inspection
L-X 1.13	15	15.05.120	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Fees
L-X 1.14	15	15.05.130	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Right of Entry and Inspection
L-X 1.15	15	15.05.140	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Protection of Water Supply
L-X 1.16	15	15.05.150	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Enforcement - Generally

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-X 1.17	15	15.05.160	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Applicable Standards
L-X 1.18	15	15.05.170	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	General Provisions	Effect of Partial Invalidity
L-X 2.1	15	15.06.010	SANITATION	Water Wells	Classes of Well Permits
L-X 2.2	15	15.06.020	SANITATION	Water Wells	Permit Application
L-X 2.3	15	15.06.030	SANITATION	Water Wells	Permit Application Procedure
L-X 2.4	15	15.06.040	SANITATION	Water Wells	Permit Conditions
L-X 2.5	15	15.06.050	SANITATION	Water Wells	Permit - Denial
L-X 2.6	15	15.06.060	SANITATION	Water Wells	Permit - Expiration
L-X 2.7	15	15.06.070	SANITATION	Water Wells	Permit Issuance and Renewal
L-X 2.8	15	15.06.080	SANITATION	Water Wells	Permit Suspension, Revocation and Stop-Work Order
L-X 2.9	15	15.06.090	SANITATION	Water Wells	Building Permits
L-X 2.10	15	15.06.100	SANITATION	Water Wells	Well Location
L-X 2.11	15	15.06.110	SANITATION	Water Wells	Protection
L-X 2.12	15	15.06.120	SANITATION	Water Wells	Well Standards
L-X 2.13	15	15.06.130	SANITATION	Water Wells	Casings
L-X 2.14	15	15.06.140	SANITATION	Water Wells	Sealing of the Annular Space
L-X 2.15	15	15.06.150	SANITATION	Water Wells	Well Pits
L-X 2.16	15	15.06.160	SANITATION	Water Wells	Access Openings Into Well Casings
L-X 2.17	15	15.06.170	SANITATION	Water Wells	Special Groundwater Protection
L-X 2.18	15	15.06.180	SANITATION	Water Wells	Inspections
L-X 2.19	15	15.09.190	SANITATION	Water Wells	Inspection of Well Seal
L-X 2.20	15	15.06.200	SANITATION	Water Wells	Completion
L-X 2.21	15	15.06.210	SANITATION	Water Wells	Final Inspection
L-X 2.22	15	15.06.220	SANITATION	Water Wells	Completion Reports

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-X 2.23	15	15.06.230	SANITATION	Water Wells	Well Permit Completion
L-X 2.24	15	15.06.240	SANITATION	Water Wells	Disinfection
L-X 2.25	15	15.06.250	SANITATION	Water Wells	Pump Installation
L-X 2.26	15	15.06.260	SANITATION	Water Wells	Abandoned Wells
L-X 2.27	15	15.06.270	SANITATION	Water Wells	Wells Constructed After July 12, 1991
L-X 2.28	15	15.06.280	SANITATION	Water Wells	Destruction Method
L-X 2.29	15	15.06.290	SANITATION	Water Wells	Variances
L-X 3.1	15	15.07.010	SANITATION	Treatment of Surface Water for Domestic Purposes	Use of Surface Water for Domestic Purposes
L-X 3.2	15	15.07.020	SANITATION	Treatment of Surface Water for Domestic Purposes	Prohibitions
L-X 3.3	15	15.07.030	SANITATION	Treatment of Surface Water for Domestic Purposes	Treated Surface Water Availability
L-X 3.4	15	15.07.040	SANITATION	Treatment of Surface Water for Domestic Purposes	Surface Water Treatment Permit
L-X 3.5	15	15.07.050	SANITATION	Treatment of Surface Water for Domestic Purposes	Surface Water Treatment Requirements
L-X 3.6	15	15.07.060	SANITATION	Treatment of Surface Water for Domestic Purposes	Disinfection
L-X 3.7	15	15.07.070	SANITATION	Treatment of Surface Water for Domestic Purposes	Monitoring
L-X 3.8	15	15.07.080	SANITATION	Treatment of Surface Water for Domestic Purposes	Alternative Surface Water Treatment Systems
L-X 3.9	15	15.07.090	SANITATION	Treatment of Surface Water for Domestic Purposes	Surface Water Connection to an Existing Dwelling
L-X 4.1	15	15.08.010	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Availability for Division of Land	Applicability of this Chapter
L-X 4.2	15	15.08.020	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Availability for Division of Land	Water Studies Required for Land Use Projects
L-X 4.3	15	15.08.030	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Availability for Division of Land	Connections to Public Water Supply
L-X 4.4	15	15.08.040	SANITATION (SEWAGE DISPOSAL, WATER SUPPLY, SOLID WASTE)	Water Availability for Division of Land	Creation of Public Entity
L-X 5.1	15	15.05.180	SANITATION	Water Supply and Resources, General Provisions	Appeal Procedures
L-X 6.1	15	15.05.190	SANITATION	Water Supply and Resources, General Provisions	Criminal Enforcement
L-X 6.2	15	15.05.200	SANITATION	Water Supply and Resources, General Provisions	Notice of Violation
L-X 6.3	15	15.05.210	SANITATION	Water Supply and Resources, General Provisions	Civil Enforcement - Nuisance

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-X 6.4	15	15.05.220	SANITATION	Water Supply and Resources, General Provisions	Remedies Cumulative
L-X 6.5	15	15.05.230	SANITATION	Water Supply and Resources, General Provisions	Notification of Licensing Agencies
L-XI	R	Reserved		Reserved	Reserved
L-XII 1.1	18	18.01.010	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	Purpose & Intent
L-XII 1.2	18	18.01.020	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	Definitions
L-XII 1.3	18	18.01.030	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	General Provisions
L-XII 1.4	18	18.01.040	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	Administration
L-XII 1.5	18	18.01.050	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	Provisions for Flood Hazard Reduction
L-XII 1.6	18	18.01.060	FLOODPLAIN MANAGEMENT & REGULATIONS	Floodplain Management Regulations	Procedures for Exception
L-XIII 1.1	19	19.01.010	CEQA	County CEQA Guidelines and Procedures	Authority and Purpose
L-XIII 1.2	19	19.01.020	CEQA	County CEQA Guidelines and Procedures	Definitions
L-XIII 1.3	19	19.01.030	CEQA	County CEQA Guidelines and Procedures	General Responsibilities of Planning Department As Coordinating Agency
L-XIII 1.4	19	19.01.040	CEQA	County CEQA Guidelines and Procedures	Fees
L-XIII 1.5	19	19.01.050	CEQA	County CEQA Guidelines and Procedures	Consultants
L-XIII 1.6	19	19.01.060	CEQA	County CEQA Guidelines and Procedures	Environmental Impact Report Consultant Selection Procedures
L-XIII 1.7	19	19.01.070	CEQA	County CEQA Guidelines and Procedures	Time Limits
L-XIII 1.8	19	19.01.080	CEQA	County CEQA Guidelines and Procedures	Delegation of Responsibilities
L-XIII 1.9	19	19.01.90	CEQA	County CEQA Guidelines and Procedures	Ministerial Projects
L-XIII 1.10	19	19.01.100	CEQA	County CEQA Guidelines and Procedures	Scope of Environmental Review
L-XIII 1.11	19	19.01.110	CEQA	County CEQA Guidelines and Procedures	Initial Study
L-XIII 1.12	19	19.01.120	CEQA	County CEQA Guidelines and Procedures	Negative Declaration
L-XIII 1.13	19	19.01.130	CEQA	County CEQA Guidelines and Procedures	Consideration of Negative Declaration
L-XIII 1.14	19	19.01.140	CEQA	County CEQA Guidelines and Procedures	Notice of Determination
L-XIII 1.15	19	19.01.150	CEQA	County CEQA Guidelines and Procedures	EIR Process

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-XIII 1.16	19	19.01.160	CEQA	County CEQA Guidelines and Procedures	Notice of Completion
L-XIII 1.17	19	19.01.170	CEQA	County CEQA Guidelines and Procedures	Public Review of EIR
L-XIII 1.18	19	19.01.180	CEQA	County CEQA Guidelines and Procedures	Response to Comments
L-XIII 1.19	19	19.01.190	CEQA	County CEQA Guidelines and Procedures	Certification of EIR
L-XIII 1.20	19	19.01.200	CEQA	County CEQA Guidelines and Procedures	Appeals of the adequacy of the EIR
L-XIV 1.1	20	20.01.010	AGRICULTURAL LANDS & OPERATION	Agricultural Lands and Operations	Definitions
L-XIV 1.2	20	20.01.020	AGRICULTURAL LANDS & OPERATION	Agricultural Lands and Operations	Nuisance
L-XIV 1.3	20	20.01.030	AGRICULTURAL LANDS & OPERATION	Agricultural Lands and Operations	Disclosure
L-XIV 1.4	20	20.01.040	AGRICULTURAL LANDS & OPERATION	Agricultural Lands and Operations	Resolution of Disputes
L-XIV 1.5	20	20.01.050	AGRICULTURAL LANDS & OPERATION	Agricultural Lands and Operations	Noncompliance with this Article
L-XIV 2.1	20	20.02.010	AGRICULTURAL LANDS & OPERATION	Beekeeping	Findings and Purpose
L-XIV 2.2	20	20.02.020	AGRICULTURAL LANDS & OPERATION	Beekeeping	Definitions
L-XIV 2.3	20	20.02.030	AGRICULTURAL LANDS & OPERATION	Beekeeping	Apiary Locations - Encroachment, Stocking Limit & Nuisance
L-XIV 2.4	20	20.02.040	AGRICULTURAL LANDS & OPERATION	Beekeeping	Enforcement
L-XV (reserved)	R	Reserved		Reserved	Reserved
L-XVI 1.1	R	Reserved		Definitions	Reserved
L-XVI 1.2	4	4.02.100	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Definitions
L-XVI 2.1	4	4.02.010	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Purpose and Intent of Chapter
L-XVI 2.2	4	4.02.020	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Scope
L-XVI 2.3	4	4.02.030	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Project Consultation and Review
L-XVI 2.4	4	4.02.040	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Violations
L-XVI 2.5	4	4.02.050	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Inspection Authority
L-XVI 2.6	4	4.02.060	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Exceptions to Standards
L-XVI 2.7	4	4.02.070	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Appeals

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-XVI 2.8	4	4.02.080	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Distance Measurements
L-XVI 2.9	4	4.02.090	FIRE SAFETY	Wildfire Protection Standards, General Requirements	Maintenance of Defensible Space Measures
L-XVI 3.1	4	4.03.010	FIRE SAFETY	Driveways	Purpose
L-XVI 3.2	4	4.03.020	FIRE SAFETY	Driveways	Private Driveway Construction Standards
L-XVI 3.3	4	4.03.030	FIRE SAFETY	Driveways	Exception to Driveway Permit Requirement
L-XVI 3.4	4	4.03.040	FIRE SAFETY	Driveways	Petition for Exception to Driveway Standards
L-XVI 4.1	4	4.04.010	FIRE SAFETY	Emergency Water Supply	Purpose and Intent
L-XVI 4.2	4	4.04.020	FIRE SAFETY	Emergency Water Supply	Application
L-XVI 4.3	4	4.04.030	FIRE SAFETY	Emergency Water Supply	General Standards
L-XVI 4.4	4	4.04.040	FIRE SAFETY	Emergency Water Supply	Standards for Hydrants/Fire Valves
L-XVI 5.1	4	4.05.010	FIRE SAFETY	Fuel Modification	Purpose and Intent
L-XVI 5.2	4	4.05.020	FIRE SAFETY	Fuel Modification	Disposal of Flammable Vegetation and Fuels
L-XVI 5.3	4	4.05.030	FIRE SAFETY	Fuel Modification	Fuels Modification/Greenbelts
L-XVI 6.1	4	4.06.010	FIRE SAFETY	South Yuba River Corridor Burn Prohibition	Findings and Purpose
L-XVI 6.2	4	4.06.020	FIRE SAFETY	South Yuba River Corridor Burn Prohibition	South Yuba River Corridor Burn Prohibition
L-XVII 1.1	16	16.08.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Purpose and Definitions	Purpose
L-XVII 1.2	16	16.08.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Purpose and Definitions	Scope
L-XVII 1.3	16	16.08.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Purpose and Definitions	Definitions
L-XVII 2.1	16	16.09.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Grading
L-XVII 2.2	16	16.09.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Work in County Rights-Of-Way
L-XVII 2.3	16	16.09.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Other Agency Notifications
L-XVII 2.4	16	16.09.040	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Inspection Requirements
L-XVII 2.5	16	16.09.050	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Consulting Engineers' Certification
L-XVII 2.6	16	16.09.060	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Permits and Notices

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-XVII 2.7	16	16.09.070	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; General Requirements	Testing of Materials
L-XVII 3.1	16	16.10.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	General
L-XVII 3.2	16	16.10.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Road Classification
L-XVII 3.3	16	16.10.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Construction of Major Roads
L-XVII 3.4	16	16.10.040	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Design Geometrics
L-XVII 3.5	16	16.10.050	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Structural Section Design
L-XVII 3.6	16	16.10.060	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Signing
L-XVII 3.7	16	16.10.070	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Curb, Gutter and Sidewalk
L-XVII 3.8	16	16.10.080	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Bikeways
L-XVII 3.9	16	16.10.090	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Snow Stakes
L-XVII 3.10	16	16.10.100	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Snow Storage Easements
L-XVII 3.11	16	16.10.110	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Maintenance Agreements
L-XVII 3.12	16	16.10.120	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Road Design Standards	Petition for Exception
L-XVII 4.1	16	16.11.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Improvement Plans	General
L-XVII 4.2	16	16.11.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Improvement Plans	Tentative Map Approval - Improvement Plans, Inspection, Completion, Acceptance
L-XVII 5.1	16	16.12.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Hydrologic Design
L-XVII 5.2	16	16.12.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Hydraulic Design
L-XVII 5.3	16	16.12.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Culverts
L-XVII 5.4	16	16.12.040	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Open Ditches
L-XVII 5.5	16	16.12.050	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Closed Conduit Storm Sewers
L-XVII 5.6	16	16.17.060	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Headwalls, Wingwalls, Endwalls and Trash Racks
L-XVII 5.7	16	16.12.050	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Storm Drainage	Easements
L-XVII 6.1	16	16.13.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Erosion Protection	General
L-XVII 6.2	16	16.13.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Erosion Protection	Erosion Control Plan

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
L-XVII 7.1	16	16.14.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Survey Monuments	General
L-XVII 7.2	16	16.14.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Survey Monuments	Horizontal Control Monuments
L-XVII 7.3	16	16.14.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Survey Monuments	Vertical Control Monuments
L-XVII 7.4	16	16.14.040	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Survey Monuments	Construction Staking
L-XVII 8.1	16	16.15.010	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Enforcement	General
L-XVII 8.2	16	16.15.020	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Enforcement	Stop Work Notice
L-XVII 8.3	16	16.15.030	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Enforcement	Criminal Enforcement
L-XVII 8.4	16	16.15.040	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Enforcement	Nuisance Abatement
L-XVII 8.5	16	16.15.050	ROADS, STREETS, VEHICLES, TRAFFIC	Standards; Enforcement	Nonexclusive Remedies
Newly added	2	2.08.110	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Community Development Agency	Department of Code and Cannabis Compliance Established
Newly added	2	2.26.200	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Cable Systems and open Video Systems
Newly added	2	2.26.300	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	State Video Service Franchises
Newly added	2	2.26.400	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchises for Solid Waste Services
Newly added	2	2.26.500	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Liberty Energy Company Franchise
Newly added	2	2.26.600	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Franchises for Transmissions of Electricity, Gas, Oil ad Water
Newly added	2	2.26.602	COUNTY ADMINISTRATION, PROPERTY & PERSONNEL	Franchises	Incorporation of Regulations Affecting Franchises in Nevada County by Reference
Newly added	8	8.01.500	ANIMAL REGULATION	Animal Control	Dogs Pursuing Livestock; Protected Animals or Game Animals
Newly added	10	10.13.080	PUBLIC LANDS, WATERWAYS & RECREATION	Jackson Meadows Reservoir	Amendments
Newly added	14	14.03.151	BUILDING	California Building Code Amendments	Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-16 (add a new subsection to read) 14.03.151: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
Newly added	21	21.03.010	AIRPORT LAND USE COMPATIBILTY	Truckee Tahoe Airport Land Use Compatibility Plan	Applicability
Newly added	21	21.03.020	AIRPORT LAND USE COMPATIBILTY	Truckee Tahoe Airport Land Use Compatibility Plan	Adoption of Policy
Newly added	21	21.03.030	AIRPORT LAND USE COMPATIBILTY	Truckee Tahoe Airport Land Use Compatibility Plan	General Applicability
S 1.1	30	30.01.010	SANITATION DISTRICT CODE	General Provisions	Title
S 1.2	30	30.01.020	SANITATION DISTRICT CODE	General Provisions	District Authority
S 1.3	30	30.01.030	SANITATION DISTRICT CODE	General Provisions	Definitions
S 1.4	30	30.01.040	SANITATION DISTRICT CODE	General Provisions	Administration
S 1.5	30	30.01.050	SANITATION DISTRICT CODE	General Provisions	Purchasing Agent
S 1.6	30	30.01.060	SANITATION DISTRICT CODE	General Provisions	County Executive Officer

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
S 1.7	30	30.01.070	SANITATION DISTRICT CODE	General Provisions	Severability
S 1.8	30	30.01.080	SANITATION DISTRICT CODE	General Provisions	Discharge of Firearm on Sanitation District Property
S 2.1	30	30.02.010	SANITATION DISTRICT CODE	Regulation of Connections	Connection Control
S 2.2	30	30.02.020	SANITATION DISTRICT CODE	Regulation of Connections	Connection Required
S 2.3	30	30.02.030	SANITATION DISTRICT CODE	Regulation of Connections	Connection Inspection
S 2.4	30	30.02.040	SANITATION DISTRICT CODE	Regulation of Connections	Connection Lateral Installation and Maintenance
S 2.5	30	30.02.050	SANITATION DISTRICT CODE	Regulation of Connections	Mountain Lakes Estates Subdivision, District Zone #7
S 2.6	30	30.02.060	SANITATION DISTRICT CODE	Regulation of Connections	Penn Valley Sewer Assessment District, District Zone #6
S 2.7	30	30.02.070	SANITATION DISTRICT CODE	Regulation of Connections	Cascade Shores, District Zone #8
S 2.8	30	30.02.080	SANITATION DISTRICT CODE	Regulation of Connections	Dark Horse Master Plan Area of District Zone No. 10
S 2.9	30	30.02.090	SANITATION DISTRICT CODE	Regulation of Connections	Lake of the Pines 500 EDU Expansion
S 3.1	30	30.03.010	SANITATION DISTRICT CODE	Regulation of Discharges	Normal Discharges
S 3.1.1	30	30.03.020	SANITATION DISTRICT CODE	Regulation of Discharges	Minor Industrial Discharges
S 3.2	30	30.03.030	SANITATION DISTRICT CODE	Regulation of Discharges	Prohibited Discharges
S 3.3	30	30.03.040	SANITATION DISTRICT CODE	Regulation of Discharges	Grease Trap Interceptor Required
S 4.1	30	30.04.010	SANITATION DISTRICT CODE	User Fees and Charges	Levy of Sewer Service Charge
S 4.2	30	30.04.020	SANITATION DISTRICT CODE	User Fees and Charges	Levy of Sewer Standby Charge
S 4.3	30	30.04.030	SANITATION DISTRICT CODE	User Fees and Charges	Charges Established
S 4.4	30	30.04.040	SANITATION DISTRICT CODE	User Fees and Charges	Adjustment for Overcharge of Undercharge
S 4.5	30	30.04.050	SANITATION DISTRICT CODE	User Fees and Charges	Annual Rate Adjustment
S 4.6	30	30.04.060	SANITATION DISTRICT CODE	User Fees and Charges	Collection
S 4.7	30	30.04.070	SANITATION DISTRICT CODE	User Fees and Charges	Collection of Delinquent Charges
S 5.1	30	30.05.010	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Purpose and Intent: Relinquishing and Acquiring Unallocated and Allocated Unconnected Sewer Capacity Applicable to District Zones: 1, Lake Wildwood; 2, Lake of the Pines; 4, North San Juan; 6, Penn Valley; and 8, Cascade Shores

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
S 5.2	30	30.05.020	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Relinquishment or Acquisition of Allocated Unconnected and Unallocated Sewer Capacity Applicable to District Zones: 4, North San Juan; 6, Penn Valley; and 8, Cascade Shores
S 5.2.1	30	30.05.030	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Donation of Unallocated Unconnected Sewer Capacity (EDUs) Applicable to District Zones: 4, North San Juan; 6, Penn Valley; and 8, Cascade Shores
S 5.3	30	30.05.040	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Relinquishment or Acquisition of Allocated Unconnected EDUs Applicable to District Zones: 1, Lake Wildwood; and 2, Lake of the Pines
S 5.3.1	30	30.05.050	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Allocation and Reservation of Unallocated and Unconnected EDUs Applicable to District Zones: 1, Lake Wildwood; and 2, Lake of the Pines
S 5.4	30	30.05.060	SANITATION DISTRICT CODE	Equivalent Dwelling Units	Acquisition of Unallocated Equivalent Dwelling Units (EDUs) in the Penn Valley Zone 6 Sewer System
S 6.1	30	30.06.010	SANITATION DISTRICT CODE	Code Compliance, Inspection and Violation Penalty Provisions	New Construction Bonding, Plan Check and Inspection
S 6.2	30	30.06.020	SANITATION DISTRICT CODE	Code Compliance, Inspection and Violation Penalty Provisions	Inspection of Existing User Laterals
S 6.3	30	30.06.030	SANITATION DISTRICT CODE	Code Compliance, Inspection and Violation Penalty Provisions	Code Violation Correction and Penalty Provisions
S 6.41	30	30.06.041	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Maintenance and Testing of Private Sanitary Sewer Facilities
S 6.42	30	30.06.042	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Conditions Required Testing of Existing Sanitary Sewer Facilities
S 6.43	30	30.06.043	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Testing Procedures for Existing Sanitary Sewer Facilities
S 6.44	30	30.06.044	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Time Limits for Completion of Testing Procedures
S 6.45	30	30.06.045	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Waiver of Testing Requirements
S 6.46	30	30.06.046	SANITATION DISTRICT CODE	Division 6.4 Maintenance of Existing Facilities	Shared-Use Facility
S 7.1	30	30.07.010	SANITATION DISTRICT CODE	Design and Construction Standards	General Requirements
S 7.2	30	30.07.020	SANITATION DISTRICT CODE	Design and Construction Standards	Enforcement
S 7.3	30	30.07.030	SANITATION DISTRICT CODE	Design and Construction Standards	Plates
S 7.4	30	30.07.040	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Sewer Capacities and Sizes
S 7.5	30	30.07.050	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Minimum Sewer Slopes
S 7.6	30	30.07.060	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Sewer Location
S 7.7	30	30.07.070	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Depth of Sewers
S 7.8	30	30.07.080	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Structures
S 7.9	30	30.07.090	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Materials

Code Summary

Old Article/ Chapter/ Section	New Title No.	New Section	Title (Old Chapter)	New Chapter Title (Old Article)	Title of Code (some modifications)
S 7.10	30	30.07.100	SANITATION DISTRICT CODE	Design and Construction Standards	Design Criteria: Construction
S 8.1	30	30.08.010	SANITATION DISTRICT CODE	Annexation Policy	General Policies
S 8.2	30	30.08.020	SANITATION DISTRICT CODE	Annexation Policy	Annexation Into an Existing Entity
S 8.3	30	30.08.030	SANITATION DISTRICT CODE	Annexation Policy	Annexation as a New Zone
S 8.4	30	30.08.040	SANITATION DISTRICT CODE	Annexation Policy	Reservation of Right to Decline Annexation