SIERRA COUNTY CODE

Updated 10/15/2014

TABLE OF CONTENTS

CHAPTER 1.01 ADOPTION OF CODE i
1.01.010 Adoption of Code i
1.01.020 Scope of Code i
CHAPTER 1.04 TITLE OF CODE ii
1.04.010 Title of Code ii
CHAPTER 1.08 DEFINITIONS iii
1.08.010 General Definitions iii
1.08.020 Board iii
1.08.030 County iii
1.08.040 May, Must, Shall iii
1.08.050 Person iii
1.08.060 Singular and Plural iii
CHAPTER 1.12 EFFECT OF CODE iv
1.12.010 Headings Not to Govern Provisions iv
1.12.020 Effect on Existing Law iv
1.12.030 Effect on Existing Rights iv
1.12.040 Permit Not an Exemption iv
1.12.050 Severability iv
CHAPTER 1.16 VIOLATIONS v
1.16.010 Misdemeanor or Infraction v
1.16.020 Misdemeanor Punishment v
1.16.030 Infraction Punishment v
1.16.040 Separate Offense for Each Day v
CHAPTER 1.17 CODE ENFORCEMENT AND NUISANCE ABATEMENT vi
1.17.010 Name, Authority vi
1.17.020 Purpose vi
1.17.030 Applicability vi
1.17.040 Nuisance Abatement Defined vi
1.17.050 Code Enforcement Officer and Duties vi
1.17.060 Investigation vii
1.17.070 Referral to County Counsel vii
1.17.080 Abatement Cost Assessment vii
1.17.090 Issuance of Abatement Order ix
1.17.100 Response to Abatement Order ix
1.17.110 Appeal of Abatement Order ix
1.17.120 Abatement Procedure of Absent or Unknown Violator ix
1.17.130 Enforcement x
1.17.140 Indemnity x
CHAPTER 1.18 - ISSUANCE AND RECORDATION OF NOTICES OF VIOLATION xi
1.18.010 Issuance and Recordation of Notices of Violation xi
1.18.020 Declaration of Purpose xi
1.18.030 Procedures for Issuance of a Notice to Abate Violation xi
1.18.040 Issuance of Notice of Intent and Right to Appeal xi
1.18.050 Appeal Hearing xii
1.18.060 Procedures for Recordation xiii
1.18.070 Service of Notice of Violation xiii
1.18.080 Notice of Compliance – Procedures xiii
1.18.090 Prohibition Against Issuance of County Permits xiv
1.18.100 Cancellation of Recorded Notice of Violation xiv
12.23.110 Assessment of Cost of Abatement Proceedings xiv

PART 1 - GENERAL PROVISIONS

CHAPTER 1.01 ADOPTION OF CODE

1.01.010 Adoption of Code

The Sierra County Code, compiled pursuant to Government Code sections 25126 and following, is hereby codified and adopted by reference. (Ord. 494, eff. 3/31/77, prior Section 1.01.010)

1.01.020 Scope of Code

All ordinances in effect at the time of the adoption of this code are codified herein. All ordinances adopted after the time of the adoption of this code shall be codified herein so that this code shall remain a comprehensive statement of the ordinances of the County of Sierra.

(Ord. 494, eff. 3/31/77, prior Section 1.01.020)

CHAPTER 1.04 TITLE OF CODE

1.04.010 Title of Code

This code shall be known as the Sierra County Code and shall include all ordinances now or hereafter codified herein.

(Ord. 489, eff. 3/17/77, prior Section 1)

CHAPTER 1.08 DEFINITIONS

1.08.010 General Definitions

Words or phrases used in this code shall have the following meanings. (Ord. 489, eff. 3/17/77, prior Section 2)

1.08.020 Board

"Board" means the Board of Supervisors of the County of Sierra. (Ord. 489, eff. 3/17/77, prior Section 3)

1.08.030 County

"County" means the County of Sierra. (Ord. 489, eff. 3/17/77, prior Section 4)

1.08.040 May, Must, Shall

"May" is permissive and "must" or "shall" are mandatory. (Ord. 489, eff. 3/17/77, prior Section 5)

1.08.050 Person

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, state, any county, city and county, municipality, district, or other political subdivision of the state, or any other group or combination acting as a unit. (Ord. 489, eff. 3/17/77, prior Section 6)

1.08.060 Singular and Plural

The singular number includes the plural and the plural number includes the singular. (Ord. 489, eff, 3/17/77, prior Section 7)

CHAPTER 1.12 EFFECT OF CODE

1.12.010 Headings Not to Govern Provisions

Part, chapter, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code. (Ord. 489 eff. 3/17/77, prior Section 8)

1.12.020 Effect on Existing Law

The provisions of this code insofar as they are substantially the same as existing law shall be construed as restatements and continuations and not as new enactments. (Ord. 489, eff. 3/17/77, prior Section 9)

1.12.030 Effect on Existing Rights

No action or proceeding commenced before this code takes effect and no right accrued is affected by this code but all procedures thereafter taken shall conform to the provisions of this code as much as possible. (Ord. 489, eff. 3/17/77, prior Section 10)

1.12.040 Permit Not an Exemption

The issuance of a permit under this code shall not exempt the permittee from any other applicable provisions of law. (Ord. 489, eff. 3/17/77, prior Section 11)

1.12.050 Severability

If any provision of this code or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end the provisions of this code are severable.

(Ord. 489, eff. 3/17/77, prior Section 12)

CHAPTER 1.16 VIOLATIONS

1.16.010 Misdemeanor or Infraction

Unless specified to the contrary herein, any provision of this code which it is unlawful to violate shall carry the punishment of misdemeanor rather than infraction. (Ord. 489, eff. 3/17/77, prior Section 13)

1.16.020 Misdemeanor Punishment

Every violation determined to be a misdemeanor is punishable by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment. (Ord. 489, eff. 3/17/77, prior Section 14)

1.16.030 Infraction Punishment

Every violation determined to be an infraction is punishable by (a) a fine not exceeding fifty dollars ($50) for a first violation; (b) a fine not exceeding one hundred dollars ($100) for a second violation of the same provisions of this code within one year; (c) a fine not exceeding two hundred fifty dollars ($250) for each additional violation of the same provision of this code within one year. (Ord. 453, 489, eff. 3/17/77, prior Section 15)

1.16.040 Separate Offense for Each Day

A separate offense is committed for each and every day during any portion of which any violation of this code is committed, continued, or permitted by any person.

(Ord. 489, eff. 3/17/77, prior Section 16)

CHAPTER 1.17 CODE ENFORCEMENT AND NUISANCE ABATEMENT

1.17.010 Name, Authority

This Chapter shall be known as the Sierra County Code Enforcement and Nuisance Abatement Ordinance enacted pursuant to California Government Code § 25845. (Ord. 775, eff. 9/19/91)

1.17.020 Purpose

The Board of Supervisors has determined that it is necessary for the public welfare that a procedure be established by ordinance for the identification and abatement of Code violations. (Ord. 775, eff. 9/19/91)

1.17.030 Applicability

This Code Enforcement and Nuisance Abatement Chapter is applicable to the following Parts of the Code: Part 6 (Business Licenses and Regulations), Part 8 (Health and Sanitation), Part 9 (Public Places), Part 11 (Roads and Vehicles), Part 12 (Building and Construction), Part 14 (Land Use), Part 15 (Zoning), Part 16 (Subdivisions) and Part 17 (Environmental Quality). It is intended to provide a standard method of Code enforcement. It is not intended to exclude any and all methods of enforcement otherwise legally available through criminal or civil process, and includes within its scope any and all civil remedies, in addition to abatement of public nuisances. (Ord. 775, eff. 9/19/91)

1.17.040 Nuisance Abatement Defined

A Nuisance Abatement action is any action or proceeding generally authorized pursuant to Division 4, Part 5, Title 2 of the California Civil Code and the applicable provisions of the Sierra County Code taken by the County of Sierra against any person or entity whose acts, omissions or condition of property under ownership or subject to a possessory interest constitute a violation of the provisions of the Sierra County Code for which the remedy of "Nuisance Abatement" is applicable. The foregoing shall include but not be limited to the following:

(a) anything which is injurious to health, or which creates a danger to health or safety, or is offensive to the senses of the average reasonable person, or which constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, any street or highway, public park, square, navigable lake, river or stream, and

(b) any building, structure or underground tank set up, erected, built, moved or maintained or any use of property contrary to the provisions of this Code or the violation any condition or mitigation measure attached to the granting of any variance, conditional or special use permit, site plan, or any other permit or land use entitlement granted is unlawful and a public nuisance and the duly constituted authorities of Sierra County may commence any action or proceeding for the abatement removal and enjoinment thereof in the manner provided by law, and as specifically authorized herein. (Ord. 775, eff. 9/19/91)

1.17.050 Code Enforcement Officer and Duties

The position of Code Enforcement Officer is hereby created and shall be filled by an appointment of the Sierra County Board of Supervisors. The Code Enforcement Officer shall supervise the process of enforcing code

violations at the administrative level, including the issuance of notices and Abatement Orders, documenting and assessing costs, and preparation of the administrative records. The Code Enforcement Officer shall be responsible, where applicable, for communicating information gained from investigations and hearings and transmitting Orders issued to the District Attorney, County Counsel, the County Clerk, and the Sheriff. The Code Enforcement Officer may request assistance of any or all of the foregoing in carrying out Code Enforcement. (Ord. 775, eff. 9/19/91)

1.17.060 Investigation

Whenever any County Department becomes aware of a probable Code violation, such agency should immediately investigate the matter, or refer the matter to the department having jurisdiction over the matter, whereupon such referred department shall immediately investigate the matter. After such investigation, if such investigating agency deems that a nuisance exists, it shall attempt to attain abatement of the nuisance voluntarily by the party(ies) maintaining the nuisance. (Ord. 775, eff. 9/19/91)

1.17.070 Referral to County Counsel

In the event the nuisance is not voluntarily abated the matter shall be referred to County Counsel for review. County Counsel shall determine if probable cause exists to institute enforcement action. The foregoing shall be independent of any criminal enforcement action which the Sierra County District Attorney deems appropriate within the purview of the District Attorney's prosecutorial discretion.

If the County Counsel finds that probable cause exists, the County Counsel may and is hereby authorized to:

(a) institute a civil enforcement action; and/or,

(b) prepare an abatement order and submit the latter to the Code Enforcement Officer for issuance and enforcement; and/or,

(c) take such other step available at law or in equity to carry out the provisions of this chapter.

In the event County Counsel determines that an enforcement action should not be taken, County Counsel shall so notify the referring department of such decision within thirty days of the referral. (Ord. 775, eff. 9/19/91)

1.17.080 Abatement Cost Assessment

(a) Accrual of costs. If attempts to obtain voluntary compliance are unsuccessful at the investigatory level (§1.17.060 above), from the point in time of referral to County Counsel, all costs of enforcement shall be accrued to the violator and the violators property interests in issue.

(b) Includable Costs. Costs shall include the costs of all involved departmental personnel time, County Counsel's fees and costs, any special counsel fees and costs and all cost of document reproduction, telephone charges, postage, travel and any and all other directly related costs (collectively referred to as "Costs").

(c) Charging of Costs. Costs shall be chargeable to the violator if the County is the prevailing party in any enforcement action or actions against the violator.

(d) Assessment and Collection of Costs. All costs shall be accrued against the violator and/or the parcel upon which the violation occurs. If the violation pertains to a parcel of real property within the County of Sierra, the costs shall be accrued against the parcel and shall become a lien thereon. Such costs shall be paid in addition to any fees and costs for the issuance of any permit pertaining to the subject parcel. No permit

pertaining to the subject parcel shall be issued until such costs are paid in full. All costs accrued in all departments shall regularly be transmitted to the Code Enforcement Officer for compilation.

(e) Costs - Certification - Protest. After the abatement action is completed or at such other time the Code Enforcement Officer deems appropriate, the Code Enforcement Officer shall determine the total cost involved in the abatement and shall certify that amount to the County Auditor. A copy of this certification shall be sent by the Code Enforcement Officer to the Code violator or to the owners of the property on which the nuisance had been maintained, whichever is applicable.

1. Protest of Costs Should such parties wish to contest the amount of the cost, the party must file a written notice of protest with the Clerk/Recorder no later than fifteen (15) days after the date of mailing of the certification to such party. The Board of Supervisors shall hear the contest as soon as the Board deems it feasible, but in no event later than sixty (60) days after receipt of the notice of protest. At such protest hearing, the Board of Supervisors shall hear from the Code Enforcement Officer, the County Auditor and the protesting party(ies), and the Board of Supervisors' decision on the matter shall be final. The only issue at the certification hearing shall be the substantiation of costs - not the issue or issues pertaining to the underlying code enforcement or nuisance abatement.

2. Further Appeal In the event the protesting party(ies) wish to appeal the decision of the Board of Supervisors regarding the costs of abatement, such an action must be brought in a court of competent jurisdiction within fifteen (15) days of the decision of the Board of Supervisors.

3. Interest. Interest will accrue at the rate of one-half percent per month if payment is not made within thirty (30) days after certification, unless appealed, and in such event, interest shall be waived until thirty (30) days after the Board of Supervisors's decision pursuant to this section.

(f) Costs - Special Assessment. If the certified costs are not paid, the Auditor shall be responsible for the levy of a special assessment against the parcel(s) on which the nuisance was abated and for notifying the Sierra County Tax Collector of such levy. The assessment shall be collected at the same time and in the same manner as ordinary County taxes are collected, if not otherwise collected in the permit process (Section 1.17.080(d) above), and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment; except, that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which a notice of abatement lien is recorded pursuant to Section 1.17.080(g) below, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection. If the costs are paid through the permitting process, or otherwise, the lien shall be released.

(g) Abatement Lien. Concurrently with mailing a copy of the certification to the owner(s), the Code Enforcement Officer shall, on behalf of the Board of Supervisors, cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the Board of Supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

(h) Effect of Abatement Lien. Recordation of a notice of abatement lien pursuant to Section 1.17.080(g) has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the Board of Supervisors, or any County officer authorized by the Board of Supervisors to act on its behalf, an abatement lien created under this section may be released or

subordinated in the same manner as a judgment lien on real property may be released or subordinated. (Ord. 775, eff. 9/19/91)

1.17.090 Issuance of Abatement Order

In the event that County Counsel refers a code violation to the Code Enforcement Officer, the latter shall review the case and, if the Code Enforcement Officer finds that a code violation exists, the Code Enforcement Officer shall issue a Code Violation Abatement Order and cause the latter to be served on the named violator. (Ord. 775, eff. 9/19/91)

1.17.100 Response to Abatement Order

(a) Non-Emergency Abatement. Any party upon whom an Abatement Order is served shall have ten (10) days within which to abate the nuisance specified. The Code Enforcement Officer may, in such officer's discretion, extend the period for such additional time as the Code Enforcement Officer deems appropriate if satisfactory progress is being made towards abatement in compliance with the order.

(b) Emergency Abatement. If the Code Enforcement Officer believes that a code violation exists which constitutes a public nuisance and an immediate threat to health or safety, the Code Enforcement Officer may order the condition abated immediately and may take all reasonably necessary steps to carry out the abatement, including utilizing the services of the Sierra County Sheriff, if necessary. (Ord. 775, eff. 9/19/91)

1.17.110 Appeal of Abatement Order

(a) Authorization of Appeals Procedure. An Abatement Order appeals procedure is hereby authorized the specifics of which may be adopted by Resolution of the Board of Supervisors.

(b) Code Enforcement Appeals Officer. The position Appeals Officer is hereby created and shall be filled by an appointment of the Sierra County Board of Supervisors. The Code Enforcement Appeals Officer shall preside over appeals from Orders issued by the Code Enforcement Officer all as more particularly set forth in the appeals procedure adopted by the Sierra County Board of Supervisors.

(c) Appeals Rights. Any party or entity named as the subject of an Abatement Order shall have ten (10) days from the date such order is issued and served within which to file an appeal with the County Clerk. If no such appeal is filed within such time period, the order becomes final and no further appeal may be permitted. The procedure for such appeal shall be set forth in the Sierra County Code Enforcement Appeals Procedure as adopted by the Sierra County Board of Supervisors and from time to time amended.

(d) Relief From Default. Within thirty (30) days after issuance and service of the Abatement Order, a party who has failed to timely appeal an Abatement Order may apply to the Sierra County Board of Supervisors for permission to file a late appeal. If no such application is received by the Clerk/Recorder within such thirty (30) day period no relief from default shall be available. The grounds for relief from default shall be those contained in the California Code of Civil Procedures § 473, including, "Mistake, Inadvertence, Surprise or Excusable Neglect"). The granting or denial of relief from default shall be at the discretion of the Board of Supervisors and the decision of the Board shall be final. (Ord. 775, eff. 9/19/91)

1.17.120 Abatement Procedure of Absent or Unknown Violator

In the event that a Code violation exists and no violator is known or can be located for notice and service, the Code Enforcement Officer shall utilize the following substitute service procedure.

(a) Notice to Clerk Upon determining that the perpetrator of a Code violation is unknown or such party(ies)' location is unknown, the Code Enforcement Officer shall file with the Clerk a Declaration for Substituted Service not less than ten (10) days prior to issuance of an Abatement Order (unless an emergency situation exists (cf. 1.17.100)). Such Declaration shall specify the Code violation, the property, if any, upon which the violation is occurring, the proposed order and the date upon which the order is to be effective, which date shall be at least the number of days after the date of the declaration in order to comply with the terms of this section. Upon receipt of the declaration, the Clerk shall cause a copy of the declaration and the Abatement Order to be published at least ten (10) days prior to the effective date of the Order. Further, the Clerk shall cause any property upon which the Code violation exists to be posted with the Declaration and the Abatement Order and shall send a copy of the foregoing to the Code violation perpetrator's last known address, if any. Upon completion of the foregoing, the Clerk shall file a declaration stating the actions taken by the Clerk pursuant to this section. (Ord. 775, eff. 9/19/91)

1.17.130 Enforcement

In the event that the Code Enforcement Officer's Code Enforcement Order is not obeyed, the Code Enforcement Officer shall confer with County Counsel as to appropriate enforcement action which may include

(a) direct enforcement carried out by County Staff or pursuant to contract, each under direction of the Code Enforcement Officer;

(b) filing of an enforcement action with a Court of competent jurisdiction;

(c) such other steps as the Code Enforcement Officer and County Counsel deem legally appropriate.

(Ord. 775, eff. 9/19/91)

1.17.140 Indemnity

The County shall indemnify, defend, and hold harmless the Code Enforcement Officer, the Code Enforcement Appeals Officer and any and all other County officers, employees and/or agents ("County Agents") from any and all costs, claims, damages, judgments, or payments in compromise and settlement, including therein attorneys' fees, arising out of or in connection with the acts or omission of the County Agents in carrying out this Chapter. (Ord.775, eff. 9/19/91)

CHAPTER 1.18 - ISSUANCE AND RECORDATION OF NOTICES OF VIOLATION

1.18.010 Issuance and Recordation of Notices of Violation

This chapter shall govern the procedures relating to the issuance of Notices to Abate Violations and recordation of administrative Notices of Violation. (Reference is to Government Code Section 25845.) (Ord. 1054, eff. 8/21/14)

1.18.020 Declaration of Purpose

The Board of Supervisors finds that there is a need for alternative methods of enforcement for violations of the County Code and applicable state codes which are found to exist on real property. The Board further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of a Notice of Violation. The procedures established in this chapter shall be in addition to criminal, civil or any other remedy established by law which may be pursued in order to address violations of the Sierra County Code or applicable state codes. (Ord. 1054, eff. 8/21/14)

1.18.030 Procedures for Issuance of a Notice to Abate Violation

Whenever the Building Official, Planning Director or other official designated to enforce provisions of the Sierra County Code or state law that pertain to the use and/or development of real property (hereinafter collectively referred to as the "Enforcement Official") determines that a violation of the Sierra County Code or applicable state law pertaining to real property exists, the Enforcement Official may issue a Notice to Abate Violation to the property owner and/or occupant(s), hereinafter collectively referred to as the "responsible person". Notice to Abate Violation shall include sufficient information to provide reasonable notice of activities or conditions constituting violation of the Sierra County Code or applicable state law, and actions necessary to correct the violations.

The Notice to Abate Violation shall include the following information:

(1) The name of the property's record owner;
(2) Street address;
(3) The law or code sections in violation;
(4) A description of the property's condition which violates the applicable codes;
(5) A list of necessary corrections to bring the property into compliance;
(6) A reasonable deadline or specific date to correct the violations listed in the notice of violation;
(7) Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline including, but not limited to: criminal prosecution, civil injunction, administrative abatement, civil penalties, revocation of permits, recordation of the Notice of Violation and withholding of future County permits;
(8) A brief description of the procedure to appeal the Notice to Abate Violation including time limitations. (Ord. 1054, eff. 8/21/14)

1.18.040 Issuance of Notice of Intent and Right to Appeal

(a) Whenever the Enforcement Official has issued a Notice to Abate Violation and the property remains in violation after the deadline established in the Notice to Abate Violation, the Enforcement Official shall issue to the responsible person a Notice of Intent to Record a Notice of Violation. The Notice of Intent

shall include a copy of the Notice to Abate Violation and shall advise of the intent to record the Notice of Violation in accordance with the provisions of this Chapter unless the matter is timely appealed and a determination made by the Board of Supervisors that the alleged violations do not exist and the Notice to Abate Violation is not legally justified

(b) The Notice of Intent shall be served by personal service, or certified mail, return receipt requested, or by posting the notice conspicuously on or in front of the property, together with service by regular mail. The Notice of Intent shall also be served on the property owner if the property owner is not the person or persons occupying the property. The Enforcement Official may, but shall not be obligated to, send a courtesy copy of the Notice of Intent to any financial institution with a legal interest in the real property.

(c) The responsible person and/or property owner may, within fifteen (15) calendar days of the date of service of a Notice of Intent to Record a Notice of Violation, file a written appeal to contest the recording of a Notice of Violation pursuant to the procedures outlined in this Chapter. The appeal shall be filed with the County Clerk on the form provided by the County Clerk and must be received by the County Clerk within said fifteen (15) calendar day period.

(d) Upon receipt of the written appeal, the Enforcement Official shall schedule a hearing pursuant to the procedures set forth in this Chapter. The purpose of the hearing is to address whether violations of the Sierra County Code or state law are reasonably shown to exist on the subject property so as to justify the issuance and recording of a Notice of Violation.

(e) The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative appeal hearing and shall not affect the validity of the recorded Notice of Violation.

(f) If an appeal is not timely filed contesting intent to record a Notice of Violation, then the Enforcement Official may proceed with the recording of the Notice of Violation. (Ord. 1054, eff. 8/21/14)

1.18.050 Appeal Hearing

(a) The appeal with regard to the recording of a Notice of Violation shall be heard by the Board of Supervisors and shall be informal in nature. Formal rules of evidence and discovery will not apply. The County bears the burden of proof at the appeal hearing to establish the existence of a violation of the Sierra County Code or applicable state laws, or to establish the existence of a public nuisance. The standard of proof in deciding the issues at the appeal hearing is a preponderance of the evidence standard. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case.

(b) At the appeal hearing, the Board shall only receive and consider evidence that is relevant to the following issues:

1. Whether the conditions listed in the Notice to Abate Violation violate the Sierra County Code or applicable state law; and

2. Whether the Enforcement Official afforded the responsible person with due process by adhering to the notification procedures specified in this chapter.

3. If the Board affirms the Enforcement Official's decision, the Enforcement Official may proceed to record the Notice of Violation.

4. If the Board determines that alleged violations of the Sierra County Code or state law are not reasonably established, the Board shall reverse the Enforcement Official's decision to record the

Notice of Violation.

(c) Any person against whom a Notice of Violation has been recorded may obtain review of the order by filing a petition for writ of mandate with the Sierra County Superior Court in accordance with the timelines and procedures set forth in California Code of Civil Procedure Section 1094.5. (Ord. 1054, eff. 8/21/14)

1.18.060 Procedures for Recordation

(a) Once the Enforcement Official has issued a Notice to Abate Violation to a responsible person and the property remains in violation after the deadline established in the Notice to Abate Violation, the Enforcement Official may record a Notice of Violation with the County Recorder's Office, provided that prior to recording a Notice of Violation, the Enforcement Official has issued to the responsible person a Notice of Intent to Record a Notice of Violation and the right to an administrative appeal as established by this Chapter has been exhausted.

(b) The recorded Notice of Violation shall include the name of the property owner, the property's assessor's parcel number, the parcel's legal description, and a copy of the notice of violation. (Ord. 1054, eff. 8/21/14

1.18.070 Service of Notice of Violation

A copy of the recorded Notice of Violation shall be served on the responsible person and property owner by personal service; or certified mail, return receipt requested, or posting the notice conspicuously on or in front of the property, together with service by regular mail. (Ord. 1054, eff. 8/21/14)

1.18.080 Notice of Compliance – Procedures

(a) After a Notice of Violation has been recorded, and after the violations listed on the Notice of Violation have been corrected, the responsible person or property owner may file with the Enforcement Official a written request for a re-inspection of the property to determine compliance with the County Code and applicable state codes listed in the recorded Notice of Violation, and for the issuance of a Notice of Compliance on a form provided by the County.

(b) Once the Enforcement Official receives this request, the Enforcement Official shall re-inspect the property to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.

(c) The Enforcement Official shall serve a Notice of Compliance to the responsible person or property owner by personal service, or certified mail, return receipt requested, or posting the notice conspicuously on or in front of the property, together with service by regular mail if the Enforcement Official determines that:

1. All violations listed in the recorded Notice of Violation have been corrected; and

2. All necessary permits have been issued and finalized; and

3. All civil penalties assessed against the property have been paid; and

4. The party requesting the Notice of Compliance has paid an administrative fee to reimburse the County for any administrative costs that were assessed.

(d) If the Enforcement Official denies a request to issue a Notice of Compliance, the Enforcement Official

shall serve the responsible person or property owner with a written explanation setting forth the reasons for the denial. The written explanation shall be served by personal service, or certified mail postage, return receipt requested, or posting the notice conspicuously on or in front of the property, together with service by regular mail.

(e) The Enforcement Official's decision denying a request to issue a Notice of Compliance may be appealed in the same manner and following the same procedures as set out in 1.18.050, above, provided however, that the applicant shall bear the burden of proof to show that any violations on the property have been fully and properly abated. (Ord. 1054, eff. 8/21/14)

1.18.090 Prohibition Against Issuance of County Permits

Subject to the exception set forth herein, the County shall withhold permits for any alteration, repair or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure: (i) if a request to appeal the recordation of a Notice of Violation has not been timely filed; or (ii) after a hearing officer on appeal affirms the Enforcement Official's decision to record a Notice of Violation. The County may thereafter withhold permits until a Notice of Compliance has been issued by the Enforcement Official. The County may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations. (Ord. 1054, eff. 8/21/14)

1.18.100 Cancellation of Recorded Notice of Violation

The Enforcement Official, property owner or responsible person shall record the Notice of Compliance with the County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation. (Ord. 1054, eff. 8/21/14)

12.23.110 Assessment of Cost of Abatement Proceedings

(a) The owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the County which administrative fees shall be assessed to recover costs incurred in the investigation, inspection, re-inspection, title search, appeal hearing and any other costs incurred by the County, including, but not limited to all costs incurred in the physical abatement of the nuisance associated with the violations specified on the Notice of Violation. If the owner fails to pay the costs of the abatement upon demand by the County, the Board of Supervisors may order the cost of the abatement to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes

(b) If the Board of Supervisors specially assesses the cost of the abatement against the parcel, the Board may also cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the Board of Supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

(c) However, if the Board of Supervisors does not cause the recordation of a notice of abatement lien pursuant to subdivision (b), and any real property to which the costs of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to that property prior to the date on which the first installment of county taxes would become delinquent, then the cost of abatement shall not result in a lien against that real property but shall

be transferred to the unsecured roll for collection.

(d) Recordation of a notice of abatement lien pursuant to subdivision (e) has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the Board of Supervisors, or any county officer authorized by the Board of Supervisors to act on its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated. (Ord. 1054, eff. 8/21/14)

PART 2
ADMINISTRATION

Chapters Sections

CHAPTER 2.04 BOARD OF SUPERVISORS 1
2.04.010 Meetings 1
2.04.015 Supervisor-elect Training and Orientation 1
2.04.020 Supervisorial District No. 1 Boundaries 1
2.04.030 Supervisorial District No. 2 Boundaries 2
2.04.040 Supervisorial District No. 3 Boundaries 3
2.04.050 Supervisorial District No. 4 Boundaries 5
2.04.060 Supervisorial District No. 5 Boundaries 5
2.04.070 Supervisors' Salaries 7
2.04.080 Supervisors' Benefits 8
2.04.090 Supervisors' Mileage Allowance 8
2.04.100 Supervisors' Longevity Pay 9
2.04.110 Supervisor May Also Hold Office of Fire Chief 9
2.04.120 Recusal on Conflicting Activities 9
CHAPTER 2.06 SIERRA COUNTY CONFLICT OF INTEREST CODE 10
2.06.010 Purpose 10
2.06.020 Model Code Adopted 10
2.06.020 Filing of Disclosure Statements 10
2.06.030 Disclosure by Consultants 10
2.06.040 Severability 10
CHAPTER 2.08 BOARD OF EQUALIZATION 13
2.08.010 Meetings 13
2.08.020 Written Findings of Fact: Requirement 13
2.08.030 Written Findings of Facts: Fee 13
CHAPTER 2.12 CLERK-AUDITOR-RECORDER 14
2.12.010 Auditor; Clerk-Recorder 14
2.12.020 Warrant Considered Lost 14
2.12.030 Additional Filing Fee 14
2.12.040 Minimum Qualifications for Auditor 14
CHAPTER 2.13 - AUDITOR 15
2.13.010 Minimum Qualifications for Auditor 15
2.13.020 Subsequent Statutory Amendment 15
2.13.030 Warrant Considered Lost 15
CHAPTER 2.14 COUNTY ADMINISTRATIVE OFFICER 16
2.14.010 County Administrative Officer Created 16
2.14.020 Appointment, Termination, Resignation 16
2.14 030 Benefits 16
2.14.040 Recruitment 16
2.14.050 Aide to Board 16
2.14.060 Duties 16
2.14.070 Board to Delegate Duties 18
CHAPTER 2.16 COUNTY COUNSEL 19
2.16.010 County Counsel 19
2.16.020 Duties 19
2.16.030 Appointment 19
CHAPTER 2.20 DELINQUENCY PREVENTION COMMISSION 20
2.20.010 Delinquency Prevention Commission 20
2.20.020 Approval of Expenditures 20
CHAPTER 2.24 DISTRICT ATTORNEY - PUBLIC ADMINISTRATOR 21

2.24.010 District Attorney-Public Administrator Consolidated 21
2.24.020 Private Practice Prohibited 21
2.24.030 Ex-Officio Public Guardian 21
CHAPTER 2.28 JUDICIAL DISTRICT 22
2.28.010 Judicial District 22
CHAPTER 2.32 LAW LIBRARY 23
2.32.010 Removal of Books 23
2.32.020 Law Library Civil Costs 23
CHAPTER 2.36 PLANNING COMMISSION 24
2.36.010 Membership 24
2.36.020 Regular Members 24
2.36.030 Ex-officio Members 24
2.36.040 Planning Commission Compensation 24
2.36.050 Mileage Allowance 24
CHAPTER 2.40 PLANNING DEPARTMENT 25
2.40.010 Planning Department Established 25
2.40.020 Planning Department Composition 25
CHAPTER 2.44 PUBLIC GUARDIAN 26
2.44.010 Public Guardian 26
CHAPTER 2.48 SHERIFF-CORONER 27
2.48.010 Sheriff-Coroner Consolidated 27
2.48.020 P.O.S.T. Adopted 27
2.48.030 Reserve Deputies 27
2.48.040 Search and Rescue 27
2.48.045 Expenses of Search and Rescue 27
2.48.050 Timber Harvester Transportation Tags 27
2.48.060 Establishment of Work Furlough Program 27
CHAPTER 2.52 SURVEYOR 30
2.52.010 Surveyor Appointed by Board 30
CHAPTER 2.55 - TREASURY OVERSIGHT COMMITTEE 31
CHAPTER 2.56 TREASURER-TAX COLLECTOR 32
2.56.010 Treasurer-Tax Collector Consolidated 32
2.56.020 Installment Payment of Escaped Assessments 32
2.56.030 Minimum Qualifications for Treasurer and Tax Collector 32
2.56.050 Continuing Education Requirement 33
2.56.060 Delegation of Investment Authority 33
2.56.070 Severability 33
CHAPTER 2.57 COURT REPORTER FEES 34
2.57.010 Court Reporter Fees 34
2.57.020 Mileage Reimbursement 34
CHAPTER 2.60 COURT ADMINISTRATION DEPARTMENT 35
2.60.010 Court Administration Department 35
2.60.020 Court Administration Council 35
2.60.030 Court Administration Officer 35
2.60.040 Severability 35
CHAPTER 2.70 GRAND JURY 36
2.670.010 Grand Jury Constitution and Quorum 36
2.70.020 Grand Jury Constitution and Quorum 36
CHAPTER 2.80 CHILDREN & FAMILIES FIRST COMMISSION xxxvi
2.80.010 Commission Created xxxvi
2.80.020 Purpose xxxvi
2.80.030 Appointment Of The Commission xxxvi
2.80.040 Commission Member Compensation ii
2.80.050 County Strategic Plan iii

2.80.060 Submission Of Plan. And Subsequent Revisions. To State Commission iii
2.80.070 Annual Audit And Report: Public Hearing iii
2.80.080 Public Hearing On State Commission's Annual Report iii
2.80.090 Local Children And Families First Trust Fund iii
2.80.100 Local Children And Families First Trust Fund Audit iv
CHAPTER 2.90 CREATION OF A REGIONAL IHSS PUBLIC AUTHORITY v
2.90.010 Creation and Purpose of the Public Authority v

PART 2

ADMINISTRATION

CHAPTER 2.04 BOARD OF SUPERVISORS

2.04.010 Meetings

Commencing on the effective date of this ordinance, the regular meeting of the Board of Supervisors shall be the first Tuesday of each and every month in the Courthouse of the county seat, provided that if the first Tuesday of the month falls on a legal holiday, the meeting shall be held on the next business day. The Board of Supervisors may hold special meetings of the Board at any location and at any time permitted by law. (Ord. 714, eff. 4/15/86, prior 2, 23, 34, 56, 107, 112, 123, 137, 156, 177, 180, 213, 240, 353, 355, 622, 668, prior Section 11100)

2.04.015 Supervisor-elect Training and Orientation

(a) Upon request of a supervisor-elect, county general fund monies may be used prior to the assumption of office by that supervisor-elect, for the training and orientation of that supervisor-elect including the payment of course fees, travel and per diem expenses, course materials, and consultant fees.

(b) Such training and orientation programs, and expenses therefore, shall be those the board deems proper and beneficial to the exercise of supervisorial duties by newly elected supervisors.

(c) In order to receive training and orientation funds, the supervisor-elect shall make a formal request of the Board of Supervisors. (Ord. 631, eff. 9/7/82)

2.04.020 Supervisorial District No. 1 Boundaries

Supervisorial District No. 1 boundaries are as follows:

Beginning at a point on the North Boundary of Sierra County at the Intersection with the East line of Section 3, T. 21N. R. 11E., M.D.B.& M.; thence Southerly along the Easterly lines of Sections 3, 10, 15, 22, 27 & 34, T. 21 N., R. 11E., M.D.B.&M. to the North line of Section 3, T. 20N., R. 11E., M.D.B.&M.; thence Easterly along said North line of said Section 3 to the Northeast corner of said Section 3; thence Southerly along the East lines of said Section 3 and Section 10, T. 20N., R. 11E., M.D.B.&M. to the Southeast corner of said Section 10; thence Westerly along the North lines of Sections 15 & 16, T. 20N., R. 11E., M.D.B.&M. to the Northwest corner of said Section 16; thence Southerly along the West line of said Section 16 to the Southwest corner of said Section 16; thence Westerly along the South lines of Sections 17 & 18, T. 20N., R. 11E., M.D.B.&M. to the Southwest corner of said Section 18; thence Southerly along the West lines of Sections 19, 30 & 31, T. 20N., R. 11E., M.D.B.&M. to the Southwest corner of said Section 31, said corner also being the Northwest corner of Section 6, T. 19N., R. 11E., M.D.B.&M.; thence Easterly along the North line of said Section 6 to the Northwest corner of Government Lot 18 within said Section 6; thence Southerly along the Westerly lines of Government Lots 18 & 19 within said Section 6 to the Southwest corner of said Government Lot 19; thence along the Southerly lines of Government Lots 19, 20, 21, 16, 13 & 1 within said Section 6 to the Southeast corner of said Government Lot 1, said corner also being the Southeast corner of the Northeast ¼ of the Northeast ¼ of said Section 6; thence Southerly along the East lines of said Section 6 and Section 7, T. 19N., R. 11E., M.D.B.&M. to the Southeast corner of said Section 7; thence Easterly along the North lines of Sections 17 & 16, T. 19N., R. 11E., M.D.B.&M. to the Northeast corner of said Section 16; thence Southerly along the East lines of Sections 16, 21, 28 & 33, T. 19N., R. 11E., M.D.B.&M. to the Intersection with the South Boundary of Sierra County also being the Middle Fork of the Yuba River; thence Southwesterly along said South Boundary to the Southwest corner of Sierra County; thence Northerly along the West Boundary of Sierra County to the Northwest corner of Sierra County; thence Southerly and Easterly along the North Boundary of Sierra

County to the Intersection with the East line of Section 3, T. 21N., R. 11E., M.D.B.&M., said Intersection also being the Point of Beginning. (Ord. 1035, eff. 10/20/11, prior 924, 498, 612)

2.04.030 Supervisorial District No. 2 Boundaries

Supervisorial District No. 2 boundaries are as follows:

Beginning at a point on the North Boundary of Sierra County at the Intersection with the East line of Section 3, T. 21N. R. 11E., M.D.B.& M.; thence Southerly along the Easterly lines of Sections 3, 10, 15, 22, 27 & 34, T. 21 N., R. 11E., M.D.B.&M. to the North line of Section 3, T. 20N., R. 11E., M.D.B.&M.; thence Easterly along said North line of said Section 3 to the Northeast corner of said Section 3; thence Southerly along the East lines of said Section 3 and Section 10, T. 20N., R. 11E., M.D.B.&M. to the Southeast corner of said Section 10; thence Westerly along the North lines of Sections 15 & 16, T. 20N., R. 11E., M.D.B.&M. to the Northwest corner of said Section 16; thence Southerly along the West line of said Section 16 to the Southwest corner of said Section 16; thence Westerly along the South lines of Sections 17 & 18, T. 20N., R. 11E., M.D.B.&M. to the Southwest corner of said Section 18; thence Southerly along the West lines of Sections 19, 30 & 31, T. 20N., R. 11E., M.D.B.&M. to the Southwest corner of said Section 31, said corner also being the Northwest corner of Section 6, T. 19N., R. 11E., M.D.B.&M.; thence Easterly along the North line of said Section 6 to the Northwest corner of Government Lot 18 within said Section 6; thence Southerly along the Westerly lines of Government Lots 18 & 19 within said Section 6 to the Southwest corner of said Government Lot 19; thence along the Southerly lines of Government Lots 19, 20, 21, 16, 13 & 1 within said Section 6 to the Southeast corner of said Government Lot 1, said corner also being the Southeast corner of the Northeast ¼ of the Northeast ¼ of said Section 6; thence Southerly along the East lines of said Section 6 and Section 7, T. 19N., R. 11E., M.D.B.&M. to the Southeast corner of said Section 7; thence Easterly along the North lines of Sections 17 & 16, T. 19N., R. 11E., M.D.B.&M. to the Northeast corner of said Section 16; thence Southerly along the East lines of Sections 16, 21, 28 & 33, T. 19N., R. 11E., M.D.B.&M. to the Intersection with the South Boundary of Sierra County also being the Middle Fork of the Yuba River; thence Easterly along the South Boundary of Sierra County to the Intersection with the California-Nevada State Line, also being the Southeast corner of Sierra County; thence Northerly along the East Boundary of Sierra County, also being the California-Nevada State Line, to the Northeast corner of Sierra County; thence Westerly along the North Boundary of Sierra County to the North ¼ corner of Section 1, T. 21N., R. 16E., M.D.B.&M.; thence Southerly along the West line of the East half of said Section 1 to the South ¼ corner of said Section 1; thence Easterly along the South line of said Section 1 to the Southeast corner of said Section 1; thence Southerly along the East lines of Sections 12 & 13, T. 21N., R. 16E., M.D.B.&M. to the Southeast corner of said Section 13; thence Westerly along the South line of said Section 13 to the South ¼ corner of said Section 13; thence Southerly along the West line of the East half of Section 24, T. 21N., R. 16E., M.D.B.&M. to the South ¼ corner of said Section 24; thence Westerly along the South line of said Section 24 to the Southwest corner of said Section 24; thence Southerly along the West line of Section 25, T. 21N., R. 16E., M.D.B.&M. to the Southwest corner of said Section 25; thence Easterly along the South line of said Section 25 to the Southeast corner of said Section 25; thence Southerly along the East line of Section 36, T. 21N., R. 16E., M.D.B.&M to the Southeast corner of said Section 36, said corner also being on the North line of Section 6, T. 20N., R. 17E., M.D.B.&M.; thence Easterly along the North lines of Sections 6 & 5, T. 20N., R. 17E., M.D.B.&M. to the Northeast corner of said Section 5; thence Southerly along the East lines of Section 5 & 8, T. 20N., R. 17E., M.D.B.&M. to Southeast corner of said Section 8; thence Easterly along the North line of Section 16, T. 20N., R.17E., M.D.B.&M. to the Northeast corner of said Section 16; thence Southerly along the East lines of Sections 16, 21, 28 & 33, T. 20N., R. 17E., M.D.B.&M. to the Southeast corner of said Section 33; thence Westerly along the South lines of Sections 33, 32 & 31, T. 20N., R. 17E., M.D.B.&M. to the Southwest corner of said Section 31; thence along the South lines of Sections 36, 35, 34 & 33, T. 20N., R. 16E., M.D.B.&M. to the Southwest corner of said Section 33; thence Northerly along the West lines of Sections 33, 28, 21, 16, 9 & 4, T. 20N., R. 16E., M.D.B.&M. to the Northwest corner of said Section 4; thence Westerly along the North lines of Sections 5 & 6, T. 20N., R. 16E., M.D.B.&M. to the Northwest corner of said Section 6; thence Westerly along the North line of Section 1, T. 20N., R. 15E., M.D.B.&M. to the Southwest corner of Section 36, T. 21N., R. 15E., M.D.B.&M.; thence Northerly along the West lines of said Sections 36, 25 & 24, T. 21N., R. 15E., M.D.B.&M. to the West ¼ corner of said Section 24; thence Easterly along the South line of the Northwest quarter of said Section 24 to the Southeast corner of said Northwest quarter; thence Northerly along the East line of said Northwest quarter to the North ¼ corner of said Section 24; thence Northerly along the East line of the Southwest quarter of Section 13, T.

21N., R. 15E., M.D.B.&M. to the Northeast corner of said Southwest quarter; thence Westerly along the North line of said Southwest quarter to the Southeast corner of Parcel 1 as shown on the Parcel Map filed in Book 5 of Maps an Surveys at Page 99, Sierra County Official Records; thence Westerly along the South line of said Parcel 1 to the Southwest corner of said Parcel 1, said South line of Parcel 1 also being said North line of said Southwest quarter of said Section 13; thence Northerly along the West line of said Parcel 1 to the Northwest corner of said Parcel 1; thence Northerly along the West lines of the property described as Parcel No. 1 and Parcel No. 2 in the Grant Deed to Loyalton Mobile Home Park, LLC, recorded in Document No. 2005143272, Sierra County Official Records, and the extension of said West lines to the Centerline of State Highway 49; thence Westerly along said centerline of State Highway 49 in Sections 13, 14, 15, 10, 9, 16, 17 & 8, T. 21N., R. 15E., M.D.B.&M. to the Intersection with the Centerline of Antelope Valley Road; thence Southerly along said Centerline of Antelope Valley Road in Sections 17, 20, 21, 28 & 33, T. 21N., R. 15E., M.D.B.&M. to the East line of said Section 33; thence Southerly along said East line of said Section 33 to the Southeast corner of said Section 33, also being a point on the North line of Section 3, T. 20N., R. 15E., M.D.B.&M.; thence Westerly along said North line of said Section 3 to the Northwest corner of said Section 3; thence Southerly along the West lines of Sections 3, 10, 15, 22, 27 & 34, T. 20N., R. 15E., M.D.B.&M. to the Southwest corner of said Section 34, also being a point on the North line of Section 3, T. 19N., R. 15E., M.D.B.&M.; thence Westerly along said North line of said Section 3 to the Northwest corner of said Section 3; thence Southerly along the West line of said Section 3 to the Southwest corner of said Section 3; thence Westerly along the South lines of Sections 4 & 5, T. 19N., R. 15E., M.D.B.&M. to the Southwest corner of said Section 5; thence Westerly along the South lines of Sections 12, 11, 10, 9, 8 & 7, T. 19N., R. 14E., M.D.B.&M. to the Southwest corner of said Section 7; thence Northerly along the West lines of Sections 7 & 6, T. 19N., R. 14E., M.D.B.&M. and Northerly along the West line of Section 29, T. 20N., R. 14E., M.D.B.&M. to the West ¼ corner of said Section 29; thence Westerly along the South line of the Northeast quarter of Section 36, T. 20N., R. 13E., M.D.B.&M. to the Southwest corner of said Northeast quarter of said Section 36; thence Northerly along the West line of the said Northeast quarter of said Section 36 to the North ¼ corner of said Section 36; thence Northerly along the east line of the Southwest quarter of Section 25, T. 20N., R. 13E., M.D.B.&M. to the Northeast corner of said Southwest quarter of said Section 25; thence Westerly along the North line of said Southwest quarter of said Section 25 to the West line of said Section 25; thence Northerly along said West line to the Northwest corner of said Section 25; thence Westerly along the South line of Section 23, T. 20N., R. 13E., M.D.B.&M. to the South ¼ corner of said Section 23; thence Northerly along the West line of the East half of said Section 23 to the North ¼ corner of said Section 23; thence Westerly along the North line of said Section 23 to the Northwest corner of said Section 23; thence Northerly along the West lines of Sections 14, 11 & 2, T. 20N., R 13E., M.D.B.&M. to the Northwest corner of said Section 2; thence Westerly along the North line of Section 3, T. 20N., R. 13E., M.D.B.&M. to the Southwest corner of Section 35, T. 21N., R. 13E., M.D.B.&M.; thence Northerly along the West line of said Section 35 to the Northwest corner of said Section 35, ; thence Westerly along the South line of Section 27, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 27; thence Northerly along the West line of said Section 27 to the Northwest corner of said Section 27; thence Westerly along the South line of Section 21, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 21; thence Northerly along the West line of said Section 21 to the Northwest corner of said Section 21; thence Westerly along the South lines of Sections 17 & 18, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 18; thence Northerly along the West lines of Sections 18, 7 & 6, T. 21N., R. 13E., M.D.B.&M. to a point on the North Boundary of Sierra County, said Boundary also being the South Boundary of Plumas County; thence Westerly along said North Boundary of Sierra County to the Intersection with the East line of Section 3, T. 21N., R. 11E., M.D.B.&M., said Intersection also being the Point of Beginning. (Ord. 1035, eff. 10/20/11, prior 924, 612)

2.04.040 Supervisorial District No. 3 Boundaries

Supervisorial District No. 3 boundaries are as follows:

Beginning at a Point on the North Boundary of Sierra County at the Intersection with the North ¼ corner of Section 1, T. 21N., R. 16E., M.D.B.&M.; thence Southerly along the West line of the East half of said Section 1 to the South ¼ corner of said Section 1; thence Easterly along the South line of said Section 1 to the Southeast corner of said Section 1; thence Southerly along the East lines of Sections 12 & 13, T. 21N., R. 16E., M.D.B.&M. to the Southeast corner of said Section 13; thence Westerly along the South line of said Section 13 to the South ¼

corner of said Section 13; thence Southerly along the West line of the East half of Section 24, T. 21N., R. 16E., M.D.B.&M. to the South ¼ corner of said Section 24; thence Westerly along the South lines of said Sections 24, 23, 22, 21 & 20, T. 21N., R. 16E., M.D.B.&M. to the Intersection with the Easterly line of Smithneck Road as shown on Sheet 2 of The Sierra Brooks Unit No. 2-A subdivision filed in Book 3 of Maps and Surveys at Page 90, Sierra County Official Records, said Intersection also being on the exterior boundary line of said Sierra Brooks Unit No. 2-A subdivision; thence Northerly in Sections 20 & 19, T. 21N., R. 16E., M.D.B.&M. along said exterior boundary line of said Sierra Brooks Unit No. 2-A subdivision along said Easterly line of said Smithneck Road and around Lots 179, 178, 177 and 176 to the Intersection with the Centerline of said Smithneck Road; thence Northwesterly along said Centerline of Smithneck Road to the Intersection with the South line of the Northeast quarter of said Section 19; thence Westerly on the said South line of said Northeast quarter of said Section 19 to the Southwest corner of said Northeast quarter of said Section 19, said point also being the Southeast corner of the 236.00 Acre Parcel as shown on the Record of Survey filed in Book 11 of Maps and Surveys at Page 86, Sierra County Official Records; thence Westerly and Northerly along the Southerly and Westerly lines of said 236.00 Acre Parcel the following sixteen courses:

South 89°52’49” West 1301.50 feet;
North 00°22’55” East 2612.85 feet;
South 89°37’45” West 1314.16 feet;
North 00°12’04” East 408.58 feet;
South 61°53’38” West 338.26 feet;
North 04°52’05” West 226.26 feet;
North 80°45’33” East 255.30 feet;
North 86°22’12” East 479.92 feet;
North 80°14’38” East 70.60 feet;
South 61°55’22” East 14.33 feet;
North 86°22’12” East 605.86 feet;
North 11°10’05” East 159.73 feet;
North 75°33’49” East 141.96 feet;
North 00°50’59” West 1604.02 feet;
South 89°36’03” West 580.31 feet;
South 88°51’53” West 405.21 feet;

North 14°16’17” West 386.14 feet to a point of Intersection with the Southerly line of the property described in the Grant Deed recorded in Document No. 2004140559, Sierra County Official Records; thence Westerly along said Southerly line to the Southwest corner of said property; thence Northerly along the Westerly line of said property to the Northwest corner of said property; thence Easterly along the Northerly line of said property to a point of Intersection with the Westerly line of the said 236.00 Acre Parcel shown on said Record of Survey filed in Book 11 of Maps and surveys at Page 86; thence along said Westerly line North 14°16’17” West 265.96 feet to a point on the South City Limit Line of the City of Loyalton; thence Easterly on said South City Limit Line to the Southeast corner of the City of Loyalton; thence Northerly along the East City Limit Line of the City of Loyalton to the North City Limit Line of the City of Loyalton; thence Westerly along said North City Limit Line to Beckwith Road, also being the West City Limit Line of the City of Loyalton; thence Southerly along said West City Limit Line to the Intersection with the Centerline of State Highway 49; thence Westerly along said centerline of State Highway 49 in Sections 13, 14, 15, 10, 9, 16, 17 & 8, T. 21N., R. 15E., M.D.B.&M. to the Intersection with the Centerline of Antelope Valley Road; thence Southerly along said Centerline of Antelope Valley Road in Sections 17, 20, 21, 28 & 33, T. 21N., R. 15E., M.D.B.&M. to the East line of said Section 33; thence Southerly along said East line of said Section 33 to the Southeast corner of said Section 33, also being a point on the North line of Section 3, T. 20N., R. 15E., M.D.B.&M.; thence Westerly along said North line of said Section 3 to the Northwest corner of said Section 3; thence Southerly along the West lines of Sections 3, 10, 15, 22, 27 & 34, T. 20N., R. 15E., M.D.B.&M. to the Southwest corner of said Section 34, also being a point on the North line of Section 3, T. 19N., R. 15E., M.D.B.&M.; thence Westerly along said North line of said Section 3 to the Northwest corner of said Section 3; thence Southerly along the West line of said Section 3 to the Southwest corner of said Section 3; thence Westerly along the South lines of Sections 4 & 5, T. 19N., R. 15E., M.D.B.&M. to the Southwest corner of said Section 5; thence Westerly along the South lines of Sections 12, 11, 10, 9, 8 & 7, T. 19N., R. 14E., M.D.B.&M. to the Southwest corner of said Section 7; thence Northerly along the West lines of Sections 7 & 6, T. 19N., R. 14E., M.D.B.&M. and Northerly along the West line of Section 29, T. 20N., R. 14E., M.D.B.&M.

to the West ¼ corner of said Section 29; thence Westerly along the South line of the Northeast quarter of Section 36, T. 20N., R. 13E., M.D.B.&M. to the Southwest corner of said Northeast quarter of said Section 36; thence Northerly along the West line of the said Northeast quarter of said Section 36 to the North ¼ corner of said Section 36; thence Northerly along the east line of the Southwest quarter of Section 25, T. 20N., R. 13E., M.D.B.&M. to the Northeast corner of said Southwest quarter of said Section 25; thence Westerly along the North line of said Southwest quarter of said Section 25 to the West line of said Section 25; thence Northerly along said West line to the Northwest corner of said Section 25; thence Westerly along the South line of Section 23, T. 20N., R. 13E., M.D.B.&M. to the South ¼ corner of said Section 23; thence Northerly along the West line of the East half of said Section 23 to the North ¼ corner of said Section 23; thence Westerly along the North line of said Section 23 to the Northwest corner of said Section 23; thence Northerly along the West lines of Sections 14, 11 & 2, T. 20N., R 13E., M.D.B.&M. to the Northwest corner of said Section 2; thence Westerly along the North line of Section 3, T. 20N., R. 13E., M.D.B.&M. to the Southwest corner of Section 35, T. 21N., R. 13E., M.D.B.&M. thence Northerly along the West line of said Section 35, to the Northwest corner of said Section 35, ; thence Westerly along the South line of Section 27, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 27; thence Northerly along the West line of said Section 27 to the Northwest corner of said Section 27; thence Westerly along the South line of Section 21, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 21; thence Northerly along the West line of said Section 21 to the Northwest corner of said Section 21; thence Westerly along the South lines of Sections 17 & 18, T. 21N., R. 13E., M.D.B.&M. to the Southwest corner of said Section 18; thence Northerly along the West lines of Sections 18, 7 & 6, T. 21N., R. 13E., M.D.B.&M. to a point on the North Boundary of Sierra County, said Boundary also being the South Boundary of Plumas County; thence Easterly along said North Boundary of Sierra County to the Intersection with the North ¼ corner of Section 1, T. 21N., R. 16E., M.D.B.&M., said Intersection also being the Point of Beginning. (Ord. 1035, eff. 10/20/11, prior 924, 612)

2.04.050 Supervisorial District No. 4 Boundaries

Supervisorial District No. 4 boundaries are as follows:

Beginning at the Southeast corner of the City of Loyalton; thence Northerly along the East City Limit Line of the City of Loyalton to the North City Limit Line of the City of Loyalton; thence Westerly along said North City Limit Line to Beckwith Road, also being the West City Limit Line of the City of Loyalton; thence Southerly along said West City Limit Line to the Intersection with the Centerline of State Highway 49, also being the Centerline of Main Street within the City of Loyalton; thence Northeasterly along said Centerline of Main Street to the Centerline of Hill Street; thence Southerly along the Centerline of Hill Street to a point of Intersection with the South City Limit Line of the City of Loyalton; thence Easterly along said South City Limit Line to the Southeast corner of the City of Loyalton, said Southeast corner being the Point of Beginning. (Ord. 1035, eff. 10/21/11, prior, 924, 778, 612)

2.04.060 Supervisorial District No. 5 Boundaries

Supervisorial District No. 5 boundaries are as follows:

Beginning at the Southeast corner of Section 23, T. 21N., R. 16E., M.D.B.&M.; thence Westerly along the South lines of said Sections 23, 22, 21 & 20, T. 21N., R. 16E., M.D.B.&M. to the Intersection with the Easterly line of Smithneck Road as shown on Sheet 2 of The Sierra Brooks Unit No. 2-A subdivision filed in Book 3 of Maps and Surveys at Page 90, Sierra County Official Records, said Intersection also being on the exterior boundary line of said Sierra Brooks Unit No. 2-A subdivision; thence Northerly in Sections 20 & 19, T. 21N., R. 16E., M.D.B.&M. along said exterior boundary line of said Sierra Brooks Unit No. 2-A subdivision along said Easterly line of said Smithneck Road and around Lots 179, 178, 177 and 176 of said subdivision to the Intersection with the Centerline of said Smithneck Road; thence Northwesterly along said Centerline of Smithneck Road to the Intersection with the South line of the Northeast quarter of said Section 19; thence Westerly on the said South line of said Northeast quarter of said Section 19 to the Southwest corner of said Northeast quarter of said Section 19, said point also being the Southeast corner of the 236.00 Acre Parcel as shown on the Record of Survey filed in Book 11 of Maps and Surveys at Page 86, Sierra County Official Records; thence Westerly and Northerly along the Southerly and Westerly lines of said 236.00 Acre Parcel the following sixteen courses:

South 89°52’49” West 1301.50 feet;

North 00°22’55” East 2612.85 feet;
South 89°37’45” West 1314.16 feet;
North 00°12’04” East 408.58 feet;
South 61°53’38” West 338.26 feet;
North 04°52’05” West 226.26 feet;
North 80°45’33” East 255.30 feet;
North 86°22’12” East 479.92 feet;
North 80°14’38” East 70.60 feet;
South 61°55’22” East 14.33 feet;
North 86°22’12” East 605.86 feet;
North 11°10’05” East 159.73 feet;
North 75°33’49” East 141.96 feet;
North 00°50’59” West 1604.02 feet;
South 89°36’03” West 580.31 feet;
South 88°51’53” West 405.21 feet;

North 14°16’17” West 386.14 feet to a point of Intersection with the Southerly line of the property described in the Grant Deed recorded in Document No. 2004140559, Sierra County Official Records; thence Westerly along said Southerly line to the Southwest corner of said property; thence Northerly along the Westerly line of said property to the Northwest corner of said property; thence Easterly along the Northerly line of said property to a point of Intersection with the Westerly line of the said 236.00 Acre Parcel shown on said Record of Survey filed in Book 11 of Maps and surveys at Page 86; thence along said Westerly line North 14°16’17” West 265.96 feet to a point on the South City Limit Line of the City of Loyalton; thence Westerly along said South City Limit Line to a point of Intersection with the Centerline of Hill Street; thence Northerly along said Centerline of said Hill Street to the Centerline of Main Street within the City of Loyalton, also being the Centerline of State Highway 49; thence Southwesterly along said Centerline of Main Street to a point of Intersection with the West City Limit Line of the City of Loyalton; thence continuing Southwesterly along said Centerline of State Highway 49 to a point of Intersection with the Northerly extension of the West lines of the property described as Parcel No. 1 and Parcel No. 2 in the Grant Deed to Loyalton Mobile Home Park, LLC recorded in Document No. 2005143272, Sierra County Official Records; thence Southerly along said extension and said West lines to the Northwest corner of Parcel 1 as shown on the Parcel Map filed in Book 5 of Maps and Surveys at Page 99, Sierra County Official Records; thence Southerly along the West line of said Parcel 1 to the Southwest corner of said Parcel 1; thence Easterly along the South line of said Parcel 1, also being the North line of the Southwest quarter of Section 13, T. 21N., R. 15E., M.D.B.&M. to the Southeast corner of said Parcel 1; thence Easterly along said North line of the Southwest quarter of said Section 13 to the Northeast corner of said Southwest quarter of said Section 13; thence Southerly along the East line of said Southwest quarter of said Section 13 to the North ¼ corner of Section 24, T. 21N., R. 15E., M.D.B.&M.; thence Southerly along the East line of the Northwest quarter of said Section 24 to the Southeast corner of said Northwest quarter; thence Westerly along the South line of said Northwest quarter to the West ¼ corner of said Section 24; thence Southerly along the West lines of Sections 24, 25 & 36, T. 21N., R. 15E., M.D.B.&M. to the Southwest corner of said Section 36; thence Easterly along the South lines of Sections 36, 31 & 32, T. 21N., R. 15E., M.D.B.&M. to the Northwest corner of Section 4, T. 20N., R. 16E., M.D.B.&M.; thence Southerly along the West lines of Sections 4, 9, 16, 21, 28 & 33, T. 20N., R. 16E., M.D.B.&M. to the Southwest corner of said Section 33; thence Easterly along the South lines of Sections 33, 34, 35 & 36, T. 20N., R. 16E., M.D.B.&M. to the Southeast corner of said Section 36; thence Easterly along the South lines of Sections 31, 32 & 33, T. 20N., R. 17E., M.D.B.&M. to the Southeast corner of said Section 33; thence Northerly along the East lines of Sections 33, 28, 21 & 16, T. 20N., R. 17E., M.D.B.&M. to the Northeast corner of said Section 16; thence Westerly along the North line of said Section 16 to the Northwest corner of said Section 16; thence Northerly along the East lines of Sections 8 & 5, T. 20N., R. 17E., M.D.B.&M. to the Northeast corner of said Section 5; thence Westerly along the North lines of Sections 5 & 6, T. 20N., R. 17E., M.D.B.&M. to the Intersection with the East line of Section 36, T. 21N., R. 16E., M.D.B.&M.; thence Northerly along said East line of said Section 36 to the Northeast corner of said Section 36; thence Westerly along the North line of said Section 36 to the Northwest corner of said Section 36; thence Northerly along the East line of Section 26, T. 21N., R. 16E., M.D.B.&M. to the Northeast corner of said Section 26, also being the Southeast corner of Section 23, T. 21N., R. 16E., M.D.B.&M., said corner also being the Point of Beginning. (Ord. 1035, eff. 10/20/11, prior 924, 778, 612)

2.04.070 Supervisors' Salaries

(a) Purpose and Intent

The Board of Supervisors finds that it is important that the compensation paid to members of the Board of Supervisors is established in a manner that will serve to encourage a cross section of the members of the community to run for the office of Supervisor. The Board further finds that the demands of the office of County Supervisor typically requires the devotion of considerable time, both in gathering information and in representing the citizens and the County in various meetings, which are in addition to the regularly scheduled meetings of the Board of Supervisors. It is for these reasons that the Board finds that it is appropriate for the Board of Supervisors to establish a reasonable policy for the adjustment of the salaries and other compensation paid to members of the Board of Supervisors that provides for appropriate increases in line with the increases paid to other local offices. Accordingly, it is the intent of the Board of Supervisors that henceforth, the salary of County Supervisors in Sierra County should be fixed at eighteen percent (18%) of the salary of the Superior Court Judge. To effectuate the Board's purpose and intent, County Counsel shall, within three (3) months from the effective date of the State Legislature's adoption of any change in the salary of the Sierra County Superior Court Judge, prepare and submit to the Board of Supervisors an ordinance to make the corresponding increase in the salary of the County Supervisors.

(b) Salary

Each supervisor shall receive a salary of $1,995.78 per month, with the exception of the Chairperson of the Board of Supervisors whose salary shall include an additional $100.00 per month, commencing on September 1, 2002 and continuing thereafter until modified by subsequent amendment or repeal of this section. (Ord. 935, eff. 08/05/02; prior 849, 825, 814, 793, 777, 764, 761)

(c) Salary Adjustments

As required under the provisions of subsection (a) of Section 2.04.070 of the Sierra County Code, the salary for members of the Board of Supervisors is hereby adjusted to increase same by the amount of $241.62 per month, effective upon the adoption of this ordinance. In addition to the foregoing and in recognition of the additional duties of the Chairperson of the Board of Supervisors, the salary for the Chairperson shall be increased by an additional $100.00 per month.

(Ord. 973, eff 4/06/06, prior Ord. 971, 935, 849, 825, 814, 793, 777, 761, 764)

2.04.080 Supervisors' Benefits

County Supervisors shall receive benefits as follows:

(a) Life Insurance coverage in the face amount of Fifty Thousand Dollars ($50,000), the premium for which shall be paid by the County;

(b) County shall pay for the health insurance for each supervisor, including as applicable, his or her dependents, up to the maximum amount as established in the most recently adopted memorandum of understanding with the Miscellaneous/Clerical Employees bargaining unit. Notwithstanding the foregoing, in the event that the supervisor is enrolled in a health insurance plan at a cost that is less than the maximum amount, the County shall pay only the cost of such insurance. The supervisor's share of health insurance shall, where applicable, be withheld by the County from each supervisor's paycheck, in equal amounts from the first two paychecks in any month.

Any supervisors having insurance from another source which meets the minimum insurance provisions that are otherwise required to be provided by an employer under the Affordable Care Act and any implementing regulations so that the County will not be subject to any penalties or taxes due to such employees not having acceptable health insurance may receive one-half (1/2) of the maximum County contribution then in effect, as additional compensation per month. In any case in which a supervisor declines coverage per the above policy, a certificate to that effect may be required by County on a form to be provided, stating that the supervisor has one of the alternative forms of health insurance coverage, per above, and providing such proof of coverage as is reasonably necessary to verify that it complies with this provision. (Ord. 1044, eff. 1/3/13; prior 935, 849, 814, 793, 776, 764, 761)

(c) Retirement Benefits for County Supervisors through the Public Employees Retirement System (PERS) shall be provided in the same form as provided to all County employees. The County shall pay one-half of the supervisors' (employee's) portion of the payment to PERS based on the compensation to each supervisor as set forth in Provision 2.04.070 above. Notwithstanding the foregoing, to the extent that any provision of State law, including without limitation the provisions of AB 340 (from the 2012 legislative session) requires any elected official be deemed to be a new employee requiring full payment of the employee's contribution to PERS, then such provisions shall prevail over the provisions of this subsection. (Ord. 1043, eff. 1/3/13; prior 935, 849, 814, 793,776, 764, 761)

(d) Health Insurance Retirement Benefits in the same form as provided to non-classified County employees as set forth in the most recently adopted MOU with the Department Managers. (Ord. 971, eff. 3/17/06, prior 849, 814, 793, 776, 764, 761, 935)

2.04.090 Supervisors' Mileage Allowance

Members of the Board of Supervisors shall be allowed their actual expenses in going to, attendance upon, and returning from state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business. Reimbursement for these expenses is subject to the provisions in Government Code Sections 53232.2 and 53232.3 and members shall be allowed reimbursement for mileage when using their

private vehicle on County business at the mileage rate allowed for other County employees and officers. (Ord No. 986, eff. 1/4/07; prior 915, 764, 761)

2.04.100 Supervisors' Longevity Pay

Members of the Sierra County Board of Supervisors shall have their salary increased by five percent (5%) after five (5) and ten (10) years of actual service. (Ord. 764, eff. 03/03/91)

2.04.110 Supervisor May Also Hold Office of Fire Chief

Upon the adoption and filing with the Sierra County Clerk of a coordinating ordinance by each entity having jurisdiction over the Fire Department of which the individual(s) in issue is a Fire Chief ("Exempt Fire Chief") in the County of Sierra, the common law doctrine of "Incompatibility of Offices" shall not apply to the simultaneous holding of the offices of County Supervisor and Exempt Fire Chief. (Ord. 828, eff. 07/06/95)

2.04.120 Recusal on Conflicting Activities

Any Supervisor holding the dual positions of Supervisor and Fire Chief is prohibited from and shall recuse himself or herself from participating in any phase of any matter that involves potentially conflicting matters under the jurisdiction of both the County Board of Supervisors and the respective fire agency which has by ordinance provided for the "Exempt Fire Chief" position. Any Supervisor holding such dual positions is also precluded from participating in any such potentially conflicting matter which arose in the twelve months preceding his/her assuming the office of Supervisor, and for the subsequent twelve months following his/her vacating the "Exempt Fire Chief" position. (Ord. 828, eff. 07/06/95)

CHAPTER 2.06 SIERRA COUNTY CONFLICT OF INTEREST CODE

2.06.010 Purpose

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. It is the purpose of this Chapter to establish a Conflict of Interest Code for the County of Sierra, in compliance with the requirements of the Political Reform Act. (Ord. 907, eff. 07/20/00)

2.06.020 Model Code Adopted

The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which Code may be amended from time to time by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with **Appendix I** in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the County of Sierra. The model Conflict of Interest Code, contained in 2 California Code of Regulations Section 18730, as existing on January 1, 2000, is attached hereto as **Appendix II**. (The model code need not be published in the codified County Code as users should check the state regulations for most recent version.) (Ord. 907, eff. 07/20/00)

2.06.020 Filing of Disclosure Statements

Pursuant to Section 4(A) of the Standard Code, designated employees, as shown in **Appendix I**, shall file statements of economic interests with the County Clerk of the County of Sierra. Disclosure statements shall be made on forms provided by the County Clerk, and shall contain the information as required by this Code for the employee's disclosure category, as shown in Appendix I.

Any public official or employee holding more than one position for which disclosure is required under this Code or state law shall only be required to file on disclosure statement, which shall be in the category requiring the broadest disclosure. (Ord. 907, eff. 07/20/00)

2.06.030 Disclosure by Consultants

Consultants shall be required to file a conflict of interest form with the County Clerk-Recorder, within 30 days of the execution of the contract for the consultant's services, which shall be in the format for Category I in Appendix I, provided however, that the Board of Supervisors may, upon the recommendation of the involved department head, determine that the functions of the consultant are such that the duties are limited in scope and do not present a reasonable possibility or opportunity to influence decisions that might otherwise have an economic impact on the consultant or his or her source of income or any real property owned by the consultant within the County. Any such determination shall include and be based on a written description of the consultant's duties, which description may be included as the scope of work in the consultant's written contract with the County.

A consultant shall be any person as defined under 2 California Code of Regulations 18701(a)(2). Professional Engineers and surveyors shall not be considered consultants for the purpose of reporting when undertaking professional activities as described in Government Code Section 87100.1 (a). (Ord. 907, eff. 07/20/00)

2.06.040 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance (Chapter) are severable.
(Ord. 907, eff. 07/20/00)

APPENDIX I
(Ordinance 907)

DISCLOSURE CATEGORIES

CATEGORY I:

Interests in real property within the County of Sierra, all sources of income, business positions, investments and financial interests in business entities located or doing business in Sierra County.

CATEGORY II:

All sources of income, business positions, investments and financial interests in business entities located or doing business in Sierra County.

CATEGORY III:

All sources of income, business positions, investments and financial interests in business entities located or doing business in Sierra County which are of the type the reporting party's department or office does business with, is regulated by, or may secure material, supplies or equipment from.

CATEGORY IV:

Interests in real property within the County of Sierra.

DISCLOSURE REQUIREMENTS FOR DESIGNATED EMPLOYEES

Those designated employees who shall report under disclosure **Category I** are the following:

Assessor
Assistant Assessor
Supervising Assessment Clerk
Senior Appraiser
Appraisers
Auditor
Sr. Auditor/Controller
County Clerk-Recorder
Assistant Clerk-Reporter
Chief Probation Officer
Director of Human Services
Assistant Director of Human Resources
Deputy Director Mental Health/Public Health/Drug & Alcohol
Deputy Director of Social Services
Health Officer
Environmental Health Specialist (including contract employees with the State Department of Health)
Director of Public Works
Deputy Director of Public Works
Planning Director
Assistant Planning Director
Risk Manager
Sheriff
Undersheriff

Public Works Superintendent/Road Maintenance Supevisor
OES Coordinator
Assistant Treasurer-Tax Collector
Road/Public Works Superintendent

Those designated employees who shall report under disclosure **Category II** are the following:

Information Systems Manager
Interdepartmental Financial Officer

Those designated employees who shall report under disclosure **Category III** are the following:

Sheriff's Sergeant
Sheriff's Corporal
Deputy Probation Officer
Water Service Operator
Plant Manager 1
Information Systems Technician
Building Inspectors

Those designated employees who shall report under disclosure **Category IV** are the following:

Planners (in Planning Department)
Solid Waste Assessment Technician

(Ord. 1007, eff. 1/1/09, prior 907)

CHAPTER 2.08 BOARD OF EQUALIZATION

2.08.010 Meetings

The Board of Supervisors shall meet as the County Board of Equalization at the times and for the purposes authorized by law. (Ord. 353, 479, eff. 12/16/76, prior Section 11101)

2.08.020 Written Findings of Fact: Requirement

If requested in writing by a party up to or at the commencement of any hearing on an application for a reduction in assessment, written findings of fact of the County Board of Equalization shall be made unless the party requesting findings abandons the request and waives findings at the conclusion of the hearing. Written findings of fact shall be made notwithstanding such waiver if the other party at the time of such waiver orally or in writing renews the request. (Ord. 479, eff. 12/16/76, prior Section 11101.1)

2.08.030 Written Findings of Facts: Fee

(Repealed Ord. 800, eff. 12/17/92)

CHAPTER 2.12 CLERK-AUDITOR-RECORDER

2.12.010 Auditor; Clerk-Recorder

Pursuant to Government Code Section 24301 the offices and duties of the Clerk-Auditor-Recorder are separated, and the offices and duties of the Clerk-Recorder are reconsolidated; provided, however, that said separation and reconsolidation shall be effective July 1, 1981. Commencing on said date, the office of Auditor shall be a separate office from the office of Clerk-Recorder. (Ord. 605, eff. 5/5/81)

2.12.020 Warrant Considered Lost

This Section is hereby repealed (and replaced with §2.13.30). (Ord. 839, eff. 5/16/96, prior 490, 435, Section 11201)

2.12.030 Additional Filing Fee

(Repealed Ord. 800, eff. 12/17/92)

2.12.040 Minimum Qualifications for Auditor

This Section is hereby repealed (and replaced with § 2.13.010). (Ord. 839, eff. 5/16/96, prior 606)

CHAPTER 2.13 AUDITOR

2.13.010 Minimum Qualifications for Auditor

The minimum qualifications for Auditor as set forth in California Government Code § 26945, as existing or hereafter amended, are adopted as follows:

No person shall hereafter be elected or appointed to the office of County Auditor unless the person meets at least one of the following criteria:

(a) The person possesses a valid certificate issued by the California State Board of Accountancy under the Business and Professions Code commencing with § 5000 showing the person to be, and a permit authorizing the person to practice as, a certified public account or as a public accountant.

(b) The person possesses a baccalaureate degree from an accredited university, college or other four-year institution, with a major in accounting or its equivalent, as described in Business and Professions Code § 5081.1(a).

(c) The person possesses a certificate issued by the Institute of Internal Auditors showing the person to be a designated professional internal auditor, with a minimum of 16 semester units, or their equivalent, in accounting, auditing, or finance.

(d) The person has served as county auditor, chief deputy county auditor, or chief assistant county auditor for a continuous period of not less that three years. (Ord. 839, eff. 5/16/96)

2.13.020 Subsequent Statutory Amendment

In the event that Government Code §26945 is subsequently amended, it is intended that the qualifications for Auditor be governed by such subsequent amendment, provided that such amendment does not significantly reduce the qualifications for Auditor. (Ord. 839, eff. 5/16/96)

2.13.030 Warrant Considered Lost

Pursuant to Government Code §29853, a warrant shall be considered lost by the Auditor if it has been mailed and has not been received by the addressee within seven (7) days after the date of mailing. (Ord. 839, eff. 5/16/96)

CHAPTER 2.14 COUNTY ADMINISTRATIVE OFFICER

2.14.010 County Administrative Officer Created

Pursuant to Government Code Section 24000(t), the position and office of the Administrative Officer of the Board of Supervisors is established. The Administrative Officer is the Administrative Assistant to the Board of Supervisors. (Ord. 503, eff. 7/21/77)

2.14.020 Appointment, Termination, Resignation

The Administrative Officer shall be appointed by and serve at the pleasure of the Board of Supervisors. He may be discharged and his appointment terminated by a four-fifths (4/5) vote of the Board of Supervisors upon sixty (60) days written notice to him of such decision. The Administrative Officer shall give the Board of Supervisors sixty (60) days written notice of his intent to resign. (Ord. 503, eff. 7/21/77)

2.14 030 Benefits

Following an annual review of the Administrative Officer's performance by the Board of Supervisors, the Board shall establish his salary to be effective July 1st of each year. His salary shall be paid by the Auditor in accordance with prevailing payroll procedures. He is granted and is entitled to all of the benefits usual to unclassified employees. (Ord. 503, eff. 7/21/77)

2.14.040 Recruitment

The Administrative Officer shall be chosen and evaluated upon the basis of his performance, administrative ability, education, experience, and knowledge of county government and its relationship with other public entities and levels of government. (Ord. 503, eff. 7/21/77)

2.14.050 Aide to Board

The County Administrative Officer is the Administrative Officer and aide of the Board of Supervisors and exercises administrative supervision in control of the affairs of the County and those districts under the jurisdiction of the Board of Supervisors as delegated by the Board of Supervisors. The Administrative Officer is responsible and accountable for the proper and efficient administration of all governmental affairs of the county which legally may be placed in his charge or under his control.

He shall attend all scheduled meetings of the Board except when excused there from. He shall prepare matters for the consideration of the Board and advise and make recommendations to the Board on such matters brought before it as are within his authority. He shall supervise and direct the enforcement and execution of orders and directives of the Board. (Ord. 503, eff. 7/21/77)

2.14.060 Duties

The specific duties and responsibilities of the Administrative Officer shall be assigned to him from time to time by the Board of Supervisors. Such duties may include but need not be limited to the following:

GENERAL

(a) He shall be responsible for the compilation and preparation of county goals and objectives which result from the policy statements and objectives set out by the Board of Supervisors and correlate these goals and objectives with those recommended by various agency, department and budgetary units of the county.

(b) He shall administer the preparation and maintenance of county policies and administrative procedures as those may be adopted or approved by the Board of Supervisors.

(c) He shall supervise the preparation, revision, updating, and implementation of the county's organizational development plan. In that duty he shall recommend to the Board appropriate assignments, additions, or consolidations of county functions, programs, or services.

(d) He shall recommend to the Board the use of and arrange to provide for any services found reasonably necessary by the Board with respect to outside consultants, experts, or advisors. (In this respect the Board may from time to time wish to delegate authority to its administrative officer to utilize such consultants when the cost is nominal and the Board does not wish to have the matter brought directly before it.)

FINANCIAL

(a) He may administer the preparation of the annual county budget. In the performance of that duty, the Administrative Officer shall review and evaluate with county officers and department heads all of the program objectives, expenditure requests, revenue forecasts, and reserves and determine that these are consistent with the Board's goals and objectives and policies. He shall submit a recommended budget to the Board for review and for public hearing.

(b) On a continuing basis he may review and analyze department and program expenditures throughout the fiscal year. This shall be done to assure that the expenditures which are being made are consistent with the final budget as adopted by the Board. Requests for the transfer of budgeted funds or for appropriations between objects of expenditure or budget units shall be reviewed by the administrative officer with the officers or department heads who make such requests. The administrative officer shall transmit such requests to the Board with his recommendations.

(c) For each fiscal year he may provide one or more status reports to the Board concerning expenditures, revenues, progress towards objectives, problems, and projections of the County's year-end financial condition.

(d) He may prepare and present to the Board such plans and proposals as are requested by department heads or as, in his judgment, are necessary for the conservation and effective use of the county's resources and for the prevention and solution of problems created by development and growth in the county.

In the performance of that duty the county administrative officer may supervise the maintenance and implementation of such plans as are generated and approved by the Board of Supervisors.

(e) He may supervise and direct the preparation, revision, maintenance, coordination, and control of long-range plans for management of county property and the construction, alteration, and use of physical facilities which are necessary and proper to render those county services which are under the jurisdiction of the Board of Supervisors.

(f) He may recommend to the Board of Supervisors the preparation and revision of such state and federal grants-in aid and contract programs as are in the judgment of department heads, or in his judgment, beneficial and necessary to the prevention or solution of problems in the county.

(g) In cooperation with the auditor, he may assist in planning and may supervise, direct, review, and maintain an adequate internal accounting and auditing system. He may, with the concurrence of the Board of Supervisors, seek out and obtain and utilize such outside accounting and financial consulting services as are consistent with the objectives and the cost restrictions placed upon this activity by the Board of Supervisors.

(h) He may be delegated in the task of supervising and reviewing the purchase of supplies, materials, and equipment necessary for the operation of the functions of county government which require the approval of or are under the jurisdiction of the Board of Supervisors.

(i) He may supervise and direct the annual inventory and control of county personal property. He may be delegated by the Board authority to relieve persons from responsibility for items having a replacement value of up to $500 if he were to find the loss or theft of the property to be without fault on the part of the responsible individual. Where amounts greater than $500 were involved, he shall refer the matter to the Board of Supervisors with a recommendation.

(j) He shall be provided by the Board of Supervisors with such personnel, facilities, equipment, and services as may be required in the discharge of his duties and responsibilities.

(k) With respect to risk management, loss prevention, safety and claims, the administrative officer may recommend appropriate programs to the Board with the objective of reducing losses and thus reducing insurance costs.

PERSONNEL

(a) He may serve as the personnel officer of the Board of Supervisors. In this area, he will be responsible for the affirmative action program of the county and would be responsible for development and administration of such a program.

(b) In his capacity as personnel officer, he would supervise the recruitment, examination, appointment, promotion, demotion, transfer, or dismissal of county employees in accordance with the appropriate county ordinance code.

(c) He would study and make recommendations to the Board with respect to existing personnel conditions and with respect to a request, by any office, or employee for increases or reduction of personnel, or changes in classification, changes in assignment, changes in salary for any county officer or employee.

(d) He would coordinate activities with respect to the recruitment, examination, interviewing and grading of all applicants for positions for which appointments are made by the Board of Supervisors and he would make recommendations as deemed appropriate to the Board. Appointees or applicants to commissions, advisory committees, and special boards would be generally excluded from this duty unless otherwise specifically directed to be included by the Board of Supervisors.

(e) He shall act as liaison and agent for the Board of Supervisors in dealing with salary and employee negotiations and relations where the Board of Supervisors so requests and at interims between Board meetings. In this duty, it shall be his duty to review and make recommendations to the Board of Supervisors. (Ord. 503, eff. 7/21/77)

2.14.070 Board to Delegate Duties

No limitation of the authority and powers of the county administrative officer shall be implied from any omission of this chapter to delegate expressly to the Administrative Officer any authority, duty or function which is in the power of the Board to so delegate. (Ord. 503, eff. 7/21/77)

CHAPTER 2.16 COUNTY COUNSEL

2.16.010 County Counsel

There is hereby created the office of County Counsel.
(Ord. 752, eff. 10/05/89 prior Section 11202, 253, 437, 490, 538, 550)

2.16.020 Duties

Upon his appointment by the Board of Supervisors, the County Counsel shall discharge all the duties vested by law in the District Attorney other than those of a public prosecutor. Upon any future abolishment of, or upon a vacancy occurring in the office of County Counsel, the duties of this office shall thereupon automatically vest in and be discharged by the District Attorney, as constituting the ordinary duties prescribed by law of this office. The District Attorney shall continue to discharge all of the regular duties of his office until such time as the office of County Counsel is either again created and an appointment made, or the immediate vacancy in the office is filled. (Ord. 752, eff. 10/05/89 prior Section 11203, 297, 490, 550)

2.16.030 Appointment

The Board of Supervisors shall appoint the County Counsel. Said appointment shall either be to a salaried position, which salary is to be set by the Board of Supervisors, or pursuant to written contract at a contract price and upon terms as shall be mutually agreed. (Ord. 752, eff. 10/05/89 prior 11204, 247, 537, 490, 550)

CHAPTER 2.20 DELINQUENCY PREVENTION COMMISSION

2.20.010 Delinquency Prevention Commission

Pursuant to Welfare and Institutions Code Section 535.5, the Delinquency Prevention Commission is established. The membership of this commission shall include the members of the juvenile justice commission established pursuant to Welfare and Institutions Code Section 525. (Ord. 331, 490, eff. 3/17/77, prior Section 11205)

2.20.020 Approval of Expenditures

No county funds shall be expended by the delinquency prevention commission without prior approval by the Board of Supervisors. (Ord. 331, 490, eff. 3/17/77, prior Section 11206)

CHAPTER 2.24 DISTRICT ATTORNEY - PUBLIC ADMINISTRATOR

2.24.010 District Attorney-Public Administrator Consolidated

Pursuant to Government Code Section 24304, the offices and duties of the District Attorney and Public Administrator are consolidated. (Ord. 9, 224, 252, 285, 291, 368, 490, eff. 3/17/77, prior Section 11207)

2.24.020 Private Practice Prohibited

The District Attorney-Public Administrator shall not engage in the private practice of law. (Ord. 368, 490, eff. 3/17/77, prior Section 11208)

2.24.030 Ex-Officio Public Guardian

The District Attorney-Public Administrator shall serve as the ex-officio Public Guardian and is designated as the person to act as temporary conservator in LPS conservatorship cases or in any other conservatorship case where the court investigator would otherwise be required to act as temporary conservator. (Ord. 292, 297, 437, 490, 611, amend. eff. 5/3/83 Ord. No. 648)

CHAPTER 2.28 JUDICIAL DISTRICT

2.28.010 Judicial District

Pursuant to Government Code Sections 71040 and following, the Sierra County Judicial District is established to serve the entire County of Sierra. (Ord. 149, 164, 271, 278, 279, 490, eff. 3/17/77, prior Section 11210)

CHAPTER 2.32 LAW LIBRARY

2.32.010 Removal of Books

No volumes shall be removed from any portion of the law library without first signing the register maintained by the librarian. No volumes shall be removed from the courthouse without first making special arrangements with the librarian. All volumes so removed shall be returned directly to the librarian. (Ord. 247, 490, eff. 3/17/77, prior Section 11211)

2.32.020 Law Library Civil Costs

Pursuant to Business and Professions Code Sections 6321 and 6322, the costs to be paid by parties to civil matters in the superior and justice courts shall be seven dollars ($7). Such costs are in addition to all other fees fixed by law. (Ord. 324, 443, 490, eff. 3/17/77, prior Section 11212)

CHAPTER 2.36 PLANNING COMMISSION

2.36.010 Membership

Pursuant to Government Code Sections 65100 and following, the Planning Commission is established. The Planning Commission shall consist of five regular members and two ex-officio members. (Ord. 210, 266, 444, eff. 3/20/75, prior Section 51101)

2.36.020 Regular Members

Each of the five regular members shall be appointed for a four-year term by the Board of Supervisors and shall be subject to removal at any time by the Board of Supervisors. The terms of three of the regular members shall expire at the end of 1976 and at the end of every four (4) years thereafter, and the terms of the other two regular members shall expire at the end of 1978 and at the end of every four (4) years thereafter. The regular members shall determine at random which terms shall expire at which times according to the foregoing schedule. Vacancies in the term of any regular member shall be filled by appointment by the Board of Supervisors for the balance of the unexpired term. (Ord. 210, 266, 444, eff. 3/20/75, prior Section 51101)

2.36.030 Ex-officio Members

The two ex-officio members shall be the County Engineer and one member of the Board of Supervisors who shall be appointed by the Board of Supervisors. Each ex-officio member shall serve for a term corresponding to his tenure as County Engineer or member of the Board of Supervisors. The ex-officio members shall have votes only on matters for which their votes have been expressly authorized by resolution of the Board of Supervisors. (Ord. 210, 266, 444, eff. 3/20/75, prior Section 51101)

2.36.040 Planning Commission Compensation

The Planning Commission chairman shall receive one hundred twenty-five dollars ($125.00) and all other commissioners one hundred dollars ($100.00) for attendance at each meeting of the Planning Commission, not to exceed eighteen (18) meetings per year. (Ord. 770, eff. 04/06/91, prior 210, 411, 490, Section 11213)

2.36.050 Mileage Allowance

The Planning Commissioners shall receive a mileage allowance at the same rate that Sierra County reimburses its employees for all travel within the County directly related to officially noticed Planning Commission meetings. (Ord. 770, eff. 04/06/91)

CHAPTER 2.40 PLANNING DEPARTMENT

2.40.010 Planning Department Established

Pursuant to Government Code Section 65200, the Planning Department is established. (Ord. 460, 490, eff. 3/17/77, prior Section 11214)

2.40.020 Planning Department Composition

The Planning Department shall include the following positions:

(a) Director of Planning which shall be an appointive Department Head
(b) Assistant Planner
(c) Planner II
(d) Planner I
(e) Building Official
(f) Building Inspector II
(g) Building Inspector I

(Ord. 460, 490, 573, eff. 2/19/80, Prior Section 11214)

CHAPTER 2.44 PUBLIC GUARDIAN

2.44.010 Public Guardian

Sierra County Code Chapter 2.44 - Public Guardian is hereby deleted in its entirety. (Ord. 224, 252, 292, 490, 609 eff. 8/18/81, prior Section 11215 and 11216)

CHAPTER 2.48 SHERIFF-CORONER

2.48.010 Sheriff-Coroner Consolidated

Pursuant to Government Code Section 24304, the offices and duties of the Sheriff and Coroner are consolidated. (Ord. 9, 221, 224, 228, 279, 287, 490, eff. 3/17/77, prior Section 11217)

2.48.020 P.O.S.T. Adopted

The County declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code. Pursuant to Section 13522 of said Chapter 1, the County will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 388, 490, eff. 3/17/77, prior Section 11218)

2.48.030 Reserve Deputies

Any Deputy Sheriff who is issued a level one Reserve Officers Certificate before January 1, 1981, shall have the full powers and duties of a Peace Officer as provided in Penal Code Section 830.1. (Ord. 601, eff. 1/6/81)

2.48.040 Search and Rescue

The Sheriff of the County of Sierra is hereby authorized to search for and rescue persons who are lost or in danger of their lives within or in the immediate vicinity of the County of Sierra. (Ord. 664, eff. 11/1/83)

2.48.045 Expenses of Search and Rescue

The expenses of the Sheriff for searches and rescues shall be borne by the County or City and County of residence of the persons searched for as provided in Government Code Section 26614.5. (Ord. 664, eff. 11/1/83)

2.48.050 Timber Harvester Transportation Tags

(Repealed Ord. 800, eff. 12/17/92)

2.48.060 Establishment of Work Furlough Program

Pursuant to the provisions of California Penal Code Section 1208, the Board of Supervisors finds that given the limited space for the incarceration of individuals who have been sentenced to serve a sentence in the County jail, and upon the recommendation of the County Sheriff, it is feasible to institute a work furlough program for inmates that the Sierra County Sheriff determines are suitable and appropriate for release under the provisions of a work furlough program and who would not constitute a risk to the community when released under such a program. Accordingly the Board of Supervisors finds and declares its intent to establish a work furlough program to be administered by the Sierra County Sheriff's Department.

(a) Pursuant to Penal Code Section 1208, a work furlough program shall be established for inmates sentenced to jail in Sierra County or is imprisoned for nonpayment of a fine, for contempt or as a condition of probation for any criminal offense. The Sheriff of Sierra County shall be the work furlough administrator and the Sierra County jail shall be designated as the Sierra County Work Furlough Facility.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned in the county jail for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular employment, direct that the person be permitted to continue in that employment, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure employment for himself or herself, unless otherwise ordered by the court. The work furlough administrator may, if he or

she concludes that the person is a fit subject to continue in his or her job training program, direct that the person be permitted to continue in that job training program, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure local job training for himself or herself, unless the court at the time of sentencing has ordered that person not be granted work furloughs. The work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular educational program, direct that the person be permitted to continue in that educational program, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure education for himself or herself, unless the court at the time of sentencing has ordered that person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his or her regular employment, job training, or educational program, the administrator shall arrange for a continuation of that employment or for that job training or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular job training or educational program, and the administrator has authorized the prisoner to secure employment, job training, or education for himself or herself, the prisoner may do so, and the administrator may assist the prisoner in doing so. Any employment, job training, or education so secured shall be suitable for the prisoner. The employment, and the job training or educational program if it includes earnings by the prisoner, shall be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in that area. In no event may any employment, job training, or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed, trained, or educated.

(d) Whenever the prisoner is not employed or being trained or educated and between the hours or periods of employment, training, or education, the prisoner shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment, job training, or education, the work furlough administrator shall have the authority to release him or her from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workers' compensation insurer, or the prisoner. The release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, or for family emergencies or pressing business which would result in severe hardship if the release were not granted, or to attend those activities as the administrator deems may effectively promote the prisoner's successful return to the community, including, but not limited to, an attempt to secure housing, employment, entry into educational programs, or participation in community programs.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit the wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, that request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and the sheriff receives a writ of execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, the sheriff shall first levy on the earnings pursuant to the writ. When an employer or educator transmits earnings to the administrator pursuant to this subdivision, the sheriff shall have no liability to the prisoner for those earnings. From the earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner or if the prisoner is unable to pay that sum, a lesser sum as is reasonable, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting

debts of the prisoner. Any balance shall be retained until the prisoner's discharge. Upon discharge the balance shall be paid to the prisoner. (Ord. 863 3/3/98)

CHAPTER 2.52 SURVEYOR

(Ord. 228, 235, 319, 330, 392, 490, eff. 3/17/77, prior Section 11219)

2.52.010 Surveyor Appointed by Board

Pursuant to Government Code Sections 24304 and 27550, the offices and duties of Road Commissioner, County Engineer, and County Surveyor are consolidated in the office of Public Works Director, which shall be an appointive office.

CHAPTER 2.55 TREASURY OVERSIGHT COMMITTEE

Repealed.

(Ord. No. 975, eff. 6/15/06 prior 927, 840)

CHAPTER 2.56 TREASURER-TAX COLLECTOR

2.56.010 Treasurer-Tax Collector Consolidated with County Auditor

Pursuant to Government Code Section 24300.5, the office and duties of the County Auditor (which position is otherwise set out in State law and in Chapter 2.14 of the Sierra County Code) is hereby consolidated with the office of Treasurer, Tax Collector. (Ord. 1034, eff. 9/1/11, prior 490, 315, 251, 181, 53, 9, Section 11220)

2.56.020 Installment Payment of Escaped Assessments

This Section is hereby repealed. (Ord. 839, eff. 5/16/96)

2.56.030 Minimum Qualifications for Treasurer and Tax Collector

The minimum qualifications for Treasurer and Tax Collector as set forth in California Government Code § 27000.7 as existing or hereafter amended, are adopted as follows:

(a) No person shall be eligible for elections or appointment to the office of county treasurer or county treasurer-tax collector of any county unless that person meets at least one 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 then 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 Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, 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.

(b) This section shall only apply to any person duly elected or appointed as a county treasurer, county tax collector, or county treasurer-tax collector on or after January 1, 1998. (Ord. 839, eff. 5/16/96)

2.56.040 Subsequent Statutory Amendment

In the event that Government Code § 27000.7 is subsequently amended, it is intended that the qualifications for Treasurer and Tax Collector be governed by such subsequent amendment, provided that such amendment does not significantly reduce the qualifications for Treasurer and Tax Collector. (Ord. 839, eff. 5/16/96)

2.56.050 Continuing Education Requirement

The minimum Continuing Education requirements for Treasurer and Tax Collector are as set forth in Government Code § 27000, et seq. as existing or hereafter amended, are adopted as follows:

(a) Any duly elected county Treasurer, County Tax Collector, or county treasurer-tax collector serving in that office on January 1, 1996, may serve for his or her remaining term of office during which period of time the requirements of this section shall not apply.

(b) After the election of a county treasurer, county tax collector, or county treasurer-tax collector to office, that person shall complete a valid continuing course of study as prescribed in this section, and shall during the person's four-year term of office on or before June 30 of the fourth year, render to the State Controller a certificate indicating that the person has successfully completed a continuing education program consisting of, at a minimum, 48 hours, or the 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.

(c) The willful or negligent failure of any county treasurer, county tax collector, or county treasurer-tax collector to comply with these requirements shall be deemed a violation of Government Code Section 27000.8. (Ord. 839, eff. 5/16/96)

2.56.060 Delegation of Investment Authority

The county treasurer is hereby delegated the authority to invest or reinvest the funds of the county and the funds of other deposits in the county treasury, pursuant to the Government Code commencing with Section 53600. The county treasurer shall thereafter assume full responsibility for those transactions until the board of supervisors by ordinance, revokes its delegation of authority. Nothing in this section shall limit the county treasurer's authority pursuant to Sections 53665 or 53684. (Government Code 27000.1.) (Ord. 839, eff. 5/16/96)

2.56.070 Severability

If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable. (Ord. 839, eff. 5/16/96)

CHAPTER 2.57 COURT REPORTER FEES

2.57.010 Court Reporter Fees

Pursuant to the authority set forth in Government Code Section 69948, the court reporter fee for reporting testimony and proceedings in contested cases is one hundred thirty dollars ($130.00) per day or any fractional part thereof. (Ord. 827, eff.03/21/95 prior 779, 744, 709)

2.57.020 Mileage Reimbursement

The court reporter will be reimbursed for mileage incurred at the standard County reimbursement rate in effect at the time of reimbursement. (Ord. 779, eff. 12/05/91)

CHAPTER 2.60 COURT ADMINISTRATION DEPARTMENT

2.60.010 Court Administration Department

The Court Administration Department is created pursuant to Sierra County Agreement No. 93-160, with the purpose of providing unified administration and court support services to the Superior and Justice Courts in Sierra County. (Ord. 816, eff. 2/17/94)

2.60.020 Court Administration Council

There is hereby established a Court Administration Council ("CAC") consisting of the Judge of the Superior Court, the Judge of the Justice Court and the Court Administrator. The Superior Court Judge shall serve as Chairman of the CAC. The CAC shall establish such policies of operation or bylaws as it deems appropriate and shall formulate written policies for the administration of the Court Administration Department. It shall be a primary responsibility of the Court Administration Council to assure that the Court Administrator is carrying out the objectives as outlined by the Administrative Office of the Courts, the Court Staffing and Management Plan (Sierra County Agreement No. 93-160), and the ongoing policy direction as from time to time articulated by the CAC. (Ord. 816, eff. 2/17/94)

2.60.030 Court Administration Officer

There is hereby created the position of Court Administration Officer (also known as Court Administrator). The Court Administrator shall be appointed by the Superior Court Judge pursuant to Government Code Section 69898, and shall serve at the pleasure of the court subject to procedural and substantive due process as may be afforded under the terms of such appointment and reflected in a MOU. The duties of the Court Administrator shall be consistent with those set forth in Rule 207 of the California Rules of Court. The Court Administrator shall be a non-classified employee known as a "Department Manager" and shall have managerial authority over the court administration staff. The Court Administrator shall operate under the policy guidelines and directions as established by the Court Administration Council. (Ord. 816, eff. 2/17/96)

2.60.040 Severability

If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable. (Ord. 816, eff. 2/17/94)

CHAPTER 2.70 GRAND JURY

2.70.010 Grand Jury Constitution and Quorum

2.70.020 Grand Jury Constitution and Quorum

Pursuant to the authority contained in California Penal Code Section 888.2, the total number of Grand Jurors in Sierra County is hereby reduced from 19 to 11 and a quorum of the Grand Jury is correspondingly reduced from 12 to 7 members. (Ord. 864, eff. 3/17/98)

CHAPTER 2.80 CHILDREN & FAMILIES FIRST COMMISSION

2.80.010 Commission Created

There is created within the County of Sierra the Sierra County Children and Families First Commission (hereinafter "Commission").

2.80.020 Purpose

The purpose of the creation of the Commission is to implement and carry out the requirements of the California Children and Families First Initiative of 1998 (Proposition 10), which was approved by the voters of the State of California on November 10, 1998. The initiative provides for the creation of State and county commissions to establish early childhood development and smoking prevention programs, to be funded through a trust fund consisting of revenues derived from an additional $.50 per pack excise tax on cigarette distributors and equivalent increase in state tax on distributed tobacco products.

2.80.030 Appointment Of The Commission

The Commission shall be appointed by the Board of Supervisors and shall consist of five members.

(a) Two members of the Commission shall be selected from the following: County Health Officer and persons responsible for management of County functions involving children's services, public health services, behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services.

(b) One member from the Board of Supervisors.

(c) Two members shall be from among the persons described in subpart A of this section and persons from the following categories: recipients of project services included in the County strategic plan, educators specializing in early childhood development; representatives of a local child care resource or referral agency, or a local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies.

(d) The Board of Supervisors reserves the right and power to determine such matters the Board of Supervisors deems necessary or convenient for the conduct of the Commission's activities.

(e) Commissioners shall serve at the will and pleasure of the Board. Any member of the Commission may be removed from office at any time by a majority vote of the entire membership of the Board of Supervisors.

2.80.040 Commission Member Compensation

Members of the Commission shall not be compensated for their services, except they may be paid actual and necessary cost of transportation for attending meetings and reasonable expenses incurred in discharging other official responsibilities as authorized by the Commission by-laws, which shall be approved by the Board of Supervisors. Reimbursements for costs and transportation shall be subject to those limits and procedures as may apply to county officers and employees.

2.80.050 County Strategic Plan

The Commission shall adopt an adequate and complete County Strategic Plan (hereinafter "Plan"), for the support and improvement of early childhood development within the County.

(a) The Plan shall be consistent with, and in furtherance of the purposes of the California Children and Families First Initiative and any act or guidelines adopted by the State Commission pursuant to subdivision (b) of Section 130125 of the Health & Safety Code that are in effect at the time the Plan is adopted.

(b) The Plan shall, at a minimum, include the following: a description of the goals and objectives proposed to be attained; a description of the programs, services, and projects proposed to be provided, sponsored, or facilitated; and a description of how measurable outcomes of such programs, services and projects will be determined by the Commission using appropriate reliable indicators. The Plan shall describe how programs, services, and projects relating to early childhood development within the County will be integrated into a consumer-oriented and easily accessible system.

(c) The Commission shall, on at least an annual basis, review the Plan and revise the Plan as may be necessary and appropriate.

(d) The Commission shall conduct at least one public hearing prior to the adoption of the proposed Plan, and any subsequent revisions to the Plan.

2.80.060 Submission Of Plan and Subsequent Revisions to State Commission

The Commission shall submit its adopted Plan, and any subsequent revisions to the State Commission.

2.80.070 Annual Audit And Report: Public Hearing

The Commission shall prepare and adopt an annual audit and report pursuant to Section 130150 of the Health & Safety Code. The Commission shall conduct at least one public hearing prior to adopting any annual audit and report.

2.80.080 Public Hearing On State Commission's Annual Report

The Commission shall conduct at least one public hearing on each annual report prepared by the State Commission pursuant to subdivision (b) of Section 130150 of the Health & Safety Code.

2.80.090 Local Children And Families First Trust Fund

The Board of Supervisors hereby authorizes the creation of a local Children and Families First Trust Fund pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105 of the Health & Safety Code.

All moneys deposited in this fund shall be appropriated and expended only for the purposes expressed in the California Children and Families Fist Act, and shall be used only to supplement existing levels of service and not to fund existing levels of service. No moneys in the California Children and Families First Trust Fund shall be used to supplant state or local General Fund money for any purpose.

The moneys allocated and appropriated to county shall be deposited m the local Children and Families Fist Trust Fund administered by the county commission, and shall be expended only for the purposes authorized by the act and in accordance with the county strategic plan approved by the county commission.

Any money allocated and appropriated to the commission that are not encumbered or expended in any applicable period prescribed by law shall (together with the accrued interest on the amount) revert to and

remain in the local Children and Families First Trust Fund for the fiscal period under the same conditions as set forth in paragraph (a).

All grants, gifts, or bequests of money made to or for the benefit of the county commission from public or private sources used for early childhood development programs shall be sited in the local Children and Families Fist Trust Fund expended for the specific purpose for which the grant, gift, quest was made.

No moneys shall be expended to provide, sponsor, or facilitate any programs, services, or projects for early childhood development until and unless the county commission has first adopted an adequate and complete county strategic plan that contains the provisions required by the State Commission.

2.80.100 Local Children And Families First Trust Fund Audit

On or before October 15 of each year, the commission shall conduct an audit of, and issue a written report on the implementation and performance of, their respective functions during the preceding fiscal year, including, at a minimum, the manner in which funds were expended, the progress toward, and the achievement of, program goals and objectives, and the measurement of specific outcomes through appropriate reliable indicators.

The audits and reports of the county commission shall be transmitted to the state commission and the Sierra County Board of Supervisors.

The county commission shall make copies of its annual audits and reports available to members of the general public on request and at no cost.

Statement Of Urgency

This act is an urgency ordinance necessary for the immediate preservation of the public peace, health or safety within the meaning of Government Code Section 25123 and shall go into immediate effect. The facts constituting the necessity are:

State funding resulting from the passage of Proposition 10 (California Children and Families First Initiative), for early childhood development and smoking prevention programs, begins accruing on January 1, 1999. Section 130100 of the Health & Safety Code requires that the County enact an ordinance creating a County Commission to oversee the expenditure of allocated revenue, prior to January 1, 1999, in order for the County to receive funding. Failure to enact the ordinance by such date, places the County in jeopardy of losing all or part of the County's share which accrues after January 1, 1999 and prior to the effective date of the County ordinance. The loss of such funds would result in the delay of the provision of new early childhood development and smoking prevention programs, which would have a detrimental effect on the health of the citizens of Sierra County, particularly the children. (Ord. 875, eff. 12/15/98)

CHAPTER 2.90 CREATION OF A REGIONAL IHSS PUBLIC AUTHORITY

2.90.010 Creation and Purpose of the Public Authority

As required by Welfare and Institutions Code Section 12302.25, the Sierra County Board of Supervisors in conjunction with the County of Nevada hereby establishes a regional public authority as a joint powers authority and as an entity separate, distinct and apart from the counties of Nevada and Sierra. The powers of said public authority shall be those as are derived from and consistent with the provisions of Welfare and Institutions Code Sections 12300 et. seq., for a public authority and Government Code Sections 6500, et. seq., and as may be more fully set forth in the Joint Powers Agreement entered into and between the counties of Nevada and Sierra. The purpose of this public authority is to provide for the delivery of the In-Home Supportive Services Program (IHSS) in the counties of Nevada and Sierra as specified in this ordinance, the ordinance adopted by the County of Nevada, and the Joint Powers Agreement between the counties, subject to all applicable Federal and State laws and regulations.

2.90.020 Definitions:

For the purpose of this Chapter, the following definitions apply:

(a) "IHSS" means in-home supportive services as described in Welfare and Institutions Code Sections 12300(a), (b), et seq., as amended from time to time.

(b) "Authority" means the Nevada - Sierra In-Home Supportive Services Public Authority.

(c) "Provider" means a person who provides authorized in-home supportive services to a recipient.

(d) "Recipient" means a person eligible and authorized to receive in-home supportive services pursuant to Welfare and Institutions Code Section 12300, et seq.

(e) "Consumer" means a person who is a current or past user of personal assistance services paid through public or private funds, and includes a recipient of assistance from IHSS.

(f) "County" means the counties of Nevada and Sierra, both collectively and individually as the context may require.

2.90.030 Membership of the Public Authority Board:

Initial membership on the Public Authority board shall be as follows:

(a) Appointment by the Board of Supervisors The Governing Board of the Nevada – Sierra IHSS Public Authority shall be composed of eleven (11) members appointed by the Board of Supervisors of the two counties, as follows: Nevada County shall appoint nine (9) board members and Sierra County shall appoint two (2) members. The Boards of Supervisors shall solicit recommendations for appointment of qualified members through a fair and open process, including reasonable written notice to, and affording reasonable response time from, members of the general public and interested persons and organizations. No fewer than fifty percent (50%), or six individuals, of the membership shall be individuals who are consumers. The Board of Supervisors of the respective counties shall have sole authority to remove governing body members appointed from their counties, who may be removed at the will and pleasure of the Board.

(b) Representative Capacity For purposes of Government Code Section 87103 and 2 Cal. Code of Regulations 18703.3, the persons appointed to the Public Authority Board are appointed to represent and further the interests of the specific economic interest which an individual member is appointed to represent and each such person therefore does not have financial interests in decisions

of the Public Authority that will have a material financial effect on such person or a member of his or her immediate family, distinguishable from its effects on the public generally.

(c) Terms of and Limits on Service The initial board members shall be appointed for periods with staggered terms, as follows:

Three (3) members for one (1) year terms (two from Nevada, and one Sierra);
Four (4) members for two (2) year terms (three from Nevada and one from Sierra);
Four (4) members for three (3) year terms (from Nevada)

The respective Boards of Supervisors shall specific the term at the time of the initial appointments.

(d) Residency Qualified appointees must reside in their respective counties and have familiarity with, or knowledge of, personal assistance services, the capacity to understand their role to aid and assist the Public Authority in the administration of its duties; and the ability to attend regularly scheduled meetings, which shall occur only in facilities, which meet disability access requirements. Within the first ninety (90) days of being seated, the member of the Public Authority Board shall receive orientation and training regarding the functions and duties of the Public Authority, current issues related to delivery of IHSS, and the responsibilities of the Authority Board. Each subsequent new member shall receive similar orientation and training from Authority staff within sixty (60) days of appointment.

2.090.040 Public Authority Functions

(a) Character of the Authority The Nevada - Sierra IHSS Public Authority shall be both of the following:

1. An entity separate and distinct from the counties of Nevada and Sierra and shall be required to file the statement required by Government Code Section 53051; and

2. A public body exercising public and essential governmental functions, that has all the powers necessary or convenient to carry out the delivery of in-home supportive services in Nevada and Sierra counties including the power to contract for services pursuant to Welfare and Institutions Code Sections 12302 and 12303.3 and the provisions of Government Code Sections 6500 et. seq.

(b) Status of Authority Employees, Providers, and Officers. Employees of the Nevada - Sierra IHSS Public Authority, members of the Authority Board and its officers, agents and the IHSS providers shall not be deemed to be employees of the member counties for any purpose.

(c) Public Authority Functions. The Nevada - Sierra IHSS Public Authority shall carry out the following functions to implement the goals and objectives of Welfare and Institutions Code Sections 12300 et. seq. including, but not limited to:

1. The provision of assistance to recipients in finding in-home supportive services personnel through the establishment of a registry;

2. The investigation of the qualifications and background of potential in-home supportive services personnel;

3. The establishment of a referral system under which in-home supportive services personnel shall be referred to recipients;

4. The provision for training for providers and recipients;

5. The performance of any other functions related to the delivery of in-home supportive services including that within 30 days of commencement of the operation of the Public Authority, the governing board shall develop a written process to address consumer complaints regarding Public Authority services;

6. The assurance that the requirements of the personal care option pursuant to Subchapter 19, commencing with Section 1396, of Chapter 7 of Title 42 of the United States Code are met;

7. Be the employer of record of the IHSS providers consistent with the provisions of Welfare and Institutions Code Sections 12300 et. seq.;

8. The adoption of rules and regulations for the administration of the Public Authority; and

9. The exercise of all powers, duties and functions as are prescribed by statute, by the respective ordinances of the member counties and the Joint Powers Agreement between the counties.

(d) Exclusion of Functions

1. The Authority shall not be obligated to provide training directly, to pay for training provided privately or in the community, to pay for the providers' time spent in training, to accompany recipients to training, to pay for transportation to training or to pay for any materials required by the training. The Authority shall not be obligated to ensure that any provider or recipient attend or complete any training.

2. The Authority shall not be responsible for authorizing services for an IHSS recipient;

3. The Authority shall not be responsible for determining a recipient's need for IHSS, the level and quality of services required, and the eligibility of individuals to be served.

4. The Authority shall not be responsible for conducting the initial or any subsequent assessment of need for services.

5. The Authority shall not be responsible for terminating the recipient's participation in the IHSS program. The above-referenced services and functions shall be the exclusive responsibility of the member counties.

2.90.050 Public Authority Powers:

(a) The Authority shall be an entity separate and distinct from the member counties and shall file the Statement of Fact for the Roster of Public Agencies required by Government Code Section 53051.

(b) The Authority shall have all powers necessary and convenient to carry out the powers conferred upon it by Welfare and Institutions Code Sections 12300 et seq., this ordinance and the Joint Powers Agreement, including the power to contract for services pursuant to Welfare and Institutions Code Sections 12302 and 12302.1, subject to any limitations set forth in this Article.

(c) The Authority shall have the power in its own name to do any of the following:

1. To contract for the services of planners, financial consultants, and other experts and, separate and apart therefrom, to employ such other persons as it deems necessary;

2. To sue and be sued in its own name;

3. To incur debts, liabilities or obligations subject to any limitations herein set forth;

4. To apply for, accept and receive State, Federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America, or of the State of California necessary for the Authority's full exercise of its powers;

5. To perform all acts necessary and proper to carry out fully the purpose of this Article and not inconsistent with Welfare and Institutions Code Sections 12300 et seq. or this Article; and

6. To promote administrative efficiencies and to avoid unintended duplication of resources prior to initiating delivery of IHSS through the Authority, as described in this Article, the member counties and the Authority shall enter into an agreements specifying the purposes, scope or nature of the agreement, the roles and responsibilities of each party including provisions which ensure compliance with all applicable State and Federal labor laws, and compliance with all statutory and regulatory provisions applicable to the delivery of IHSS.

(d) Service Provider Employment:

1. The Authority shall be deemed to be the employer of in-home supportive services personnel within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code. Consumers (the recipients of IHSS services) shall retain the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services to them.

2. In order to assure the preservation of the individual provider mode and limit the liability of the Authority, the Authority shall have no authority or jurisdiction to regulate, control, or limit the rights and responsibilities of recipients of in-home supportive services to hire, fire or to supervise providers. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, tasks and duties, assignments and direction of work, methods and standards of caring and conduct, discipline, provisions for safety and security control of premises, any in-home living or other accommodations, and final resolution of concerns, problems and complaints relating to such supervision. Recipients retain such rights and responsibilities independent of the Authority, just as they held such rights and responsibilities independent of the County prior to the formation of the Authority.

(e) Consumer Selection of Providers Recipients of in-home supportive services may select in-home supportive services personnel who are not referred to them by the Authority. Those personnel shall nevertheless be referred to the Authority for the purposes of wages, benefits, and other terms and conditions of employment.

(f) State Payroll Functions The creation and operation of the Nevada – Sierra IHSS Public Authority shall not alter, require the alteration of, or interfere with the State payroll system and other provisions of Welfare and Institutions Code Section 12302.2 for individual providers of in-home supportive services, or affect the State's responsibility with respect to unemployment insurance or worker's compensation for providers of in-home supportive services.

2.09.060 Authority Administration:

(a) Executive Director The Executive Director of the Nevada - Sierra IHSS Public Authority shall be appointed by the Authority Board. The Executive Director may hire staff, if such authority is provided in the Authority's adopted rules and regulations.

(b) Labor Relations Due to the special and critical health-care services provided through the IHSS program, the Board of Supervisors finds that any interruption of such services would pose an imminent threat to the health and safety of the recipients of IHSS services and to the community. In order to minimize the likelihood of such interruption, and thereby protect the health and safety of recipients, and to promote harmony and productive labor relations between the Authority and the providers, the Board shall:

1. Establish rules and regulations respecting the labor relations responsibilities of the Authority and such rules shall provide that a showing of interest of at least twenty percent (20%) of the eligible providers shall be a sufficient showing of interest for any labor organization to initiate any election or representation procedures established by the Authority for the purposes of certifying an exclusive representative for purposes of collective bargaining.

2. Require any collective bargaining agreement reached between the Authority and any labor organization certified to represent providers of IHSS services be subject to the limitations of the ordinances and to the Joint Powers Agreement creating the Authority and to ratification in its entirety (i.e. all provisions of such agreements shall be subject to the same vote) by a simple majority of the vote cast in a ballot in which all providers of IHSS services, as recognized by the Authority, shall be eligible to participate. Final adoption of any such agreement shall be by a simple majority vote of the Authority.

3. Require a non-strike clause in any and all collective bargaining agreements with providers and personnel of the Authority. The non-strike clause shall continue at least one (1) year beyond the other provisions of any and all collective bargaining agreements.

4. Take all legal action necessary to bar any strike or other concerted interruption of services to IHSS recipients.

5. Require that In-home supportive services personnel be entitled to all of the rights conferred upon them by the Meyers Milias-Brown Act (Government Code Section 3500 et seq.), including the right to be represented in their employment relationship with the Authority by an employee organization of their choice, and the right to meet and confer with the Authority with regard to wages, benefits, another terms and conditions of employment.

(c) Fiscal Provisions In establishing the Authority the member counties recognize that the funding of IHSS is the product of a complex relationship of Federal, State, and County financing, and that the ability of the Authority to operate and to negotiate the wages and benefits of the providers of IHSS is contingent upon the availability of adequate funding. Nothing in this ordinance or in the Joint Powers Agreement is intended to require the County of Sierra to appropriate or to transfer any funds for the operation of the Authority or for the payment of wages or benefits for in-home supportive services personnel.

The total of all administrative costs, wages, and benefits proposed or established by the Authority shall be consistent with the provisions of the budgets adopted by the member counties and shall be based on the methodology for allocation of costs as set out in the Joint Powers Agreement between Nevada and Sierra counties; provided however, that the Authority shall not provide for any payments promulgated or calculated from or based on contributions or payments from the County of Sierra in excess of the amounts expressly provided for in the County of Sierra's annual budget as it may be amended from time to time. The Authority shall not establish a payment rate, including costs of wages, benefits, and operation until the Public Authority determines that the funds necessary for the payment rate are legally available.

The establishment and operation of the Public Authority or application of Government Code Section 3500 et seq. shall not result in payments from the County of Sierra's general fund beyond the amounts provided for in the County's annual budget, as amended from time to time.

The Public Authority shall utilize all available start-up funds pursuant to Welfare and Institutions Code Section 14132.95 and shall seek to maximize the benefit of any available new or increased non-county matching Federal or State funds or other available grant or foundation funds.

The Public Authority shall adopt its budget under the same laws, rules, and policies that control the budget process applicable to general law counties.

The Authority shall provide the County of Sierra with the expenditure information necessary for the County to report to the California Department of Social Services in order to receive reimbursement for the State and Federal share of the Authority costs.

The Authority shall assist the County of Sierra in developing and submitting the information and documentation necessary to obtain approval from the California Department of Social Services and the Department of Health Services for the Authority's reimbursement rate and any rate adjustment.

Payment for all services provided pursuant to this ordinance is contingent upon the appropriation of County, State and Federal funds for the purpose of providing IHSS.

2.90.070 Liability of Authority:

(a) County Liability: The County of Sierra shall not be liable for, and shall be immune from, any liability resulting from the implementation of Welfare and Institutions Code Section 12300 et. seq. pursuant to this ordinance, the Joint Powers Agreement or any implementing agreement or through the appropriation of funds to the Public Authority.

(b) Public Authority Liability:

1. Any obligation of the Nevada - Sierra IHSS Public Authority, whether statutory, contractual, or otherwise, shall be the sole obligation of the Authority and shall not be the obligation of the County of Sierra.

2. The Authority shall not be deemed to be an employer for the purposes of liability due to the negligence or intentional torts of any provider.

3. The Authority shall not be held liable for any action or omission of any provider whom the Authority did not list on a registry or otherwise refer to a consumer.

4. Any and all contracts, leases, or other agreements of any nature, including collective bargaining agreements, between the Authority and third parties, other than the member counties shall contain an express provision advising the third party that the Authority is an independent legal entity, separate and apart from the Counties of Nevada and Sierra and that the Authority has no power to bind the counties to any contractual or legal obligations. The third party must be further advised that obligees of the Authority may not seek recourse against the member counties for any financial or legal obligation of the Authority.

5. The member counties shall be immune from any liability resulting from its implementation of Welfare and Institutions Code Sections 12300 et seq. in the administration of the In-Home Supportive Services program. Any obligation of the Authority, whether statutory, contractual, or otherwise, shall be the obligation solely of the Authority, and shall not be the obligation of the member counties.

6. Without limiting its indemnification of the member counties, the Authority shall maintain insurance in an amount determined to be adequate by the County's risk manager and shall name the member counties as additional insureds. Evidence of such insurance shall be provided to each County's risk manager within 30 days of the execution of the agreement between the Authority and the County and shall be regularly provided thereafter.

7. The Authority shall indemnify, defend, and hold harmless the member counties and their elected and appointed officers, employees and agents from any and against any and all liability, including acts of active negligence, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property damage arising from, or connected with, any action or omission of any officer or employee of the Authority. The Authority shall provide an acknowledgment of such indemnification in writing to the member counties.

8. The Authority shall require all third parties with whom it contracts, other than the member counties, to indemnify the Authority, to provide the Authority with written acknowledgment of such indemnification and to maintain adequate levels of insurance naming the Authority as an additional insured.

2.90.080 Miscellaneous:

(a) Records The Authority shall develop a records retention policy consistent with County, State, and Federal laws and policies. The Authority shall make any of the retained records available to all authorized County, State and Federal representatives.

(b) Annual Report The Authority shall submit annually a report to the Boards of Supervisors of the member counties detailing its functions and evaluating its operation of that year. In addition, such report shall present the Authority's specific goals and objectives for the coming year and its plan for meeting those goals and objectives. If, for any coming year, the Authority intends to expand its duties, the Authority shall present a detailed plan and budget for the implementation of that expansion of duties. Such plan shall be circulated to all interested County departments and community groups prior to presentation to the Board of Supervisors.

(c) Cessation or Modification of Authority The existence of the Authority may be terminated or its powers, duties, composition and/or jurisdiction may be modified by the agreement of the member parties.

(d) Severability If any Section, Sub-Section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors declares that it would have passed this ordinance and every Section, Sub-Section, sentence, clause or phrase, irrespective of the fact that any one or more Sections, Sub-Sections, sentences, clauses or phrases be declared unconstitutional or invalid.

(e) Effectuation It is the intent of the Board of Supervisors that the provisions of this ordinance shall be effectuated in a prompt and diligent manner. This ordinance shall be declared to be in full force and effect from and after thirty (30) days after the date of its passage. (Ordinance 940, eff. 3/20/03)

PART 3
PERSONNEL

Chapters Sections
CHAPTER 3.01 DEFINITIONS 13
CHAPTER 3.02 GENERAL PROVISIONS 19
3.02.010 Coverage 19
3.02.030 Interpretation and Enforcement 19
3.02.040 Personnel Policies, Forms, and Records 19
3.02.050 Equal Employment Opportunities 20
3.02.060 Political and Economic Conflicts of Interest 21
3.02.070 Incompatible Employment Activities 21
3.02.080 Dual Employment Within County Service 22
3.02.090. Use of County Property and Official Influence 22
3.02.100. Hours of Work 22
3.02.110 Board of Supervisors as Appointing Authority 22
3.02.120 Department Heads as Appointing Authorities 22
3.02.130. Nepotism 22
3.02.140. Management Rights 23
CHAPTER 3.03 RECRUITMENT, APPLICATIONS, AND SELECTION FOR EMPLOYMENT 23
3.03.010 Recruitment 23
3.03.020 Applications for Employment 24
3.03.030 Selection for Employment 25
Section 3.03.031 Criminal Background Checks 26
3.03.040 Probationary Period 29
3.03.050 Recruitment and Training - 6040 CA Penal Code 30
3.03.060 Recruitment and Training - 13522 CA Penal Code 30
3.03.070 Internal Promotions Procedure 30
CHAPTER 3.04. ELIGIBILITY REGISTERS 31
3.04.010 Establishment of Registers 31
3.04.020 Merging Eligibility Registers 31
3.04.030 Placement on Registers of Previous Employees and Eligibles Not Hired 31
3.04.040 Removal of Eligibles From Registers 32
CHAPTER 3.05 CERTIFICATION AND APPOINTMENTS 34
3.05.010 Authorization to Fill Vacant Positions 34
3.05.020 Filling Vacant Positions 34
3.05.030 (omitted) 34
3.05.040 Preconditions to Appointments 34
3.05.050 Preference in Making Appointments 34
3.05.060 Probationary, Promotional, and Transfer Appointments 34
3.05.070 Provisional Appointments 34
3.05.080 Temporary Appointments 35
3.05.090 Extra Help 35
3.05.100 Alternative Appointments 36
CHAPTER 3.06 LAYOFFS, FURLOUGHS AND SEPARATION 36
3.06.010 Resignation 36
3.06.020 Unauthorized Absence as Abandonment of Employment 36
3.06.030 (omitted) 36
3.06.040 Reductions in Force (Layoffs) 36
3.06.050 Notification of Layoff and Re-Employment Lists 39
3.06.060 Work Furloughs - Reductions in Hours 40
CHAPTER 3.07 POSITION CLASSIFICATIONS 41
3.07.010 Position Classification Plan 41
3.07.020 Position Information 41
3.07.030 Position Allocation and Re-Allocation 42

3.07.040 Classification System Maintenance 43
3.07.050 Establishing Additional Positions 43
3.07.060 Base Station Assignment 43
3.07.070 Residency Requirements for Specified Positions 44
CHAPTER 3.08 COMPENSATION 45
3.08.010 Compensation Plan 45
3.08.020 Application of the Compensation Plan 45
3.08.030 Appointments 46
3.08.040 Position Reallocations and Temporary Assignments 47
3.08.050 Step Increases and Sequences Affecting Pay Adjustments 48
3.08.060 Compensation Upon Separation 49
3.08.070 Overtime Compensation and Compensatory Time Off 49
3.08.080 Call Backs 50
3.08.090 Training Expenses, Travel Time 50
3.08.100 Uniform Pay Periods and Employment Records 51
3.08.110 Uniform Allowance 51
3.08.120 Educational Incentive 51
3.08.130 Agreement to Participate in PERS 3% @ 55 for Safety Employees 51
3.08.140 Agreement to Participate in PERS 2.7% @ 55 for Miscellaneous Employees 52
3.08.150 Extended Sick Leave - Insurance Premiums 52
3.08.160 Shift Differential Pay 52
3.08.170 Participation in Health Plans 52
3.08.180 Health Insurance for Retired Employees 53
3.08.190 Included Non-Represented Employees Defined 53
3.08.200 Included Non- Represented Employees Retirement Health Benefits 53
3.08.210 Life Insurance 54
CHAPTER 3.09 LEAVE 54
3.09.010 Vacation Leave 54
3.09.020 Sick Leave 55
3.09.030 Holiday Leave 59
3.09.040 Leaves of Absence Without Pay 60
3.09.050 Bereavement Leave 61
3.09.060 Court Leave 61
3.09.070 Military Leave 61
3.09.080 California Pregnancy Disability Leave 61
3.09.090 Family and Medical Leave Act/California Family Leave Act 62
3.09.100 Procedures Governing Leave Policies 66
CHAPTER 3.10 DISCIPLINARY POLICY 67
3.10.010 Procedure to Impose Discipline 67
3.10.020 Causes for Discipline 67
3.10.030 Right of Appeal 68
CHAPTER 3.11 GRIEVANCE PROCEDURE 71
3.11.010 Purpose 71
3.11.020 Definition of Grievance 71
CHAPTER 3.12 DRUG AND ALCOHOL NON-USE AND TESTING 73

PART 3
PERSONNEL POLICIES AND PROCEDURES

1) CHAPTER 3.01 DEFINITIONS

For the purposes of this Part and any personnel policy statement, memorandum, or correspondence, unless otherwise apparent from the context, certain words and phrases used in this Part are defined as follows:

(a) "Affirmative action" shall mean the policies and procedures adopted by the County to promote equal employment opportunities.

(b) "Allocation" or "position allocation" shall mean the assignment of a position to a classification pursuant to Section 3.07.030 of this Part.

(c) "Allowance" shall mean the money paid to personnel as reimbursement for equipment, supplies, and/or services as designated by a Memorandum of Understanding and/or Board resolution.

(d) "Anniversary date" shall mean the date that corresponds with the first pay period following the employees date of hire and from which probationary periods and step adjustments are based.

(e) "Appeal" shall mean the filing of a written request for review and the reversal or modification of a disciplinary action imposed by the Appointing Authority. For the purposes of this Part, a written or verbal reprimand issued by the Appointing Authority shall not constitute a disciplinary action and shall not be subject to the filing of an appeal. Written reprimand may be addressed through the grievance procedures as per Chapter 3.11.

(f) "Applicant" shall mean a person who has filed an official County application form at the County Auditor's office, or at such places as designated by the Personnel Director, according to prescribed procedures.

(g) "Appointing Authority" The Board of Supervisors is the Appointing Authority for appointed Department heads (except for chief probation officer). Department heads are the appointing authorities for all employees in their departments.

(h) "Appointment" shall mean the final selection of a candidate by an Appointing Authority subject to the provisions of Section 3.05 of this Part and the subsequent acceptance of employment by a candidate.

(i) "Bargaining unit" or "represented unit" shall mean those persons or organizations formally authorized to represent employees as a group with common interests in matters concerning the terms and conditions of employment.

(j) "Base salary" shall mean the rate of pay as determined on a given monthly basis (excluding County benefits) for non-overtime work without inclusion of longevity payments.

(k) "Board", when used alone, shall mean the Board of Supervisors.

(l) "Candidate" shall mean a person who has applied for an appointment to a specific position.

(m) "Candidate group" shall mean those eligible persons from among which final selection consideration for an appointment to a specific position vacancy.

(n) "Certificate" or "certificate of candidates" shall mean a list of candidates prepared by the Personnel Director from which final selection consideration for an appointment to a specific position at a particular point in time may be given.

(o) "Class" or "classification" shall mean a set of positions progressing in responsibility such as Auditor I, II, II, Sr., Assistant Auditor allocated pursuant to Section 3.07.030 of this Part and designated by a specific class title and salary range.

(p) "Classification plan" (parity study) shall mean an orderly arrangement of positions under separate and distinct classes so that each class will contain all those positions which are sufficiently similar in respect to duties and responsibilities that they will meet the requirements established under the definition of "class" set forth in subsection (o) of this section.

(q) "Compensation" shall mean the salary, wage, allowance, and all other forms of valuable consideration earned by or paid to an employee by reason of service in a position but shall not include any allowance authorized and incurred as incidental to employment.

(r) "Compensation plan" shall mean a schedule of salaries or salary ranges established by this Part for the classifications recognized in the classification plan.

(s) "Compensation range", "salary range", or "pay range" shall mean a designated set of pay rates having a specified minimum rate, maximum rate, and intermediate rates.

(t) "Compensation rate", "salary rate", or "pay rate" shall mean a set dollar amount used as the basis for compensating an employee for working a given period of time.

(u) "Compensatory leave" shall mean time that may be taken by an employee as authorized leave with pay for having worked overtime.

(v) "Continuous service" shall mean the number of calendar days during which work was actually performed for the County which work has not been interrupted by a separation, except as provided for in Sections 3.06.04 and 3.09.04 of this Part.

(w) "County service" or "service of the County" shall mean all positions in all departments as defined, which are subject to control and regulation by the Board.

(x) "Day" shall mean a calendar day, unless otherwise specified.

(y) "Demotion" shall mean a reduction in salary and/or reappointment to a lower classification for disciplinary or other reasons of both a voluntary or involuntary nature. A demotion that is imposed for disciplinary reasons shall be subject to the disciplinary procedures as set out in Chapter 3.10.

(z) "Department head" shall mean the head of each department and such person shall have authority to appoint, suspend, transfer, promote, dismiss, lay off, demote, assign work, direct or discipline other employees within the department.

(aa) "Disclipinary action" shall mean action by the Appointing Authority that results in the dismissal, suspension without pay or demotion, other than termination or a demotion that is based solely on a reduction in approved staffing for a department as part of the approved budget as adopted annually by the Board of Supervisors. A reprimand, whether orally or in writing, that does not result in the loss of any pay or benefits to an employee shall not constitute a form of discipline, but rather is deemed to be part of the corrective counseling that is inherent in the management and supervision of employees.

(bb) "Dismissal" shall mean involuntary separation from County service.

(cc) "Eligible" shall mean an applicant who has passed all the appropriate examinations and has been placed on a register for a class of positions.

(dd) "Eligibility list" shall mean the list of candidates eligible for appointment to a vacant position.

(ee) “Emergency appointment” shall mean an appointment of an extra help/temporary employee made in response to an emergency threatening the public health, safety.

(ff) ”Employee” shall mean a person working in and compensated by the County over which management has the right to direct and control the way the person works, both as to the final results and as to the details of when, where, and how the work is done.

(gg) “Employee, management” shall mean a department head, supervisor, or other employee having the authority to exercise management rights or develop management policies, or to effectively recommend the exercise of such rights or the development of such policies, where such recommendations or exercise requires the use of independent judgment and is not of a routine nature.

(hh) “Employee status” shall mean a designation of the employee’s status by his or her department head as one of the following; probationary, permanent, or extra help.

(ii) “Extra help employee” or “temporary employee” shall mean an employee in a position intended to be occupied on less than a nine hundred and sixty hours per year basis to cover seasonal work requirements, emergency extra work loads of a limited duration, necessary vacation relief, and other situations requiring use of a fluctuating and temporary staffing level. Extra help employees shall be deemed to be employed on an at will basis and may be terminated at any time, without cause or advance notice. Extra help employees are not entitled to benefits unless expressly granted in this code or by separate action of the Board of Supervisors. The hiring of extra help or temporary employees is not subject to the provisions under Chapter 3.03 of this Code, provided however, that employment applications shall be required as otherwise set out in Section 3.03.020. It is not the intent of this Code to use extra help employees in place of hiring of permanent employees when there is a legitimate need for and provisions of funding for long term employees.

(jj) “Examination” or “exam” shall mean any process, procedure, rating, interview, test, evaluation, or assessment, whether scored or unscored, formal or informal, which affects a person's eligibility for, or consideration for, appointment.

(kk) “Furlough” shall mean a reduction in the work day, work week or other period of time as the Board of Supervisors may from time to time impose on some or all of the employees as a result of budgetary constraints. (See Section 3.06.060.)

(ll) (Omitted)

(mm) “Grievance” shall mean a dispute between an employee or the employee's bargaining unit and management as to the interpretation, application, or violation of any terms or provisions granted to employees by agreement, this Part, or State and Federal statutes. For the purposes of this Part, grievances do not include and may not encompass appeals from disciplinary actions.

(nn) “Impasse” shall mean a deadlock in discussions between a formally recognized employee organization and the designated County representative(s) over any matters on which they are required to meet and confer in good faith or over the scope of such matters.

(oo) (Omitted)

(pp) “Layoff” shall mean the suspension or termination of the services of an employee due to the lack of work or due to budgetary constraints and not for reasons related to employee job performance.

(qq) "Leave" shall mean an authorized absence from work that has been authorized by the employees appointing authority in accordance with the provisions of this Part.

(rr) "Minimum qualifications" shall mean standards which designate the typical types of, and minimum levels of, training and/or experience through which one would be expected to acquire the knowledge, skills, personal characteristics, and other requirements necessary for satisfactory performance upon entry to a class, or a description of the knowledge, skills, and personal characteristics required.

(ss) "Nepotism" shall mean the hiring of relatives of current County employees. First and second-degree relationships by blood or marriage are as follows: parents, children, father-in-law, mother-in-law, son-in-law, daughter-in-law, spouse, grandchildren, brother, sister, grandparents, grandfather-in-law, grandmother-in-law, sister-in-law, brother-in-law, grandson-in-law, and granddaughter-in-law.

(tt) "Performance evaluation" shall mean a formal review of an employee's work activities and job performance over a particular period of time.

(uu) "Permanent position" shall mean a position as defined by a specific classification which is part of the authorized staff for a County department as reflected in the annual budget as adopted by the Board of Supervisors. A permanent position may either be shown as a full-time position or a part-time position (as a percentage of FTE – full time equivalent), which shall be at least 50 percent of a FTE or greater (on a regular work basis – per pay period). Any employment that is less than 50 percent of FTE shall be deemed to be an Extra Help position and shall not constitute a "permanent position".

(vv) "Permanent status' or "permanent employee" shall mean when an employee assigned to a permanent position satisfactorily completes a probationary period and obtains a right to continued employment, subject to the County's right to impose disciplinary action for cause, or to lay-off an employee due to a lack of work or budgetary reduction**.**

(ww) "Personnel Director" shall mean the person appointed by the Board of Supervisors to serve as the Personnel Director for the County, or, in the absence of any such appointment, all references to the Personnel Director shall mean the County Auditor who shall perform the functions of the Personnel Director.

(xx) "Position" shall mean a specific office, employment, or job calling for the performance of certain tasks, duties, and responsibilities.

(yy) "Probationary period" shall mean the period of time established to review an employee's job performance as an extension of the examination process required before an employee gains permanent status. A "probationary employee" shall be a person appointed to a permanent position, but who, during the probationary period has no rights to continued employment and who is subject to termination without cause, advance notice and without a right to procedural due process.

(zz) "Promotion" or "promotional appointment" shall mean an appointment of an employee candidate having permanent or probationary status to a position in a different higher position having a higher pay range than the pay range of the employee's previous position.

(aaa) "Open recruitment" or "open examination" shall mean a position or employment test open to the public and not limited to applicants currently in the County service.

(bbb) "Qualifying examination" shall mean an examination that is scored on a pass or fail basis, the scores of which do not indicate relative levels of suitability among those who are determined to be qualified.

(ccc) "Ranking examination" shall mean an examination, the scores of which are appropriate for indicating relative levels of suitability among those who pass.

(ddd) "Reclassification" or "reallocation of a position" shall mean the changing of a position from one classification to another classification based on the duties assigned pursuant to Sections 3.07.03, 3.07.04, and 3.08.04 of this Part.

(eee) "Reduction in force" shall mean an involuntary separation from service due to a shortage of funds or work, organizational changes, or other reasons of business necessity, not involving performance or conduct, which require a reduction in staff. A reduction in force is the same as a lay-off.

(fff) "Referral" or "referral register" shall mean a list of eligible candidates prepared by the Personnel Office from which final selection consideration for an appointment to a specific position at a particular point in time may be given pursuant to Section 3.05 of this Part.

(ggg) "Reinstatement" shall mean the reemployment or restoration of a former employee to a class in which permanent status was held.

(hhh) "Resignation" shall mean a voluntary separation from the County service.

(iii) Retirement shall mean a form voluntary separation from County service with an employee electing to draw retirement benefits from the Public Employment Retirement System (PERS). Any employee electing to retire shall provide notice to his or her Appointing Authority at least thirty (30) days prior to the effective date of the retirement and once such notice is provided, it shall be deemed to constitute notice of the voluntary separation from County service, which may not be withdrawn without the consent of the Appointing Authority.

(jjj) "Separation" shall mean a break in service resulting from a resignation, termination, retirement, dismissal, reduction in force, or death as provided in Section 3.06 of this Part.

(kkk) "Step" shall mean a pay rate, expressed in hourly or monthly rates, designated in terms of its relationship with other compensation rates in a compensation range. (Ord. 1046, eff. 8/5/13)

(lll) "Step date" shall mean the date upon which an employee is eligible to receive a salary increase based on satisfactory performance of their work.

(mmm) "Seniority" shall mean the length of continuous County service within a specific classification without a break due to separation from the date of hire within the classification.

(nnn) (Omitted)

(ooo) "Suspension" shall mean an involuntary imposed leave for disciplinary purposes or during investigatory or judicial proceedings.

(ppp) "Temporary Appointment" shall mean an employee who fills in for a vacated position for a short period of time.

(qqq) "Termination" shall mean a voluntary or involuntary separation of an employee.

(rrr) "Time-limited appointment" shall mean an emergency, extra help, appointment made for a confined duration, which must be terminated within some restricted time period.

(sss) "Transfer" shall mean the appointment of an employee from one position to another position within the same classification.

(ttt) "Voluntary reappointment" shall mean an appointment of a permanent or probationary employee candidate voluntarily seeking an appointment to a position in a class having the same or lower compensation range than that of the class previously occupied.

(uuu) "Work unit" shall mean a work system composed of positions organized about a single purpose or program.

2) CHAPTER 3.02 GENERAL PROVISIONS

3.02.010 Coverage

(a) The personnel rules and policies contained in this Part shall apply to all persons employed by the County, except where the natural construction of this Part otherwise indicates. Notwithstanding the foregoing or any provision in this Part to the contrary, Extra Help Employees and Probationary Employees shall not be entitled to the procedural protections, rights and benefits otherwise provided to Permanent Employees under this Part.

(b) The provisions of this Part shall apply with regards to the procedures for hiring, discipline grievances, establishment of holidays, leaves of absence and the other matters covered herein. The current Memorandum of Understanding ("MOU") between the County and a bargaining unit shall control with regard to the wages and benefits received by employees. Following compliance with the meet and confer requirements under State Law, these personnel rules and policies may be amended as may from time to time be required in order to accommodate changes in the terms and conditions of employment.

(c) Those departments whose employees are required by State Law to be covered by the Merit System Personnel Standards of the State Personnel Board shall not be obligated to adhere to any provision of this Part which directly conflict with those standards. Where conflicts between this Part and the Merit System Personnel Standards arise, the Merit System Personnel Standards shall supersede and take precedence. However, where conflicts do not arise, the departments and employees shall comply with the requirements of this Part.

3.02.030 Interpretation and Enforcement

(a) The Personnel Director, or his or her designee, shall have the responsibility for providing official interpretations of this Part in cases of apparent internal conflict between rules and when questions arise regarding the application of these rules to specific situations, procedures, or policies. The County Counsel shall be responsible for providing legal interpretations concerning the intent and application of the policies set forth in this Part.

(b) The Personnel Director shall ensure that these rules are enforced and that the provisions of this Part are applied uniformly and fairly to all employees in the County service.

(c) Department heads shall be responsible for compliance with these rules within their respective departments and shall ensure that all department employees comply with the provisions of this Part.

3.02.040 Personnel Policies, Forms, and Records

(a) The Personnel Director may issue written policy statements relating to the interpretation or application of this Part, procedures to be followed in the administration of personnel and employee relations policies, and to other matters deemed necessary for proper personnel administration.

(b) Department heads shall ensure the dissemination of such policy statements and procedures and take appropriate action, where applicable, when violations of such policies and procedures are determined.

(c) The Personnel Director, with the consent of the department head committee, if any, shall prescribe the forms and procedures to be used by County departments in matters of personnel and for the purposes of personnel administration.

(d) The Personnel Director shall maintain and/or have access to all employee and personnel records, except where specifically prohibited by State or Federal laws.

(e) The Personnel Director may assign to other personnel staff employees or contractors such duties and responsibilities in connection with this Part deemed proper and expedient.

(f) When any Department takes any action affecting an employee's status, including without limitation, the hiring, termination, suspension, promotion, demotion, or granting of leave to an employee, the Department shall promptly transmit to the Personnel Director and the Auditor copies of personnel actions forms reflecting such action. Personnel action forms shall customarily be transmitted to the County Auditor at least three (3) working days prior to the effective date of the personnel action.

3.02.050 Equal Employment Opportunities

(a) The County shall provide equal employment opportunities in the administration of all personnel policies and practices in a manner that does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, age, ethnic background, handicap (except where a handicap is a bona fide occupational disqualification), political affiliation, or marital status.

(b) The personnel policies and practices covered by subsection (a) of this section shall include, but not be limited to, recruitment, appointments, promotions, discipline, retention, training, and other benefits, terms, and conditions of employment.

(c) Department heads shall conduct all personnel operations in accordance with the equal employment opportunity policy and shall lend full cooperation with the Personnel Director in investigating and resolving alleged discrimination complaints.

(d) Department heads shall be responsible for the distribution to, and discussion of, the equal employment opportunity policy with the employees of their respective departments.

(e) It shall be the policy of the County to resolve complaints that arise under the provisions of this section on an informal basis. Unless other procedures are otherwise expressly provided for, if a satisfactory resolution cannot be achieved, an employee shall be directed to pursue those remedies and procedures outlined in the Grievance procedures contained in Chapter 3.12 of this Code.

(f) The Appointing Authority is hereby directed to maintain such employee and other records as are necessary to accomplish the provisions required by this Code.

3.02.060 Political and Economic Conflicts of Interest

(a) No employee shall use official authority or influence for the purpose of interfering with, or affecting the results of, an election or nomination for office or directly or indirectly coerce, attempt to coerce, or advise a County employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

(b) All County officers and employees shall be subject to the provisions of Sections 3201 through 3209 of the Government Code of the State relating to political activities.

(c) No employee shall accept or solicit anything of value which is, or which may appear to be, designed to influence official conduct; nor shall a County employee enter into any financial or other relationship with a County department, a private business, or other organization which would constitute a conflict of interest with County employment.

3.02.070 Incompatible Employment Activities

(a) A local agency officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The officer or employee shall not perform any work, service or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body, unless otherwise approved by the Board of Supervisors.

(b) For purposes of determining those outside activities which, for County employees, are inconsistent with, incompatible to, or in conflict with their duties as local agency officers or employees, the following outside employment, activity or enterprise is prohibited if it:

1. Involves the use for private gain or advantage of his or her local agency time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence of his or her local agency office or employment;

2. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her local agency for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her local agency employment or as a part of his or her duties as a local agency officer or employee;

3. Involves the performance of an act in other than his or her capacity as a local agency officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or Enforcement of any other officer or employee or the agency by which he or she is employed;

4. Involves the time demands as would render performance of his or her duties as a local agency officer or employee less efficient.

(c) Subsections (b)1. through 4. of this section shall not be deemed to be exclusive circumstances which may constitute prohibited employment or activity.

(d) Officers and employees who engage in the prohibited activities are subject to disciplinary action, up to and including termination.

(e) Notice of the foregoing prohibited employment, activity, or enterprise and discipline for violation thereof shall be given to all new County officers and employees at the employee's Employment

Orientation. Notice to presently employed officers and employees shall be provided through the Department Manger.

3.02.080 Dual Employment Within County Service

There shall be no conflicting hours of work when a person is employed by two (2) or more County departments or in two (2) or more positions in the same department. Dual employment within the County service shall be subject to review and approval by the Personnel Director.

3.02.090. Use of County Property and Official Influence

(a) No employee, department head or County official shall use or permit the use of County-owned property for other than official activities. In addition, County employees have a positive responsibility to protect and conserve County property entrusted to them.

(b) County employees shall not use their official positions for personal gain. Public authority and privileged information shall not be turned to personal advantage.

3.02.100. Hours of Work

(a) All County employment shall be based on a monthly pay period for the purpose of compensation and paychecks (electronically or otherwise) shall be regularly issued on the first day of each month. If the first day of the month falls on other than a regular business day, paychecks shall be issued on the last preceding banking day.

(b) Overtime compensation shall be based on hours worked in excess of forty (40) hours within a week (from Sunday through Saturday).

(c) For the purposes of computing fractions of hours worked, the time shall be computed to the nearest one-half (1/2) hour

(d) Flexible work time may be allowed consistent with the provisions in the most recently adopted Memorandum of Understanding with the applicable bargaining unit. (Ord 1046, eff. 8/5/13)

3.02.110 Board of Supervisors as Appointing Authority

The Board of Supervisors is the Appointing Authority for appointive Department heads (except for Chief Probation Officer).

3.02.120 Department Heads as Appointing Authorities

Department heads are the appointing authorities for all employees in their departments.

3.02.130. Nepotism

(a) Appointing authorities, department heads, and persons having the power to hire or promote persons on behalf of the County shall not hire or promote any person who is related to them within the first or second degree, whether by blood or marriage.

(b) Appointing authorities may hire or promote persons within a department who are related to each other within the first or second degree by blood or marriage only if:

1. They are not supervised by the same person; and

2. One relative employee does not supervise the other relative employee; and

3. The course and nature of their work is independent and does not cause interaction or a close working relationship; and

4. They are appointed and employed in distinctly separate locales.

(c) The provisions of this section shall not apply to those employees who as of the date of the adoption of the revisions to the Personnel Code are in violation of the provisions of this section. However, the provisions shall be applied in all subsequent cases involving the hiring or promotion of all County employees and in cases involving the marriage of a County employee.

3.02.140. Management Rights

The County shall have the exclusive right to determine the merits, necessity and organization of any service or activity of County government and to determine all matters concerning the management or administration of County government, subject to the provisions of the MOU and applicable law. (Ord. 771, eff. 05/07/91)

In its determination of matters concerning the management or administration of County government the County shall retain the exclusive decision-making authority in relation to, but not limited by, the following:

(a) Determine and modify the organization of County government and its constituent work units.

(b) Determine the nature, standards, levels and mode of delivery of services to be offered to the public.

(c) Determine the methods, means and the numbers and kinds of personnel by which services are to be provided.

(d) Determine whether goods or services shall be made, purchased or contracted for.

(e) Direct employees, including scheduling and assigning work and overtime.

(f) Establish employee performance standards and to require compliance therewith.

(g) Discharge, suspend, demote, reduce in pay, reprimand, withhold salary increases and benefits, or otherwise discipline employees where warranted.

(h) Relieve employees from duty because of lack of work or lack of funds or for other legitimate reasons.

(i) Implement rules, regulations and directives consistent with law and the specific provisions of the MOU.

(j) Take all necessary actions to protect the public and carry out its mission in emergencies. In any matter regarding emergencies which affect items of meet and confer, the County shall notify the Union as soon as possible.

3) CHAPTER 3.03 RECRUITMENT, APPLICATIONS, AND SELECTION FOR EMPLOYMENT

3.03.010 Recruitment

(a) The Appointing Authority shall be responsible for the recruitment of persons who are to be considered for employment within their respective departments. An active recruitment program

shall be conducted to attract suitable numbers of qualified applicants to compete for County service.

(b) Recruitment programs shall be conducted in such a manner and for such time periods as determined by the Appointing Authority to be useful and expedient for the class involved. The Appointing Authority may leave the recruitment open for an indefinite time or until the position is filled.

(c) No offer or commitment of employment may be made to any applicant until after the specified deadline for that position has passed and sufficient time has elapsed for the processing of applications, administration of exams, and the certification and referral of applicants.

(d) The Appointing Authority may utilize job vacancy announcements, bulletins, advertisements, and other methods to publicize employment opportunities with the County.

(e) When Federal or State laws, grants, or contracts stipulate, the Appointing Authority shall be responsible for notifying the appropriate public and private agencies concerning job openings in order to comply with applicable equal employment opportunity practices.

3.03.020 Applications for Employment

(a) Applications for employment shall be made on official County job application forms and according to such procedures as may be prescribed by the Personnel Director. Applications shall be filed at the County department or at such places as may be approved by the Appointing Authority on or before any specified final filing date. It shall be the sole responsibility of the applicant to meet the required filing date. In addition, applicants shall submit such documents or supplemental information as required by the Personnel Director or Appointing Authority in order to verify or evaluate the applicant's qualifications and background.

(b) Applications shall only be accepted when there is an official vacancy announcement or notice posted for the class title applied for, when there is a vacancy anticipated, or when a class is designated for continuous recruitment.

(c) Applications, which are materially incomplete or improperly executed, will be rejected.

(d) Neither the issuance of an application form, nor an invitation to apply, shall be construed as incurring an obligation to accept or approve any application subsequently submitted.

(e) Applicants may be rejected by the Appointing Authority and/or refused further consideration, examination, or appointment for any of the following reasons provided such reasons can be substantiated and documented:

1. The applicant is found to lack any of the minimum qualifications established for the class;

2. The failure of an applicant to submit an application according to established procedures or within a prescribed time period;

3. The failure of an applicant to complete the application according to instructions, or failure to submit required documents or additional information, or failure to submit a legible and comprehendible application;

4. The applicant has willfully made a false statement with regard to qualifications or background or has otherwise practiced deception or fraud in connection with an application;

5. The applicant has attempted to use, or has used, unauthorized aids, cheated, or otherwise attempted to secure an undue advantage on any examination;

6. The application submitted is for a job class for which applications are not being accepted at that time;

7. The applicant has failed to appear for a scheduled examination;

8. The applicant has failed to pass any phase of the examination process;

9. The applicant has obtained information regarding examinations to which the individual is not entitled;

10. The application has been on file for over twelve (12) months;

11. The applicant is found to be physically or mentally unable to perform the assigned duties of the class applied for;

12. The applicant has been convicted of a crime or has a record of convictions, the nature of which would affect the individual's suitability for employment in the class;

13. The applicant has used or attempted to use political or personal pressure or bribery to secure an advantage in obtaining employment;

14. The applicant is under eighteen (18) years of age;

15. The applicant is between sixteen (16) and eighteen (18) years of age and has applied for a job which is defined as hazardous by the United States Department of Labor pursuant to the 1974 Federal Fair Labor Standards Act; or

16. For any other job-related reason the Appointing Authority has determined adversely affects the applicant's suitability for appointment.

3.03.030 Selection for Employment

(a) The Appointing Authority shall be responsible for the determination and administration of selection methods for filling all positions and establishing whether an examination shall be conducted on an intradepartmental, interdepartmental, or open competitive basis. Each Appointing Authority shall confer with the Personnel Director to determine the appropriate procedures to be followed.

(b) Examinations shall measure knowledge, skills, and characteristics validly required for the successful performance of duties for a particular class or classes. The Appointing Authority may use such forms and methods in examining as may be appropriate for the class, including one or a combination of any of the following:

1. Evaluations of training and/or experience;

2. Written examinations;

3. Oral examinations;

4. Performance and/or simulated work sample examinations;

5. Medical examinations of health or physical condition where appropriate for the class and limited to evaluation capability to perform on the essential job requirement;

6. Examinations of physical capabilities, psychomotor control, or dexterity and limited to evaluation capability to perform on the essential job requirement; and

7. Ratings of past work performance and/or promotional potential.

(c) The Appointing Authority shall establish such time limits, methods of recording answers, regulations for admittance to examinations, policies on retesting, and such other administrative procedures as deemed appropriate for each examination.

(d) The Personnel Director shall take such measures as are necessary to ensure that uniform standards are maintained regarding instructions, procedures, and other test conditions to afford fair and equal treatment to all applicants for a given examination.

(e) Examinations may be administered at such times and in such places as are necessary and practical.

(f) The Appointing Authority may designate such qualified persons to administer examinations and serve as examiners and test monitors as may be practical and expedient.

(g) The Appointing Authority shall utilize professionally acceptable principles and methods in the development of procedures for scoring, setting passing points, scaling, rounding fractions, converting and combining scores, and weighing examination components as are necessary to ensure that the final scores meet acceptable standards of validity and reliability.

(h) The Appointing Authority shall establish procedures and take such precautions as are necessary to safeguard the security and confidentiality of examination materials and to ensure that equal opportunity to compete is afforded all applicants.

(i) Interviews and other examinations conducted by appointing authorities for the purpose of making selection decisions from among candidates shall be job related. Appointing authorities may request the Personnel Director to provide technical assistance in developing and administering such examinations. The Personnel Director, in coordination with the Appointing Authority, may develop standards and procedures for the content and administration of final selection examinations relating to such matters as the composition of examination boards, the development and administration of examinations, and scoring methods.

(j) Interviews should not be conducted by one interviewer, except when unusual circumstances make it impractical to have two (2) or more interviewers conduct an examination.

(k) Appointing authorities shall give sufficient final selection consideration to an adequate number of the available candidates to provide for competitive selection and to ensure the employment of relatively more qualified individuals to the County service. The Appointing Authority shall be responsible for giving full final selection consideration to all candidates.

(l) The Appointing Authority may hold such supplemental interviews with applicants or make other such inquiries as they deem necessary.

Section 3.03.031 Criminal Background Checks

(a) The County is authorized pursuant to Penal Code Sections 11105 and 13300 to access state and local summary criminal history information for employment, licensing or certification purposes if there is a requirement for the exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject individual. Pursuant to Penal Code Section 11105 the County is further authorized to access federal level criminal history information by transmitting fingerprint images and relation information to the Department of Justice to be

transmitted to the Federal Bureau of Investigation. It is the intent of this section to codify and implement the provisions of state law providing for access by the County to summary criminal history information for applicants for employment with the County and accordingly by adoption of this section (by ordinance) as part of the codified County Code the Board of Supervisors hereby specifically authorizes the access to summary criminal history information for the purposes set forth herein. All information obtained as a result of any background check shall be maintained as confidential and shall not be released to the public or to any other County employee or department, except as set forth herein.

(b) The County shall not hire or otherwise employ any of the persons who are to serve in a position, as follows:

1. Having supervisory or disciplinary power over a minor or any person under his or her care, if that prospective employee has been convicted of a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, or a crime of moral turpitude, any other sex related crime, or any felony involving (1) distribution, use and/or possession of drugs, or (2) and battery or injury to another person or endangerment or abuse of a minor or any adult.

   The above provisions shall also apply to the use of volunteers who may be in a position to perform any of the above functions;

2. That provides recreation that involves the supervision of children if that prospective employee has been convicted of a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, or a crime of moral turpitude, any other sex related crime, or any felony involving (1) distribution, use and/or possession of drugs, or (2) and battery or injury to another person or endangerment or abuse of a minor or any adult.

   The above provisions shall also apply to the use of volunteers who may be in a position to perform any of the above functions

3. Is responsible for receiving or accounting for funds or any monies of the County or any person doing business with the County if that prospective employee has been convicted of a crime of moral turpitude, or any felony involving distribution, use and/or possession of drugs;

4. Performs janitorial services or maintenance of County facilities in a manner that provides access to workspaces in County offices and facilities including where confidential material is kept if that prospective employee has been convicted of a crime of moral turpitude, or any felony involving distribution, use and/or possession of drugs;

5. Serves as a peace officer or custodial officer if that prospective employee has been convicted of a crime of moral turpitude, any felony involving distribution, use and/or possession of drugs or any crime that reflects an inability to properly & faithfully serve as a peace officer or custodial officer.

(c) The County shall require criminal background checks prior to hiring employees who are to serve in a position as described in or perform any of the functions described in subparagraph (b), above.

(d) The County shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of any offense specified in subdivision (b), above or as to which inquiry is specifically allowed for the nature of the employment position being sought under the provisions of this section. No applicant for employment shall be asked to disclose, through any written form or verbally, information

concerning an arrest or detention that did not result in conviction, or information concerning a referral to, and participation in, any pretrial or post trial diversion program.

(e) The criminal background check shall be limited in scope to pertain only to those arrests resulting in criminal convictions, as defined in California Labor Code Section 432.7(a). In no event shall the Personnel Director or Appointing Authority request, receive, or consider any information pertaining to arrests which did not result in convictions, or any record regarding a referral to, and participation in, any pretrial or post trial diversion program, except as provided in California Welfare and Institutions Code Section 16501 et seq., Penal Code Section 830 et seq., or any other California Statute authorizing such inquiry. In addition the criminal background check shall be limited in scope to exclude any conviction or violation of subdivision (b) or (c) of Section 11357 of the Health and Safety Code or a statutory predecessor thereof, or subdivision (c) of Section 11360 of the Health and Safety Code, or Section 11364, 11365, or 11550 of the Health and Safety Code as they related to marijuana prior to January 1, 1976, or a statutory predecessor thereof, two years from the date of such a conviction. Notwithstanding the foregoing the specific provisions of Labor Code Section 432.7 shall apply to applicants for employment as peace officers.

(f) Notwithstanding the foregoing and in accordance with the requirements of Welfare & Institutions Code Section 16501, all County welfare department employees who have frequent and routine contact and all welfare department employees who are expected to have frequent and routine contact with children and who are hired, and all such employees whose duties change to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal conviction, and shall provide a set of fingerprints to the county welfare director. The Personnel Director shall is authorized and shall secure from the Department of Justice summary criminal history information to determine whether the employee has ever been convicted of a crime other than a minor traffic violation and shall provide the information to the County Welfare Director for evaluation in the hiring of any such applicant. If it is found that the employee has been convicted of a crime, other than a minor traffic violation, the County Welfare Director shall determine whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify frequent and routine contact with children.

(g) The Personnel Director is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees) and shall secure from the Department of Justice summary criminal history information to determine whether the employee has ever been convicted of a crime as set forth herein and provide the information to the Appointing Authority (the Department Head).

(h) If it is found that the employee has been convicted of a crime as set forth herein and prior to making a hiring decision, the Personnel Director or in his or her absence the Appointing Authority shall furnish the applicant with a copy of the applicant's criminal history information as provided by the Department of Justice. Upon receipt of this copy, the applicant shall be provided with an opportunity to dispute the accuracy of the criminal history information. The Personnel Director shall determine in consultation with the Appointing Authority as to whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify employment.

(i). In order to implement the provisions of this ordinance the Personnel Director or in the absence of a Personnel Director, the County Auditor, shall be authorized to access the criminal history information maintained by the State Department of Justice for the sole purpose of advising the appointing authority as to the existence of any criminal convictions that may disqualify an applicant from County employment. The information received by the Personnel Director shall be maintained in confidence and shall not be disseminated to any person, other than the Appointing Authority and to the job applicant, in accordance with the provisions of California Civil Code

Section 1786.53. To facilitate access to and use of the criminal history information provided by and through the Department of Justice, the Personnel Director is further authorized to execute such applications, agreements and other documentation as may be required by the Department of Justice in order to provide access to criminal history information.

(j) No County official or employee shall use the applicant's criminal history information for any purpose other than evaluating the applicant's suitability for employment, unless expressly authorized or required by law. Upon making a hiring decision all copies of the applicant's criminal history information shall, whether or not the applicant was hired, be destroyed, unless retention is expressly authorized or required by law.

(k) Pursuant to Civil Code 1786.53 the County shall provide a copy of the criminal history information to the employee or employment applicant within seven days after receipt of the information, regardless of whether the information is received in a written or oral form. The County shall provide on any job application form, or any other written form, a box that, if checked by the employee or employment applicant, permits the employee or applicant to waive his or her right to receive a copy of any criminal history information obtained pursuant to Civil Code 1786.53. If the County takes any adverse action as a result of receiving criminal history information, the County shall provide a copy of the criminal history information to the employee or employment applicant within seven days after receipt of the information, regardless of whether the information is received in a written or oral form. (Ord. 1033, eff. 7/21/11)

3.03.040 Probationary Period

(a) The probationary period shall be regarded as an integral part of the selection examination process and shall be utilized for closely observing the newly hired or promoted employee's work abilities and performance. No employee shall be deemed to be a permanent employee until they have successfully completed their probationary employment for the employment position that the employee occupies with the County.

(b) Every peace officer employed by the Sheriff's Department shall serve, to the satisfaction of the appointing authority, a probationary period which shall be the equivalent of eighteen (18) months of consecutive full time employment. All other County employees shall serve, to the satisfaction of the appointing authority, a probationary period which shall be the equivalent of twelve (12) full months of consecutive full time employment. (Ord. 1026, eff. 11/18/10; prior 1015)

(c) An employee may be discharged at any time during his or her probationary period and without reason or cause and without providing any hearing. The Appointing Authority shall provide proper notification to the employee and a separation report to the Auditor’s office.

(d) An employee shall attain permanent status upon satisfactory completion of the probationary period of employment. Except as otherwise provided for employees receiving promotions, no employee shall gain permanent (non-probationary status) unless and until the Appointing Authority certifies in writing to the employee and the Personnel Director of his or her acceptance of the employee as satisfactorily completing their probationary employment. The Appointing Authority shall endeavor to notify all probationary employees of the completion, termination or extension of probationary employment prior to the completion of the probationary period. An Appointing Authority may extend the probation period for an additional six (6) months under the following conditions:

1. Prior to the expiration of the probation period, the Appointing Authority gives the employee written notice of intention to extend the probation period, which notice shall contain the reasons for the extension. Any reason, subjective or objective shall be sufficient.

2. In the event that the Appointing Authority fails to provide written notice to the probationary employee of satisfactory completion of his or her probationary employment, the probationary status shall be deemed to be extended for an additional six month period; at the end of which, unless there is further action by the Appointing Authority, the employee will be deemed to have successfully completed his or her probationary employment.

(e) If an employee is promoted within an employment classification (such as the range of positions in the classification for road worker – as between a class I, II or III or deputy sheriff I, II or III) then in such case the probationary periods shall be (1) the equivalent of twenty-six (26) consecutive weeks of FTE (full time employment) for all employees other than deputy sheriffs and (2) a probationary period which shall be the equivalent of fifty-two (52) consecutive weeks of FTE (full time employment) for deputy sheriffs. All other employees receiving promotions or being changed to positions outside of his or her existing class for employment shall serve a probation period as set out in subparagraph (b). (Ord 1026, eff. 11/18/10; prior 1015)

(f) During a probationary period, if an employee's performance does not meet the required standards for the position to which the employee was promoted, the employee shall have the right, in lieu of termination, to voluntarily demote back to the former position in which permanent status is held, so long as the former position is vacant and has not been filled with another employee or eliminated.

(g) Unless notified in writing by the Appointing Authority prior to the completion of the probationary period, a promoted employee shall attain permanent status upon the completion of the probationary period.

(h) When an employee takes leave while serving any probationary period, the period of probation shall be extended accordingly.

3.03.050 Recruitment and Training - 6040 CA Penal Code

While receiving any State aid pursuant to Article 3, commencing with Section 6040 of the California Penal Code, the County of Sierra will adhere to the standards for recruitment and training established by the Board of Corrections for the training of law enforcement and corrections personnel.

3.03.060 Recruitment and Training - 13522 CA Penal Code

Section 1. The County of Sierra declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1, of Title 4, Part 4, of the California Penal Code.

Section 2. Pursuant to Section 13510(c), Chapter 1, the Sierra County Sheriff will adhere to standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

Section 3. Pursuant to Section 13512, Chapter 1, the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the Sierra County Sheriff's public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training.

3.03.070 Internal Promotions Procedure

Whenever a department head believes that there may be existing County employees who are qualified for a vacant position within his or her department, the department head shall be allowed to limit the advertisement of the position to all County employees and shall be allowed to select an existing County employee for the vacant position without having to undertake and/or complete a full outside recruitment.

Any such announcement of the employment opportunity may be accomplished by the publication of a job announcement that is circulated internal to County employees and departments. Any such promotion and/or transfer to another position in the County (employment) shall not be subject to the recruitment procedures set out in Chapter 3.03 provided however, that employment applications shall be required as otherwise set out in Section 3.03.020 and the selection process as set out in Section 3.03.030 shall be followed. The intent here is to allow a department head to hire an existing employee who wants to transfer from his or her present job, without having to go through the full recruitment process.

4) CHAPTER 3.04. ELIGIBILITY REGISTERS

3.04.010 Establishment of Registers

(a) The Appointing Authority, when necessary, shall establish and maintain registers of applicants who have passed required examinations and/or have otherwise been determined to be eligible for specific classes. Such registers shall contain at least the following information: the names of the eligibles, the examination scores, if applicable, and the geographical areas in which the eligibles are willing to work.

(b) Where an adequate employment register is not available for a classification, the Appointing Authority may certify the names and scores of the eligibles from a related class register.

(c) An eligibility register shall be effective from the date on which it is approved by the Appointing Authority and submitted to the Personnel Director.

(d) All eligibility registers shall be valid for twelve (12) months, unless otherwise extended or shortened by the Appointing Authority, in which case notification shall be sent to those individuals on the register.

(e) If there are four (4) or less names on any eligibility register, the Appointing Authority may consider that list to be exhausted.

3.04.020 Merging Eligibility Registers

(a) The Appointing Authority may supplement an eligibility register for a class whenever it is deemed necessary.

(b) When a supplemental eligibility register is merged with an existing register, the names shall be placed on the new register according to highest scores.

(c) Persons whose names appear on a merged register shall retain eligibility until the date the original register will expire, subject to the provisions set forth in subsection (c) of Section 3.04.04 of this chapter.

3.04.030 Placement on Registers of Previous Employees and Eligibles Not Hired

(a) Any person previously employed in a permanent position by the County who separated in good standing shall have the right to placement on a register for the same class in which previously employed with that previous employee's most recent examination score provided that:

1. The previous employee submits a new application form which is approved pursuant to the current application procedures;

2. The minimum qualifications for the class have not changed requiring additional qualifying training or experience since the employee's last appointment to that class;

3. The examinations, scoring procedures, and passing points for the examination for that class have not changed since the previous employee was last examined for that class; and

4. It has not been more than twelve (12) months since the previous employee's separation from employment in the class.

(b) Employees voluntarily seeking consideration for appointments, including promotions, transfers, and reappointments to positions in classes other than that of their currently held position, shall submit applications, meet the minimum qualifications, and pass any required examination prior to placement on any register.

(c) Current employees voluntarily seeking consideration for a lateral transfer from one department to another while remaining in the same classification may waive examination if approved by the Appointing Authority.

3.04.040 Removal of Eligibles From Registers

(a) Eligibles may be removed from registers by the Appointing Authority for any reason set forth in subsection (e) of Section 3.03.02 of this Chapter or for any of the following reasons:

1. The eligible has failed to provide notice of any change of name, address, telephone number, or information which would affect qualifications for the class;

2. The eligible has failed to respond within the prescribed time limit when an attempt has been made to contact the individual in writing at the last known address;

3. The eligible has failed to appear for a previously scheduled final selection examination;

4. The eligible has been on the register for over twelve (12) months;

5. The eligible has failed to pass any phase of a final selection examination;

6. Upon notice from the eligible that the individual no longer desires consideration for an appointment;

7. The eligible has failed to respond within a reasonable time to an inquiry to determine if the individual desires continued consideration for an appointment;

8. The candidate has refused an offer of appointment to a given class in a location and meeting other conditions of availability previously indicated;

9. The eligible has been appointed from the register;

10. The eligible has been appointed to a higher paying class, unless the individual has specifically requested to remain on the register for the lower paying class;

11. Upon the failure, without good cause, of an appointed candidate to report for duty on the date agreed to by the candidate and the appointing authority;

12. Whenever an eligible has provided information on an application form or otherwise submits a statement restricting the geographical areas, types of appointment, or other conditions relative to availability for, or willingness to accept, an appointment, such eligible shall not be considered to be available for certification or consideration for vacancies which do not meet the conditions of indicated availability.

(b) The Personnel Director shall have the authority to abolish a register or require the reapplication and/or reexamination of eligibles on a register when:

1. The minimum qualifications for the class have changed;

2. The positions having that classification no longer exist in the County service;

3. The examinations, scoring procedures, or passing points have been changed since those eligible were placed on the register; or

4. For other reasons involving the adequacy of the register in meeting current needs.

5) CHAPTER 3.05 CERTIFICATION AND APPOINTMENTS

3.05.010 Authorization to Fill Vacant Positions

The Appointing Authority shall have the authority to fill any position authorized and funded by the Board of Supervisors in the current budget (as adopted by resolution of the Board of Supervisors) unless the Board has frozen hiring or rescinds the authorization or funding for the position.

3.05.020 Filling Vacant Positions

The Appointing Authority shall inquire of the Personnel Director of the existence of any eligibility list for the position to be filled. If no list exists or is determined by the Appointing Authority to be inadequate the procedures in Chapter 3.03 pertaining to recruitment shall be followed.

3.05.030 (omitted)

3.05.040 Preconditions to Appointments

(a) Except for temporary appointments, persons employed in or appointed to any position in the classification plan requiring permanent full-time or permanent part-time status shall possess substantially the qualifications of training and experience required for that classification as outlined in the job description.

(b) Prior to making an offer or commitment to hire, the Appointing Authority shall be responsible for determining that the following conditions are met:

1. The position is authorized and funded per §3.05.010;

2. The person recommended for appointment meets the requirements of subsections (a) and (c) of this section; and

(c) Pre-employment Testing: Once an offer for employment is made all applicants shall be required to submit to pre-employment drug testing and breath alcohol testing. Applicants who do not pass these tests shall not be hired by the County and any offer of employment shall be deemed voided. Applicants may also be required to submit to a fitness for duty evaluation, on a case by case basis depending on the physical requirements for the position as described in the approved job classification. Routine medical examinations may not be required absent special circumstances and may be required only with the concurrence of the Personnel Director.

3.05.050 Preference in Making Appointments

It shall be the policy of the County to appoint the most qualified candidates to the County service and to provide fair and equitable treatment to all candidates eligible for appointment.

3.05.060 Probationary, Promotional, and Transfer Appointments

(a) Appointments shall be made from the appropriate list of eligible candidates.

(b) All promotional appointments shall be made from employees who otherwise possess the qualifications for the position and who have applied for the position. Promotions should be made in such fashion as to encourage upward mobility within the County work force.

3.05.070 Provisional Appointments

(a) If a register for a position contains four or fewer eligible applicants, a provisional appointment of an applicant not on the register can be made by the Appointing Authority upon the approval of the Personnel Director. Such provisional appointments shall last for a period no longer than sixty (60) days or until thirty (30) days after an adequate register is established, whichever occurs first. The Personnel Director may extend a provisional appointment for a period not to exceed an additional sixty (60) days when difficulty recruiting a sufficient number of applicants is encountered.

(b) Provisional appointments may be made only of those persons who have filed an official application and who have been approved by the Personnel Director as meeting the minimum qualifications for the class.

(c) Persons who have been provisionally appointed may be given a subsequent probationary appointment only after the following conditions are met:

1. A eligibility list (register) is established for the position or classification following customary recruitment procedures; and

2. The provisional appointee is certified to the register.

3.05.080 Temporary Appointments

(a) The recruitment and selection procedures in this Chapter need not be followed if pressing requirements for work on a department requires the expedited filling of a job vacancy. With the approval of the Personnel Director, an individual may be hired on a temporary basis to fill a vacancy for a permanent position (as reflected in the approved staffing for the Department as part of the County budget). A temporary appointment shall be effective for no longer than only sixty (60) calendar days or upon completion of the normal hiring procedures, whichever occurs first. A single extension of a temporary appointment may be granted only with the approval of the Personnel Director or in the absence of a Personnel Director, the Board of Supervisors. Any person hired by the County in this manner shall be deemed to be an extra help employee whose employment may be terminated at any time without cause or advance notice.

(b) A temporary appointment shall be made from eligibility lists (registers) maintained pursuant to this Chapter if a list is then in existence. In no case shall a temporary appointment exceed one hundred and twenty (120) days or 960 regular hours, whichever is less, in any single classification in any calendar year.

3.05.090 Extra Help

(a) Individuals may be hired to provide additional help for a department to cover seasonal peak workloads, emergency extra work loads of a limited duration, necessary vacation relief, and other situations requiring use of a fluctuating staffing level. Extra Help Employees may only be hired when there are adequate funds available for such purpose in a department's budget. In no event shall an extra help employee be allowed to work more than a nine hundred and sixty hours in any calendar year.

(b) The classification of the position for such extra help employees shall be determined by the Appointing Authority based on the duties to be assigned to the individual.

(c) Extra help employees shall not be eligible to receive any of the fringe benefits provided to permanent employees, unless otherwise expressly stated in this Code or by formal action by the Board of Supervisors.

(d) The employment of extra help employees shall be on at will basis and their employment may be terminated at any time without cause, advance notice, and without right to appeal.

(e) It is not the intent of this Code to use extra help employees in place of hiring of permanent employees when there is a legitimate need for and provisions of funding for long term employees

3.05.100 Alternative Appointments

When fully qualified persons cannot be recruited to fill a position that the Board allocated with alternate classification levels in the salary ordinance, the Appointing Authority may make a request to the Personnel Director that the position be filled at the lower salary range and classification. If approval is granted, the Appointing Authority shall notify the County Auditor for incorporation into the official payroll records.

6) CHAPTER 3.06 LAYOFFS, FURLOUGHS AND SEPARATION

3.06.010 Resignation

(a) An employee intending to voluntarily separate from the County service shall submit notification to the immediate supervisor specifying the effective date of the intended resignation. Such notification should be provided as far in advance as possible. Resignations shall be deemed to be effective as of the end of the regular business day on the date stated in the resignation.

(b) A resignation shall be deemed accepted on the date submitted and shall not be allowed to be withdrawn except with the written consent of the Appointing Authority. A Resignation shall be effective on the date specified in the employee's notification. If an employee fails to state an effective date, the effective date of the resignation shall be the date that it is delivered to the Appointing Authority.

3.06.020 Unauthorized Absence as Abandonment of Employment

(a) Any employee who, without compelling cause and prior approval from his or her Department head, is absent for five (5) consecutive workdays or any parts thereof and fails to provide notification to the Department head of his or her absence or which absence is otherwise unauthorized, shall be deemed to have automatically resigned his or her employment with the County. For the purposes of this section, any unauthorized absence during any portion of the employee's normal working day shall be held to be an unauthorized absence for the entire day. Nothing in this section shall prevent an Appointing Authority from otherwise disciplining an employee on account of an unauthorized absence for any period of time if there is sufficient cause to do so. Any such discipline may include termination of employment. This provision shall not apply as to an employee who due to injury or illness is so incapacitated as to be unable to communicate his or her situation with his or her Appointing Authority either directly or with the aid or another person.

(b) Notwithstanding any other provision in this Code to the contrary, an employee whose employment is deemed terminated due to unauthorized absence (per above) shall be held to have left the County service by resignation and shall not require the Appointing Authority to provide the employee with a due process (“Skelly”) hearing or any other procedural requirements.

3.06.030 (omitted)

3.06.040 Reductions in Force (Layoffs)

(a) Whenever it is necessary, due to the lack of funds or the Board otherwise determines that a reduction or elimination of services performed by any or all departments is needed, employees within the department, including those on an approved leave of absence, may be laid off, transferred, or demoted as set forth in this section. A reduction in force affecting employees who fall under the state personnel rules shall be implemented in accordance with those rules to the extent that such rules are inconsistent with this Part.

(b) If the County elects to implement a reduction in force, the order of separation shall be by employee status categories and shall be as follows:

1. Extra help;
2. Temporary;
3. Probationary;
4. Permanent part-time;
5. Permanent full-time

(c) Employees occupying positions designated for abolishment shall have the right to exercise their available options to transfer, demote, or be laid off based on seniority, as provided in this section, with the most senior employees having greater potential right of continued employment than those of lesser seniority within classification within their department.

(d) Seniority right shall be based on all continuous County employment in a permanent position within the affected class without a break due to separation, subject to the provisions contained in this section; rights to transfer and/or demote shall be within the employees' department only, except as set forth in subsection (2) of subsection (g) of this section.

(e) The Appointing Authority shall establish a seniority list by classification for each department. Each employee appointed to a permanent position shall receive a seniority credit for each calendar day of permanent employment, with the following exceptions:

1. Seniority credit shall not be granted for those periods when an employee (1) on leave of absence without pay in excess of thirty (30) calendar days, (2) during any layoff, or (3) other periods of uncompensated leave or absence.

2. Seniority credit shall not be granted for those periods when an employee is on extra help status or is otherwise not occupying a permanent position.

3. Employees separated due to a reduction in force (laid off) who are reinstated within one (1) years after layoff, or within the time extended by the Board of Supervisors, shall be granted credit for those compensated periods prior to the layoff.

4. The seniority of employees who have worked in a less than full-time permanent position shall be determined by converting the total hours worked to yearly equivalents.

(f) When two (2) or more employees have the same seniority, the tie shall be broken and preference given in the following sequence:

> When it becomes necessary to reduce the force in any department or office by lay-off of permanent employees, seniority within the same job classification shall be the determining factor. In the case where seniority is equal, ability shall govern. The determination of ability shall be the exclusive responsibility of the Department head, provided that in making such determination, consideration shall be given to skill, efficiency, knowledge, physical fitness, training and attitude toward fellow employees.

(g) Employees subject to layoff may be eligible to be demoted or may request transfer subject to the following provisions:

1. An employee who has prior permanent service in a lower level class in the same department may demote to that lower level class.

   (i) Any employee demoted pursuant to the provisions of this subsection shall be deemed the most senior employee in such lower class.

(ii) In the event two (2) or more employees are demoted pursuant to the provisions of this subsection, the employee with the most seniority at the higher class shall be deemed the most senior employee in the lower class. The employee with the least seniority occupying a position in the lower class may in turn be laid off, demoted, or transferred in the same manner to the end that the last person employed in the lowest class shall be the person laid off.

2. An employee subject to layoff may submit a written request to be considered for transfer to any vacant position in a class for which the employee meets the minimum qualifications as provided in the class specification, and as determined by the Appointing Authority over the transfer to position, provided such class has an equivalent or lower salary range.

(i) The employee may be transferred to the vacant position with the approval of the Appointing Authority wherein such position exists and subject to serving the probationary period for the new class.

(ii) Seniority in the new class shall be determined based upon the effective date of the transfer.

(iii) For the purposes of this section, “equivalent salary range” shall mean a range with a maximum salary which is not more than two (2%) percent higher than the salary range for the class from which the transfer is sought.

(h) To be considered for transfer or demotion in lieu of layoff, an employee must notify the Appointing Authority in writing within seven (7) calendar days from the date on the layoff notice.

(i) Seniority rights are deemed waived if an employee is unwilling to relocate to the geographical area assigned a position.

(j) Those departments covered by Merit System Personnel Standards of the California State Personnel Board shall be obligated to adhere to the reduction in force policies and procedures established by the State Personnel Board.

(k) Employees who are re-employed in permanent positions within twenty-four (24) months of the layoff date, or within the time as extended by the Board of Supervisors, shall be credited with all seniority time less the actual period of layoff. Re-employed employees shall be credited with all accrued sick leave at the time of layoff and shall earn vacation benefits at the rate established prior to layoff including adjustments in the rate made after layoff. No employee shall earn or be credited with vacation or sick leave for the layoff period. Employees returning to their former positions shall not be required to serve new probationary periods.

(l) Unless otherwise expressly provided for in a resolution adopted by the Board of Supervisors in conjunction with the adoption of the County budget for any fiscal year, in the event that a full time employee (Full Time Equivalent - "FTE") position is reduced, other than on a temporary basis (such as would be case with a temporary reduction as a furlough), to some amount less than a full time position or a permanent part time position suffers a reduction in the hours per week to be worked, the employee’s benefits shall be reduced on a proportionate "pro-rata" basis as follows:

1. Health Benefits - Employees working less than full-time will have the portion of the County contribution for health insurance reduced in proportion to the percentage of full-time employee (FTE) worked by the respective employee,

2. Life Insurance - will be provided (not prorated) if the employee's position equates to .75 FTE or greater. If the employee's position does not equate to .75 FTE or greater, life

insurance will not be provided.

3. Vacation Days - shall be accrued and prorated based upon the number of hours the employee works and the length of the employee's employment.

4. Sick Leave - shall be accrued and prorated based upon the rate of .0462 hours times the number of compensated hours the employee works.

5. PERS - The employee's share shall be paid based on the gross salary of the employee times the rate per party as reflected in the terms of any MOU with the Union to which the employee is a member, or pursuant to the terms of the employees' current benefit package if the employee be unrepresented.

6. Holidays - shall be prorated.

3.06.050 Notification of Layoff and Re-Employment Lists

(a) The Appointing Authority shall issue a written notice to the last known address of each employee affected by a layoff at least ten (10) calendar days prior to the effective date of the action. A copy of the written notice shall be sent to the employee's work site and a copy sent to the appropriate bargaining unit representative, unless the lay-off is necessitated by a reduction or elimination of State or Federal funding for the affected job classification or department, whereupon the lay-off may be within five (5) calendar days upon the giving of notice.

(b) The Appointing Authority shall issue the layoff notice to the employee or employees selected for layoff following the provisions of Section 3.06.04 of this chapter.

(c) The layoff notice shall include the reason for the layoff, the effective date of the layoff, and pertinent information concerning the employee's right to transfer, demotion, or reinstatement.

(d) The Appointing Authority shall establish an intradepartmental reemployment list for each department according to each class in which layoffs or elimination of services occur. The list shall take precedence over any other employment list. Such list shall contain the names of the employees who were laid off or demoted in lieu of layoff from that class within the respective department. Departments shall fill all vacancies in affected classes with persons on appropriate class intradepartmental reemployment lists. Individuals shall be certified to the list based on seniority subject to the provisions of Section 3.06.04 of this chapter. The list shall be used in such a manner whereby when a position becomes available, it shall be offered to the most senior person within the class on the list in the class where the position exists. Under no circumstance shall the list be used in a manner that would result in a promotion being given to any person contained thereon. Names on the list shall automatically be removed after one (1) years, unless the list life is extended by the Personnel Director. An employee's name shall be removed from the intradepartmental reemployment list and the employee's employment rights terminated if the employee fails to accept an offer of reemployment within ten (10) calendar days after the receipt of the offer, or, after accepting a job offer, fails to report to work within thirty (30) calendar days, or for any of the reasons set forth in this chapter.

(e) The Personnel Director shall also establish an interdepartmental reemployment list from among those employees laid off. Notwithstanding any other provision in this Code, any laid off employees who file a job application and who possess the job qualifications shall be eligible for consideration for employment with any other County department, irrespective of the existence of a current eligibility list. Individuals included in the interdepartmental list will be considered for employment before any other employment list, except the intradepartmental list.

(f) If, after the intradepartmental list is utilized, a vacant position still exists, the interdepartmental list shall be certified to the department. Each laid off employee shall be included on an

interdepartmental reemployment list for all classifications with a lower maximum salary in the same series as the classifications in which permanent status was held; and all classifications with a lower maximum salary requiring similar knowledge, skills, and abilities as determined by the Personnel Director. Under no circumstance shall the list be used in a manner that would result in a promotion being given to the person contained thereon.

(g) The Appointing Authority, after conducting appropriate selection procedures, may hire from among those eligibles on the list. An employee who qualifies for selection will have to serve the normal probationary period for the class. If none of the eligibles on the interdepartmental list is suitable, the department will then be given certified names from other open or promotional lists.

(h) The interdepartmental reemployment list shall last one (1) years and will automatically expire, unless the list life is extended by the Personnel Director. An employee's name shall be removed from the interdepartmental reemployment list and the employee's employment rights terminated if the employee fails to accept an offer of reemployment within five (5) calendar days after the receipt of the offer, or, after accepting a job offer, fails to report to work within fourteen (14) calendar days, or for any of the reasons set forth in Section 3.04.04 of this chapter.

(i) After a reemployment list is established and during its life another reduction in force takes place, the Personnel Director shall merge the reemployment lists for the appropriate classifications. The order in which names shall be certified shall be subject to the provisions of Section 3.06.04 of this chapter. The total time on all reemployment lists, whether original or merged, shall not exceed two (2) years, unless extended by the Board of Supervisors.

3.06.060 Work Furloughs - Reductions in Hours

(a) As an alternative to or in association with the implementation of a reduction in force, the Board of Supervisors may institute a temporary reduction in the hours to be worked by the employees in any department (a “work furlough”). Any such reduction may require the employees to be furloughed for such period or periods of time as the Board may find necessary due to an insufficiency of funds within the department’s budget or the County budget. Prior to implementing any furlough, the County shall notify the Union of the intent to implement the furlough and shall promptly meet and confer with the Union, if so requested, to discuss any issues pertaining to the implementation of any furlough. The County shall be free to implement any furlough thirty (30) days following the mailing or faxing of the above referenced notice to the Union.

1. A furlough may be ordered only to compensate for a budget shortfall.

2. The Department Head may furlough an employee or group of employees upon approval or upon the direction of the Board of Supervisors by a 4/5ths vote.

3. An employee furloughed by the Department Head shall be non-compensated during a furlough period but, shall not suffer any reduction of seniority during the period of the furlough.

4. The maximum number of furlough days for an employee shall not exceed 13 days in any fiscal year.

5. An employee shall not be furloughed more than five (5) day in any pay period; provided however that in the event that any furlough exceeds one (1) day in any pay period, the reduction of salary/wages shall in any pay period shall be limited to one (1) day and the remaining salary/wage reduction shall be spread over an appropriate number of pay periods.

6. Furlough time shall be in full day increments for full time employees and prorated for part time employees, unless otherwise agreed to by the employee and his or her department head.

7. An employee is to be notified in writing by the Department Head at least fifteen (15) days prior to the assigned furlough day or days.

8. Whenever possible, considering needs of the department, the Department Head will give consideration to an employee's choice in selecting the furlough day or days.

9. The application of a furlough to an employee or group of employees shall not be subject to the grievance procedure.

10. An employee may not be furloughed again until all other employees within the same position or class or service class in their department have been furloughed.

7) CHAPTER 3.07 POSITION CLASSIFICATIONS

3.07.010 Position Classification Plan

(a) A list of all classified County positions shall be established and maintained on a current basis by the Personnel Director. The Board, upon the recommendation of the Personnel Director, by resolution adopted by a majority vote, may create new classes or divide, combine, or abolish existing classes.

(b) The position classification list shall show all positions and classes currently in use by the County and the class specifications.

1. A class specification is a reference standard that serves to illustrate, define, and characterize a group of positions comprising a classification. Class specifications are designed to depict the kinds of positions that may be properly allocated to a classification. The task content of a class specification is not intended to be, nor shall it be construed as being, all-inclusive, restrictive, or precisely descriptive of the duties and responsibilities of any particular position within the classification.

2. The Personnel Director shall prepare and maintain class specifications for each classification which shall contain the following information:

(i) Classification title;

(ii) Definition and general description of the class;

(iii) Examples of typical tasks performed;

(iv) Minimum qualification standards;

(v) Knowledge, skills, and abilities required for satisfactory performance in the classification; and

(vi) Any other information considered by the Personnel Director to be necessary.

3.07.020 Position Information

(a) The Personnel Director shall have the responsibility and authority to obtain any information necessary for use in the position allocation process. In obtaining position information, the Personnel Director shall utilize such data collection methods as determined appropriate. As

necessary, the data collection of position information may include the study of relationships with other positions, tasks performed in other positions, organizational structures, program goals, and other factors that relate to the allocation of the position involved.

(b) Department management and employees shall cooperate with the Personnel Director in the collection of position data by providing access to work areas, making employees available, and otherwise facilitating the data collection process by responding to specific requests and volunteering other information which may have a bearing on the position allocation.

(c) Only official class titles shall be used to designate a classification or the classification of positions in all personnel, payroll, and budget correspondence, forms, reports, records, and other documents involving personnel administration matters.

3.07.030 Position Allocation and Re-Allocation

(a) Upon the recommendation of the Personnel Director and the Department Head, the Board shall have the sole authority to allocate and reallocate positions as they are found to exist in the work unit.

(b) Prior to an allocation or reallocation of a position to a classification by the Board, the Personnel Director shall:

1. Review existing classes to identify the class that most adequately embraces the major characteristics of the position to be allocated or reallocated, if such a class exists, and discuss the position with the appropriate supervisor and/or department head;

2. Consider relevant position characteristics in respect to the position such as:

(i) Tasks assigned to the position;

(ii) Work objectives and purposes of the position;

(iii) Levels of authority and responsibility involved in the position;

(iv) Exercise of discretion and judgment required by the position;

(v) Supervision of the position;

(vi) Management of work processes and programs;

(vii) Types and levels of knowledge and skills required for satisfactory performance; and

(viii) Typical types and minimum levels of training and/or experience required for acceptable performance upon appointment to the position; and

3. Discuss the matter with the appropriate department head and the Personnel Committee of the appointed bargaining unit when a position is being considered for downgrading.

(c) The information set forth in subsection (b) of this section shall be presented to the Board by the Personnel Director for consideration and approval by a majority vote.

(d) Upon the completion of the position allocation or reallocation process, the Personnel Director shall provide written notification to the appropriate department of any change in classifications.

(e) Upon the reallocation of a filled position, the incumbent shall submit evidence of qualifying experience and/or education to the Personnel Director within three (3) working days in order to remain in the new class.

(f) The effective date of an allocation or reallocation shall correspond with the first pay period following its approval or on the date specified by the Board.

3.07.040 Classification System Maintenance

(a) The Personnel Director shall conduct position audits as necessary to ensure that the position classification plan is maintained on a current basis.

(b) Department heads may request a review of a current allocation whenever permanent and substantial changes to a position have occurred to the extent that the position has become significantly different in nature than it was when last allocated. Such requests shall include the position classification, the current incumbent, and the nature of the changes in the responsibilities and duties of the position.

(c) Upon the receipt of a request for a review of a position allocation, the Personnel Director shall evaluate the request and determine if a review of the position is justified. If an evaluation of the position is conducted, the procedures set forth in Section 3.07.03 of this chapter shall be followed.

3.07.050 Establishing Additional Positions

(a) When a department head feels that additional permanent full-time and/or permanent part-time positions are needed to fulfill program objectives, a written request shall be submitted to the Personnel Committee stating the needs and reasons for the position or positions.

(b) The Personnel Committee shall evaluate the proposal and make a recommendation to the Board of Supervisors.

(c) Based on the information provided, the Board, by a majority vote, shall determine whether the request for additional positions shall be approved or denied. This should first go through the appropriate committees of the Board of Supervisors.

3.07.060 Base Station Assignment

(a) Assignment. A base station shall be assigned to each classified position in County employment and shall not be subject to change once assigned, except with mutual agreement of the affected employee. The base station assignment shall be placed on all Personnel Action Forms. An originally assigned base station can be reassigned by the Department Head due to legitimate work requirements of the subject department, which change shall not become effective until six (6) months after the date of written notice of the change to the affected employee. During the six (6) month window, any such employee may be required to work away from his or her base station, provided that during said six (6) month window the time and expense incurred by employee in traveling beyond the employee's customary commute to the base station will be compensated by County. After the change in the base station the employee is solely responsible for the time and costs associated with traveling to work at the designated base station. To the extent that any employee is otherwise required to live within a specified distance or within a specified response time to his or her base station, then any such residency requirement shall be deemed inoperable with regard to any employee that has his or her base station involuntarily changed as per the provisions of this Section. (Ord. 1046, eff. 8/5/13)

(b) No bargaining unit employee shall be temporarily transferred without notice at least (3) three days prior to said transfer, except in case of emergency.

(c) Temporary work site and/or shift transfers shall be for a period not to exceed thirty (30) working days unless mutually agreed between Department Manager and employee.

(d) Transfer shall not include temporary assignment for a portion of a work day or work days to a different work location. This section shall have no effect on the County's obligation to reimburse employees for travel on County business.

(d) Notwithstanding the foregoing the County reserves the right to transfer employees in accordance with the needs of the County, if the work demands otherwise would require a reduction in force (layoff) for employees at a particular base station. No employee shall be transferred as a punitive measure.

3.07.070 Residency Requirements for Specified Positions

(a) It is the intent of the County to ensure that County employees who are employed in positions that are primarily responsible for responding to emergencies, including but not limited to law enforcement officers, emergency service workers and road workers who need to respond to weather and other emergencies affecting the use of County roads and facilities (such as the Sierra Brooks water system), will be able to reasonably respond to such emergencies when called out after their customary work hours.

(b) County employees that are employed in each of the following designated positions shall be required to live within 30 minutes (under normal driving conditions) of the base station that is otherwise designated for the employee's position:

All Deputy Sheriffs (including without limitation the Undersheriff)
Animal Control Officers
All Corrections Officers/Dispatchers
Road Maintenance Worker I, II, III
Equipment Mechanic I, II, III
Road Maintenance Leadworker
Equipment Shop Leadworker
Road Maintenance Supervisor
Equipment Shop Supervisor
Road Superintendent
Deputy Director of public Works-Operations
OES Coordinator I, II, III
Plant Manager I, II, III
Supervising OES Coordinator
Supervising Plant Manager
Director of Transportation
OES Director
County Service Area Worker I, II, III
Water System Operator I, II, III
Environmental Health Director

(c) The provisions of this Ordinance (adding Section 3.07.070 to the County Code) shall not apply to any permanent part-time or full-time employee who would otherwise, because of the location of his or her domicile as of the date of the adoption of this ordinance, not be in compliance with the foregoing provisions and if the employee was employed by the County on or before April 20, 2010 (hereinafter referred to as pre-existing employee(s)). Notwithstanding the foregoing the provisions of this Ordinance may apply to any such pre-existing permanent part-time or full-time employee(s) if the MOU between the County and the employee's bargaining unit expressly incorporates the provisions of this ordinance as being applicable to such pre-existing employees.

(d) Employees that are required to comply with the provisions of this Section shall have a period of ninety days from the date of beginning employment or from accepting a new position or

promotion into a position which is covered by this Section (which may include a change of the employee's base station), in which to establish permanent residency in accordance with the above requirements. Any employee that does not physically establish residency in compliance with the provisions of this Section within these timelines shall be promptly terminated from County employment. If the employee is serving a probation period in his or her employment, including situations where the employee is in a new position or has been promoted and is serving a probationary period, the employment shall be deemed terminated during the probationary period without further action required by the County and/or the employee's department head and the County Auditor shall thereafter not make any payments to the terminated employee. Notwithstanding the foregoing any employee may, for good cause, request a one-time extension of the time limit for establishing residency for an additional 90 days. Any such request for an extension shall be made to the employee's department head prior to the running of the initial 90 day period and shall be promptly acted on by the department head. In no event shall the total time allowed for establishing residency exceed 180 calendar days. Notwithstanding the foregoing provisions, employees who would otherwise, because of the location of his or her domicile as of the date of the adoption of this ordinance, not be in compliance with the foregoing provisions, and who are employed in positions with a journeyman series, such as a I, II, or III, shall not be subject to the residency requirements if promoted to a higher position so long as the position is not one of a supervisorial nature.

(e) Any employee who fails to establish and to thereafter continuously maintain residency as required under this Section shall be subject to immediate action to terminate his or her employment in accordance with the procedures set out in Chapter 3.10 of this Code (if applicable to the subject employee) and the employee's department head or any other official with authority to institute proceedings to terminate the employment shall immediately institute such proceedings. Any County employee or official having knowledge of a violation of this Section shall be under an affirmative obligation to promptly report same to the Board of Supervisors. (Ord. 1020, eff. 5/20/10)

8) CHAPTER 3.08 COMPENSATION

3.08.010 Compensation Plan

(a) The schedule of salary ranges and steps and the schematic list of classes and salary ranges as approved by the Board as a part of the County budget resolution and as set forth in applicable Memorandum of Understandings with employee bargaining units, shall constitute the compensation plan applicable to all positions in the County service.

(b) The compensation plan shall be maintained by the Personnel Director and shall serve as a reference index for determining the compensation rates associated with a designated salary range. All salaries prescribed shall be monthly equivalents (hourly rates are memo reference only).

(c) Adjustments to the compensation plan shall be made on a periodic basis by a majority vote of the Board based upon such factors as the level and responsibility of the work performed, samples of prevailing rates for similar jobs paid by comparable and/or competing employers, cost of living, internal relationships between classes, and other valid factors.

3.08.020 Application of the Compensation Plan

(a) The salary schedules for each class, as set forth with such amendments as may be adopted by the Board consistent with applicable Memorandums of Understanding**,** shall have the force and effect of law. The salaries or rates of compensation prescribed shall be fixed on the basis of permanent full-time service in permanent full-time positions, unless otherwise designated. The rates of pay prescribed shall be deemed to include pay in every form, except as authorized and incurred incident to employment or as approved by the Board as part of a current Memorandums of Understanding with a specific employee bargaining unit..

(b) The rate of pay of a County employee shall correspond with the letters A, B, C, D, and E, respectively, which denote the various steps in the salary range.

1. The rate of pay upon appointment to a classification shall be at Step A through C of the assigned salary range, except as provided in Section 3.08.03 of this chapter.

2. Step A shall be paid for the one thousand forty (1040) hours of continuous employment for all permanent County employees. Upon satisfactory performance at Step A, the employee shall become eligible for an increase to Step B.

3. County employees shall be eligible for increases to Steps C, D, and E, respectively, after satisfactory performance during two thousand and eighty (2080) hours at the preceding lower step.

(c) All step increases shall be made on the basis of merit as established by employee job performance and upon the approval of the Appointing Authority. No step increase shall be given when inferior work, as documented by the employee's supervisor, is evident.

(d) Whenever a employee takes an authorized leave of absence in excess of thirty (30) calendar days, the length of service in the current step shall be extended accordingly, and a new anniversary date shall be established as provided for and in accordance with Section 3.09.04 of this chapter.

(e) Extra help and permanent employees working less than full time shall be hired at Step A through C of the appropriate range for the class, except as provided in subsection (c) of Section 3.08.030**,** and may be granted step increases by the Appointing Authority upon satisfactory performance.

(f) Notwithstanding any other provision in this Code or any provision in any Memorandum of Understanding, the Board shall, based on budgetary considerations, have the authority and right to suspend further step increases for all employees.

3.08.030 Appointments

(a) Advance steps above a C for new hires and voluntary reappointments to permanent full-time and permanent part-time positions may be requested under the following provisions and conditions:

1. That there is a demonstrated inability to recruit applicants at the entry level step as approved by the Board of Supervisors; or

2. Prior to the appointment of a new employee to a class or of a present employee seeking a voluntary reappointment, the department head shall make a written request to the Board of Supervisors to establish compensation at a rate of Steps D through E in the range assigned to the class when a candidate has training and/or experience beyond the minimum qualifications which training and/or experience is of the same type and level as that involved in the full and satisfactory performance in the class to which the candidate is being appointed. Such request shall follow prescribed procedures and provide sufficient documentation to enable the Board of Supervisors to determine the eligibility for advanced steps; and

3. Such information shall be presented to the Board by Appointing Authority. The Board, by a majority vote, shall authorize the appointment at a level above step C of the appropriate range.

(b) Upon the reinstatement of a previous permanent employee separated due to a reduction in force or otherwise terminated in good standing, the compensation rate may be established at any step in the

range for the class provided the rate shall not exceed the step occupied at the time of leaving County service, and the class specifications for the classification have not changed.

(c) Upon the request of the department head, an extra help employee may be hired above Step C of the appropriate range if such employee has had prior service in a permanent position in the same classification within the same department, or if the individual is currently employed in a permanent position in the same classification in another County department. Such requests shall be made in writing to the Board of Supervisors who shall approve, disapprove, or modify the requests, based on the individual's training and/or experience and the needs of the County.

(d) The compensation for an employee receiving a promotional appointment to a permanent full-time or permanent part-time position shall be at the entrance step of the promoted class, or within five and no/100ths ($5.00) dollars of a five (5%) percent increase in the monthly salary, whichever is the greater. However, in no case shall the salary exceed the maximum step assigned to the promoted class.

(e) Prior to a promotion a department head may request approval to establish a compensation rate for a promotional candidate at a higher step in the range than that provided in subsection (d) of this section. The provisions and conditions established by subsection (a) of this section shall govern such requests.

(f) A new anniversary date, for the purpose of calculating eligibility for merit/step increases in salary, shall be established upon the promotion date of an employee.

(g) Disciplinary demotions shall be handled under the procedures established in the Chapter 3.10. Upon a disciplinary demotion, an employee shall be assigned to any step in the lower classification range, which is at least five (5%) percent less than the salary received in the previous class. The employee shall lose all seniority rights in the previous class, and the time served in the previous class shall be credited to the new class for the purpose of establishing seniority lists. All disciplinary demotions shall require approval by the Appointing Authority. The Personnel Director shall insure that disciplinary demotions are handled according to proper procedures. A new anniversary date, for the purpose of calculating eligibility for merit/step increases in salary, shall be established based on the effective date of the demotion.

(h) If an employee transfers to a different position in the same class, or to a different classification with the same salary range, no pay adjustment shall be made, and the individual's anniversary date shall remain the same.

(i) Upon an involuntary reappointment, the employee shall continue to receive the same rate of pay if that rate corresponds with a step in the new range. If the employee's rate of pay does not correspond with a step in the range for the new class, the employee's rate of pay shall be reduced to the nearest dollar amount in the new range. If the employee's pay prior to the involuntary reappointment is above the maximum step in the new range, the pay shall be established at the maximum step in the new class. Under no circumstance shall an employee receive a salary increase upon an involuntary reappointment.

3.08.040 Position Reallocations and Temporary Assignments

(a) If an occupied position is reallocated to a higher salary range, and if the incumbent meets the minimum qualifications for the new class and remains in the position, the incumbent shall receive the entry level salary step or within Five and no/100ths ($5.00) Dollars of a five (5%) percent increase in the monthly salary, whichever is the greatest. However, in no case shall the new salary exceed the maximum step of the salary range for the classification. A new anniversary date shall be established upon the date of the reallocation.

(b) If a position is reallocated to a classification with the same salary range, the salary and anniversary date of the incumbent shall not change.

(c) If a position is reallocated to a class with a lower salary range, and the incumbent's rate of pay does not correspond with a step in the new range, the salary shall be "Y" rated. Any such "Y" rate shall be indicated with a capital "Y" following the salary on all personnel and payroll records and transactions. No salary increase, including cost of living increases, shall be given to incumbents occupying "Y" rated positions until such time as the "Y" rates are removed by adjustments to the compensation plan. "Y" rates shall also be cancelled upon the separation of an employee in the "Y" rated position.

(d) When an employee is appointed to a temporary assignment in a position that provides for a higher rate of pay, there shall be no change in pay until the Board of Supervisors approves the temporary assignment and funding is available within the Department's budget to cover such increased cost. When a temporary assignment is approved, the rate of pay shall be at the first step of the assigned range for the classification or within Five and no/100ths ($5.00) Dollars of a five (5%) percent increase in the monthly salary, whichever is the greatest. However, in no case shall the new salary exceed the top step in the salary range for the classification. Time served, as a temporary appointment shall be credited as continuous service in the individual's regularly assigned position.

3.08.050 Step Increases and Sequences Affecting Pay Adjustments

(a) For permanent full time and permanent part time employees, the Appointing Authority, on an employee's anniversary date, may grant a one step increase in salary provided the employee's salary is not already at the maximum step in the range for the assigned class. A step increase may be granted at the six month anniversary date as to any employee who is at the "A" step on the salary table for his or her classification and may be granted no sooner than one year (anniversary date) after receiving a prior step increase or one year (anniversary date) for an employee initially placed at a step other than the "A" step within his or her classification.

Such step increases shall be granted only if the Appointing Authority has determined that the employee's performance has been satisfactory since the last step date or since a probationary appointment, whichever is more recent. The denial of a step increase shall not be deemed to constitute a form of disciplinary action against the employee.

(b) If an employee's (other than a probationary employee) performance has not been satisfactory, the Appointing Authority shall provide written notification to the employee specifying the reasons a step increase will not be granted. A copy of such notification shall be sent to the Auditor's office. Such notification shall be provided prior to the employee's step date. No such notice shall be required with regards to a probationary employee. A denied step increase may be subsequently granted by the Appointing Authority upon performance of a subsequent evaluation.

(c) If two (2) or more pay adjustments occur on the same effective date, such adjustments shall be made in the following sequence:

1. Adjustments to the table of pay rates;
2. Pay adjustment resulting from salary surveys;
3. Step increases; and
4. Pay adjustments resulting from promotions, reappointments, and position reallocations.

(d) Longevity Pay. The Appointing Authority shall increase the salary of a permanent employee by a five percent (5%) longevity increase after five (5), ten (10), fifteen (15) and twenty (20) years of continuous service. Department Managers shall receive longevity increases of five percent (5%) after five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) and thirty (30) years of continuous service. For the purpose of entitlement to longevity pay, work/years of continuous service shall be based on a full-time equivalent position (such that a 50% FTE employee needs the

equivalent of five years of full –time employment to qualify for the longevity pay.) For the purpose of this subsection, any person rehired in the same classification within three (3) years of his or her separation from County employment will be entitled to have his or her prior service counted in computing continuous service for the purpose of receiving longevity pay. This ordinance shall be deemed effective as to any employee rehired subsequent to January 1, 2005. (Ord. 1025, eff. 11/18/10; prior 982)

3.08.060 Compensation Upon Separation

(a) Any permanent employee, after the completion of six (6) months of continuous service, shall be entitled to compensation in the form of a cash buy-out of accrued and unused vacation leave as of the date of separation, payable as of the last day of employment. The grant of and right to vacation leave shall not be deemed to accrue until the completion of six (6) months of continuous service. Subject to the following provisions, any employee who has worked for the County continuously for fifteen (15) years or more, upon retirement or death, shall be eligible to receive, payable to the employee, or their estate, a sum equal to forty percent (40%) of their unused sick leave up to a maximum of one hundred twenty (120) days computed on the basis of the hourly equivalent of such employee's monthly salary as of the time or retirement or death. (Ord. 771, eff. 05/07/91 prior 593):

1. The retiring employee shall have reached the minimum retirement age permitted by the Public Employee's Retirement System of the State and be receiving retirement benefits.

2. When an employee dies while in the County service, only a surviving spouse or a designated beneficiary shall be eligible for such benefit.

3.08.070 Overtime Compensation and Compensatory Time Off

(a) It is the policy of the County to avoid the necessity of overtime work whenever possible. Except for emergency situations as described below, no overtime work shall be performed by any employee without the express authorization and direction to do so by the employee's Appointing Authority or duly authorized supervisor. When overtime work is necessary to provide County services, employees shall be compensated according to and at such rates as are specified by:

1. A duly ratified collective bargaining agreement between the County and an organization representing the employees designated therein, or in the absence of an agreement;

2. As required by applicable law.

(b) The department head shall be responsible for the administration of this policy in accordance with the terms and conditions as set forth and approved. Such responsibilities include, but shall not be limited to, the following:

1. The distribution of policy to all management personnel/supervisors on a periodic basis;

2. The discussion of policy with managers and supervisors to be certain it is properly understood and followed;

3. The authorization of overtime work to be performed by a department employee covered under this policy;

4. Ensuring that adequate funds are available to compensate employees for overtime work; and

5. The application of adequate controls to ensure that overtime work is not performed if such work has not been officially authorized.

(c) Notwithstanding any other provision of this Code to the contrary, overtime shall be computed solely on the basis of the hours worked in excess of forty (40) hours in a work week. Overtime of less than fifteen (15) minutes in excess of the regular workday shall not be computed, nor shall such periods be accumulated for the week. Overtime, if more than fifteen (15) minutes in excess of a regular workday, shall be computed to the nearest one-half (1/2) hour. For the purpose of computing overtime, any sick leave, vacation leave taken, compensatory time off or holiday pay to an employee within a work week shall be deemed to constitute "hours worked" for the purpose of determining eligibility for overtime pay. (Ord. 1027, eff. 1/6/11)

(d) Subject to the limited "emergency" exceptions set forth below, overtime may only be earned with the prior written approval of the employee's Appointing Authority, or the Appointing Authority's designated representative. Employees cannot on their own decide to earn overtime and each Department Head shall be responsible for not allowing employees to work more than their assigned work hours without accruing overtime pay. Overtime may be authorized only when it is not possible to adjust staffing patterns and/or employee work schedules to provide essential staffing in the following types of circumstances:

1. Situations where overtime may be authorized:

   (i) The unexpected absence of an employee whose position must be filled to avoid a disruption of services or to avoid loss of funding.

   (ii) The necessity of performing an unexpected heavier-than-normal workload to avoid disruption of necessary services.

   (iii) Situations that are uncontrollable emergencies.

   (iv) Attendance at agency directed meetings/conferences, provided that the total overtime authorized is pre-approved by the Appointing Authority. Overtime may not be earned for employee-initiated attendance at seminars, etc.

2. Emergency situations qualifying for retroactive approval.

   In the face of a bona fide emergency involving risk to life, health or property, the response to which emergency falls within the reasonable scope of the employee's job description, an employee may work overtime on such bona fide emergency situation without prior written authorization, provided that:

   (i). such overtime is reported to the supervisor or Appointing Authority at the earliest opportunity; and

   (ii). the overtime is ratified by the Appointing Authority not later than 72 hours after the overtime was accrued.

(e) Compensatory time off shall be allowed as per the provisions set forth in the most recently adopted Memorandum of Understanding with the applicable bargaining unit**.**

3.08.080 Call Backs

Call back pay shall be as provided for in the most recently adopted Memorandum of Understanding with the applicable bargaining unit.

3.08.090 Training Expenses, Travel Time

When an employee is required by a department to participate in an approved training course;

(a) The department shall pay for or, if applicable, reimburse the employee for one hundred 100% of the costs of such required training. Where travel is required to attend training sessions, reimbursement for travel and incidental costs shall be covered under the County travel policy.

(b) All employees, except department heads and elected officials, shall receive full compensation for travel time from their base station or residence, whichever is less.

3.08.100 Uniform Pay Periods and Employment Records

(a) The pay period for each County officer, deputy, clerk, or employee of the County shall consist of a two (2) week period, with salaries or wages paid every other Friday. The pay period shall not cover salaries and wages earned during the week in which the payment shall be provided, but rather it shall lag one week behind.

(b) On or before each alternate Friday, the County Auditor-Controller shall draw a warrant upon the County Treasurer in favor of each employee of the County for the payment of the amount of salary or wage earned during such pay period or cause the amount to be deposited into an authorized financial institution. In cases where a payday falls on a County holiday, the County Auditor-Controller is authorized to make salary payments on the last workday prior to the County holiday. In the event of unusual and unforeseen circumstances, salaries may be paid no later than the second Friday following the end of the pay period..

(c) In addition, the County Auditor-Controller shall maintain the following records for payroll purposes:

1. A roster of employees, classifications, and salaries;

2. An individual file of each current employee containing a copy of the employee's, personnel action forms showing each change of the employee's status, dates of service, positions held, salary and wage changes, and any other necessary information related to payroll; and

3. An individual file containing the information set forth in subsection (2) of this subsection for all terminated employees. In addition, personnel files for terminated employees shall also contain a copy of the employee's separation report. Terminated employee's files shall be kept for a period of not less than three (3) years from the date of termination.

(d) The County Auditor-Controller, with the Personnel Director, on matters relating to personnel, shall promulgate such procedures and regulations as necessary to implement the provisions of this section.

3.08.110 Uniform Allowance

Uniform allowances shall be as provided for in the most recently adopted Memorandum of Understanding with the applicable bargaining unit.

3.08.120 Educational Incentive

Educational incentive pay shall be as provided for in the most recently adopted Memorandum of Understanding with the applicable bargaining unit.

3.08.130 Agreement to Participate in PERS 3% @ 55 for Safety Employees

The County is a member of the California Public Employees Retirement System. The County participates, by contract, in the Public Employees Retirement System (PERS) 3% at age 55 for public safety employees

(as classified by PERS) who are employed by the County as permanent employees before January 1, 2013. Such public safety employees will pay towards the County's PERS retirement costs such amounts as set out in the most recent approved Memorandum of Understanding between the employee's bargaining unit and the County, unless the employee contribution rate is otherwise established by any law.

For public safety employees who are hired by the County as permanent employees on or after January 1, 2013, and who constitute new members (to PERS) as defined in Government Code Section 7522.04, such employees will participate in 2.5% at age 55 retirement plan through PERS and such employees shall be required to pay the applicable employee contribution towards the PERS retirement costs as may be established from time to time by PERS (reference - Government Code Section 20516.5).

For employees who are hired by the County as permanent employees on or after January 1, 2013, and who do not constitute new members (to PERS) as defined in Government Code Section 7522.04, such employees will participate in 3 % at age 55 retirement plan and such employees shall pay 9% of their gross pay towards their PERS retirement. (Ord 1046, eff. 8/5/13)

3.08.140 Agreement to Participate in PERS 2.7% @ 55 for Miscellaneous Employees

The County is a member of the California Public Employees Retirement System. The County participates, by contract, in the Public Employees Retirement System (PERS) 2.7% at age 55 for miscellaneous PERS classification employees who are employed by the County as permanent employees before January 1, 2013. Such employees will pay towards the County's PERS retirement costs such amounts as set out in the most recent approved Memorandum of Understanding between the employee's bargaining unit and the County, unless the employee contribution rate is otherwise established by any law.

For employees who are hired by the County as permanent employees on or after January 1, 2013, and who constitute new members (to PERS) as defined in Government Code Section 7522.04, such employees will participate in 2% at age 62 retirement plan through PERS (reference - Government Code Section 7522.20). Such employees shall be required to pay the applicable employee contribution towards the PERS retirement costs as may be established from time to time by PERS.

For employees who are hired by the County as permanent employees on or after January 1, 2013, and who do not constitute new members (to PERS) as defined in Government Code Section 7522.04, such employees will participate in 2.7% at age 55 retirement plan and such plan and such employees shall pay 8% of their gross pay towards their PERS retirement. (Ord 1046, eff. 8/5/13)

3.08.150 Extended Sick Leave - Insurance Premiums

For employees with at least one year of full-time service, during the period of time that an employee is on leave, pursuant to the Family and Medical Leave Act of 1993 (FMLA – including any amendments thereto), the County shall pay the employee's health insurance at the rate consistent with the most recently adopted Memorandum of Understanding with the employee's bargaining unit.

3.08.160 Shift Differential Pay

Shift differential pay for permanent employees shall be as provided for in the most recently adopted Memorandum of Understanding with the applicable bargaining unit.

3.08.170 Participation in Health Plans

The County shall pay all or that portion of monthly premiums for health insurance for all eligible permanent employees and eligible dependents as set forth in the most recently adopted Memorandum of Understanding with the applicable bargaining units.

Notwithstanding any other provisions of this code, permanent part-time employees working a minimum of fifty percent (50%) of a full time equivalent position (FTE) shall be eligible to participate in health plans

provided by the County, provided that the County shall fund only a portion of such employee's participation cost prorated based upon the percentage of FTE employment for the employees position. Where approved personnel actions do not establish an employee's work time, eligibility for County contribution shall be based on the percentage of full-time equivalent work as performed by the employee during the preceding six month period. Costs of participation shall be based upon the premium cost paid by the County for full-time employees.

3.08.180 Health Insurance for Retired Employees

(a) Employees Retired Prior to September 1, 1990. The County shall extend health plan coverage benefits to County employees retiring after January 1, 1986 but before June 30, 1987 who have 19 or more years of equivalent full-time County service, and to County employees retiring after June 30, 1987 but before September 1, 1990 who have 20 or more years of equivalent full-time County service and who are receiving PERS retirement benefits, at 100% of the premium cost.

(b) Employees Employed on or before September 1, 1990. The County shall extend health plan coverage benefits to County employees retiring after September 1, 1990, who have 20 or more years of equivalent full-time County service and who are receiving PERS retirement benefits, in the amount of the premium being paid for all employees at the time such employee retires until such retired employee is of the age for which Medicare benefits normally become available.

(c) Employees Employed After September 1, 1990. The County shall extend health plan coverage benefits to County employees retiring after September 1, 1990, who have 20 or more years of equivalent full-time County service and who are receiving PERS retirement benefits, in the amount of the premium being paid for all employees at the time such employee retires for a period of five (5) years from the date of retirement or until such retired employee is of the age for which Medicare benefits normally become available, whichever is less.

(d) Employees Retired Pursuant to 1992 Employee Early Retirement Plan. The County shall extend health plan coverage benefits to County employees retiring between the months of October and December 1992, who have been offered and who accept the 1992 Employee Early Retirement Program, who have 15 or more years of equivalent full-time County service and who are receiving PERS retirement benefits in the amount of the County contribution to the premium being paid for all employees at the time such employee retires, for a period of time until such retired employee is of the age for which Medicare benefits normally become available. In the event any employee elects the early retirement program and retires on or before October 2, 1992, in addition to the County's contribution to the Retiree Health Insurance premiums, the County shall pay the employees' share in the amount of $37.46, for a period of time until such retired employee is of the age for which Medicare benefits normally become available.

3.08.190 Included Non-Represented Employees Defined

For the purposes of this Chapter, "Included Non-Represented Employees" shall mean the members of the Board of Supervisors, the Assessor, the Auditor, the Clerk/Recorder, the District Attorney, the Human Services Director, the Chief Probation Officer, Public Works Director, the Sheriff/Coroner, the Transportation and Planning Director, the Treasurer/Tax Collector and any assistant department heads or deputy director positions as may from time to time be established by the Board of Supervisors.

3.08.200 Included Non- Represented Employees Retirement Health Benefits

The County shall pay all or that portion of monthly premiums for health insurance for Included Non-Represented Employees (as defined above) who leave County service after 10 or more years of continuous County service as an Included Non-Represented Employee or for those Included Non-Represented Employees who have 20 or more years of Represented and Non-Represented County service combined ("a Qualified Non-Represented Employee"). The amount of the premium paid by the County for such health plan coverage shall be the amount being paid for such Qualified Non-Represented Employee at the time

such Qualified Non-Represented Employee leaves County service ("Retired Employee") until such Retired Employee becomes eligible for health insurance due to subsequent employment or is of the age for which Medicare benefits normally become available. The Retired Employee must certify every six months that such Retired Employee is eligible for this benefit and that such Retired Employee is not eligible for health insurance from another employer. This code provision does not "vest" any right in the Included Non-Represented Employee to receive the health insurance benefits set forth above. Should any Qualified Non-Represented Employee separate from County employment prior to the modification or deletion of this code provision, the terms of this code provision shall vest as to such Qualified Non-Represented Employee who was separated from County employment prior to the modification or deletion of the terms of this provision.

3.08.210 Life Insurance

The County will pay all of that portion of monthly premiums for life insurance for all eligible employees as set forth in the current Memorandum of Understanding between the County and the employees or their authorized collective bargaining agents.

9) CHAPTER 3.09 LEAVE

3.09.010 Vacation Leave

(a) Length of Service Required

Vacation leave may be used as accrued.

(b) Time of Vacation Set by Appointing Authority.

Department heads shall have full responsibility and discretion for setting vacation periods for all employees under their supervision. In doing so, they shall be guided by the good of the County service, the wishes of the individual employee, and the orderly conduct of the work of the department. (Ord. 771, eff. 05/07/91 prior 216, 326, 491, Section 3614)

(c) Vacation Use - Permanent Part-Time Employees

For permanent part-time classified employees, vacation may only be used on those days that are specified on their work schedule on file with the Auditor.

(d) (Omitted)

(e) Effect of Illness on Vacation Usage

In the event of illness (one requiring hospitalization in excess of 10 days) or serious injury in a job-related manner (one which renders the employee unable to work for a period in excess of 30 days) which results in the employee being unable to utilize his or her vacation time during the calendar year of the catastrophic illness or serious job-related injury, the employee may, with the consent of his or her Appointing Authority, carry accrued vacation time in excess of the maximum otherwise permitted by the County Code for a period not to exceed 60 days into the subsequent calendar year.

(f) Accrued Vacation Upon Termination With County

Any employee, after satisfactory completion of probation and upon becoming a permanent full-time or permanent part-time employee, shall be entitled upon resignation or layoff to compensation in lieu of accrued vacation, payable at the salary rate on the last day of employment. Prior to satisfactory completion of probation, upon resignation or termination, such employee shall not be entitled to compensation for accrued vacation, if any

(g) Rate of Accrual

Vacation leave for permanent full-time and permanent part-time classified employees shall accrue as follows:

1.	Day one through five years of continuous service:	0.0385 hours per hour.
2.	Six through ten years of continuous service:	0.0577 hours per hour.
3.	Eleven through fifteen years of continuous service:	0.0770 hours per hour.
4.	Sixteen or more years of continuous service:	0.0962 hours per hour.

(h) Maximum Vacation Accrual

Vacation leave may be accumulated and carried over from one calendar year to another up to the following limits:

1.	Up to six years of continuous service:	160 hours
2.	Six through ten years of continuous service:	200 hours
3.	Eleven through fifteen years of continuous service:	240 hours
4.	Sixteen or more years of continuous service:	320 hours

An employee whose vacation leave balance is at the above limits at the start of a calendar year, shall not accrue further vacation leave until the leave balance is reduced below the cap on leave balance for the employee based on the employee's length of service.

(i) A department head or other supervisor of an employee may order an employee to leave work if the employee reasonably appears to be ill and is displaying symptoms that could spread his or her illness to other employees or members of the public. An employee ordered to leave work shall use his or her accrued sick leave or vacation leave or compensatory time off when absent from work due to any such illness; provided however, if the employee does not have sufficient accrued leave balances or CTO, the employee shall be allowed to accrue a negative leave balance not to exceed 16 hours. Any such negative balance shall be offset against the subsequent accrual of any such leave and/or CTO prior to the employee gaining a positive balance in any such accounts.

If the employee disputes the need to be removed from the work place due to illness the employee shall promptly see a doctor to determine is the employee is ill and potentially contagious and a report shall be provided by the doctor to the County on a form to be provided by the County. If the doctor determines that the employee is not ill and potentially contagious then the County shall be responsible for the expense of the visit to the doctor. (Ord 1028, eff. 1/6/11)

3.09.020 Sick Leave

(a) Eligibility

Permanent full-time and permanent part-time employees are eligible for sick leave with pay.

(b) Eligibility – Permanent Part-Time Employees

Work schedules for permanent part-time employees shall be maintained on file with their Department heads and with the Auditor's Office. Such employees shall only be eligible for sick leave when time off occasioned by sickness at a time when the permanent part-time employee is otherwise scheduled to work by his or her Appointing Authority. An employee may not use sick or vacation leave to receive payment for a day or part of a day when the employee was not scheduled to work.

(c) Rate of Accrual

Sick leave for permanent full-time or permanent part-time classified employees shall accrue at the rate of 0.0462 hours per hour worked.

1. Accrual: There shall be no limit on the accrual of sick leave for an employee.

2. Length of Service Required: Sick leave may be used as accrued.

(d) Sick Leave Uses

1. For illness, injury or routine medical or dental appointments of the employee, sick leave may be used in any reasonable amount.

2. For each death of a member of the immediate family, sick leave may be used in an amount not to exceed five (5) days for each death per calendar year.

3. For illness, injury, routine medical or dental appointments for a member of the immediate family sick leave may be used by an employee in any reasonable amount up to seven (7) days per calendar year.

4. For permanent part-time classified employees, sick leave may only be used on those days that are specified on their work schedule on file with the Auditor.

(e) Letter from Medical Officer

An employee shall notify such employee's supervisor or their Appointing Authority as soon as possible that sick leave will be used. An employee taking more than three (3) consecutive days of sick leave for injury or illness shall, at the request of their Appointing Authority, furnish the Appointing Authority a letter from a medical officer stating that the employee is not medically fit to return to work, which letter must include a prognosis and reasonable estimate of the date upon which the employee may return to work, if ever. Before returning to work after an absence of five (5) or more consecutive work days, at the request of the employee's Appointing Authority, the employee must furnish a letter from a medical officer stating that the employee is medically fit to return to work. If the absence from work for non-work related injury or illness is greater than twenty (20) cumulative work days within a twelve (12) month period or seven (7) consecutive work days within a twelve (12) month period, the Appointing Authority may require the employee to be examined by a County-appointed medical doctor at County expense. In the event of any work-related injury, giving rise to a worker's compensation claim for which the employee receives medical attention, the employee shall furnish a medical report from a medical officer giving an evaluation of the injury. Further, before returning to work after such work related injury, the employee shall furnish the County Auditor and the employee's Appointing Authority with a letter or report from a Medical Officer stating that the employee is medically fit to return to work. A medical officer means a duly California or Nevada licensed Medical Doctor, Nurse Practitioner, or such other medical personnel approved by the County.

(f) Disability

An employee who is entitled to temporary disability indemnity under the Labor Code may elect to take as much of the accumulated sick leave or accumulated vacation leave after accumulated sick leave becomes exhausted as, when added to the disability indemnity, will result in a payment of the full salary or wage.

(g) Sick Leave Incentive Plan

Any employee who has worked for the County for fifteen (15) years or more, upon retirement through PERS or death, shall be eligible to receive, payable to the employee, or their estate or designated beneficiary, a sum equal to forty percent (40%) of their unused sick leave up to a

maximum credit of one hundred twenty (120) days of compensation computed on the basis of the hourly equivalent of such employee's monthly salary as of the time of retirement or death.

(h) Donation of Sick Leave for Catastrophic Use

Notwithstanding any other provision of this Code relating to the accumulation and use of sick leave, a permanent employee shall, subject to the provisions below, be allowed to donate and transfer sick leave from his or her sick leave account to a blind catastrophic leave account for use by permanent county employees. Any such donation and use of transferred sick leave shall only be made subject to the following provisions:

1. The receiving employee must have exhausted all other leave balances, including sick and vacation leave and compensatory time and all time accrued while on leave; shall currently be on FMLA – CFRA and/or pregnancy leave and shall incur a minimum of five (5) full days of unpaid leave immediately in advance of the time off for which the employee is requesting use of donated sick leave. A receiving employee must not be eligible for compensation for time off from work from any other source including without limitation, disability insurance.

2. The donating employee must have a minimum sick leave in his or her account following the donation of one hundred twenty (120) hours. An employee may not make a donation of more than forty (40) hours within two (2) months of his or her separation from County employment.

3. To qualify for use of donated/transferred of sick leave, a permanent employee must use of the leave for:

    a. Leave to care for a child, parent, or spouse who has a serious health condition attested to by a physician licensed by the appropriate state board of medical examiners ("licensed physician"); or

    b. Leave because of a serious health condition attested to by a licensed physician that makes the employee unable to perform the functions of his or her position.

    c. Absences for a full day or days

    d. Absences for less than a full day as part of ongoing medical treatment or the phasing of the employee resuming work after a qualifying injury or illness which phasing plan should result in resuming of full duties within ninety (90) days from the initial date of return. (Nothing herein is intended to require the County to accept an employee back to work if the employee is otherwise unable to perform the essential duties of his or her position.)

4. All donations will be made to a blind pool and shall not identify or specify an intended recipient. Donations are to be made in writing on a form to be provided by the County Auditor's Office. Any donation, which fails to comply with the provisions of this Section, will be rejected.

5. Use of the sick leave from the donated pool will be applied for on a pay period basis. All requests meeting the qualifications set forth above will be approved to the extent that the pool contains sufficient donations of sick leave. In the event that there are multiple requests and insufficient leave exists within the pool, the approval and allocation of the available sick leave will be made on a prorate basis, without regard to any other factors or considerations.

Except as may be required for accounting purposes the County shall attempt to keep confidential the identity of parties donating sick leave to the blind pool.

(i) A department head or other supervisor of an employee may order an employee to leave work if the employee reasonably appears to be ill and is displaying symptoms that could spread his or her illness to other employees or members of the public. An employee ordered to leave work shall use his or her accrued sick leave or vacation leave or compensatory time off when absent from work due to any such illness; provided however, if the employee does not have sufficient accrued leave balances or CTO, the employee shall be allowed to accrue a negative leave balance not to exceed 16 hours. Any such negative balance shall be offset against the subsequent accrual of any such leave and/or CTO prior to the employee gaining a positive balance in any such accounts.

If the employee disputes the need to be removed from the work place due to illness the employee shall promptly see a doctor to determine is the employee is ill and potentially contagious and a report shall be provided by the doctor to the County on a form to be provided by the County. If the doctor determines that the employee is not ill and potentially contagious then the County shall be responsible for the expense of the visit to the doctor. (Ord. 1028, eff. 1/6/11)

(j) Any employee that is receiving workers compensation pending his or her return to employment shall have their compensatory time off, then sick leave, then vacation leave balances used as necessary to provide the employee with full compensation (at his or her normal rate of pay) during the period of time that the employee is off on workers compensation. The auditor shall make automatic deductions from such CTO or leave balances so as to provide the employee with full compensation during any such pay period. (Ord. 1028, eff. 1/6/11)

3.09.030 Holiday Leave

(a) The following days are designated as official County holidays.

January 1 (New Year's Day)
Second Monday in February (Lincoln's Birthday)
Third Monday in February (Washington's Birthday)
Last Monday in May (Memorial Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
September 9 (Admissions Day)
November 11 (Veterans Day)
Fourth Thursday in November (Thanksgiving Day)
Friday after Thanksgiving
December 24 (Day before Christmas)
December 25 (Christmas Day)

(b) Observance of Holiday Occurring on Weekend

All holidays occurring on a Saturday shall be observed on the preceding Friday. All holidays occurring on a Sunday shall be observed on the following Monday.

(c) Christmas Eve Holiday

The December 24th holiday should be observed on the last working day prior to the day when the December 25th holiday is observed

(d) Except as to employees in the Sheriff's Office (including the correction's officers, deputy sheriffs and administrative staff), permanent full time employees working on a flex schedule (such as four, ten hour days per week) shall be entitled to ten (10) hours of pay when a holiday falls on a normally/customarily scheduled day of work for the employee. If a holiday falls on a non-customary work day for the employee (when the employee would otherwise not be at work), the employee will not receive any compensation (or additional time off). If the employee is required to work on such non-customary workday/holiday then such work shall be paid at the employee's regular rate of pay. Employees shall not be allowed to adjust their work schedules to change their regular work days in advance of any holiday. Permanent part time employees will get a proportionate credit for holiday leave based on their percentage of FTE. (I.e., a permanent part time employee working at 50 % of FTE will get a credit of 4 hours of holiday pay irrespective, irrespective of whether the holiday falls on a day when the employee was scheduled to work or not. Each Department Head shall provide a schedule to the Auditor at the beginning of each month showing the days and hours to be worked by employees within their respective departments for the following month.

(e) Full time employees in the Sheriff's Office (including the correction's officers, deputy sheriffs and administrative staff) shall receive 8 hours of holiday pay for each holiday listed in subsection (a), above.

(f) Permanent part time employees will get a proportionate credit for holiday pay based on their percentage of FTE; i.e., a permanent part time employee working at 50 % of FTE will get a credit of 4 hours of holiday pay irrespective, of whether the holiday falls on a day when the employee was scheduled to work or not. Each Department Head shall provide a schedule to the Auditor at the beginning of each month showing the days and hours to be worked by employees within their respective departments for the following month. (Ord 1046, eff. 8/5/13)

3.09.040 Leaves of Absence Without Pay

(a) Leave of Absence Without Pay

A leave of absence without pay is a period approved in advance pursuant to this chapter during which an employee is not required to work and is not paid. If an employee is absent from work without approval such employee may be disciplined pursuant to this Part. An employee may only take a leave of absence without pay if such employee has no compensatory time, or vacation time available for use.

(b) Eligibility for Leave of Absence Without Pay

Any permanent full-time or permanent part-time employee may be granted a leave of absence without pay, pursuant to the following provisions.

(c) Approval Required for Leave of Absence Without Pay

1. The Appointing Authority may grant an employee a leave of absence without pay not to exceed 30 days per year.

2. The Board of Supervisors may grant a department head a leave of absence without pay of any duration.

3. The Board of Supervisors may grant an employee a leave of absence without pay of more than thirty (30) consecutive calendar days.

(d) Employment Terms During Leave of Absence Without Pay

During any leave of absence without pay, the employee shall not accrue any sick leave or vacation leave or receive any holiday pay. The employee's anniversary date for the purpose of eligibility for step or merit increases and the accrual of leave and other benefits and probation, period if applicable, shall be extended to reflect the cumulative leave of absence without pay. The County and the employee shall each pay their respective shares of group insurance premiums for any leave of absence of up to thirty (30) consecutive days. Unless otherwise expressly provided for in this Part or in the most current Memorandum of Understanding with the employee’s bargaining unit, the employee shall pay both the County and the employee's shares of all health and life insurance premiums for that portion of any leave of absence in excess of thirty (30) consecutive days.

(e) Administrative Leave Computation Policy

For good legal cause, the Appointing Authority with the concurrence of the County Personnel Director and/or County Counsel may place an employee on administrative leave with pay. During such period, the employee shall receive full compensation, benefits and accruals. Upon being given written notice (or verbal notice confirmed in writing) of being placed on Administrative leave which shall, if reasonably possible, be made prior to the effective date of the leave, the employee shall not attend his or her County employment. Administrative leave shall not be construed as disciplinary action. The Appointing Authority shall initiate any administrative leave action.

(f) Leave Policy for Volunteer Emergency Response Personnel

County employees who are members in good standing of volunteer emergency response organizations within the County of Sierra which are pre-designated by the Appointing Authority, including volunteer fire departments, search and rescue, emergency medical technicians, and ambulance crews, may be granted up to one working day per month of leave to respond to bona fide emergencies within the County. Such leave shall be compensated at the employee's normal

wage and benefit rate, provided the employee receives no compensation from the emergency service. If the employee receives compensation from the emergency service, such amount may be deducted from the employee's County compensation.

3.09.050 Bereavement Leave

(a) Department heads may authorize the use of up to five (5) days of earned sick leave to an employee attending or making arrangements for the funeral of an “immediate family” member.

(b) Authorization shall be in conformance with the provisions of Section 3.09.020 of this chapter. Where insufficient sick leave is available to the employee for this purpose, compensatory leave and/or vacation leave may be granted. Where sufficient leave of this nature is unavailable, leave without pay may be granted in accordance with the provisions of Section 3.09.040 of this chapter.

(c) For the purposes of this section, “immediate family” shall mean the employee's spouse, child, parent, sister, brother, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any other person living in the employee's household or primarily supported by the employee.

3.09.060 Court Leave

(a) An employee required to serve as a member of a jury panel or as a witness of the court shall be granted leave with pay upon the remittance to the County of jury or witness fees or upon the submission of evidence that such fees were waived.

(b) Where court duty is in the same town that an employee normally reports to work, no mileage payment shall be authorized. Where the employee is required to travel to another locale, travel reimbursement shall be authorized at court rate and authorized by the court.

(c) When an employee elects to use vacation or compensatory time instead of court leave, the jury or witness fees may be retained.

3.09.070 Military Leave

Every employee shall be entitled to such leave of absence with pay and other benefits as are provided in the Military and Veterans Code '395 et seq.

3.09.080 California Pregnancy Disability Leave

(a) Maternity leave of up to four (4) months without pay shall be granted to any employee consistent with federal law and California Pregnancy Disability Leave Act.

(b) During any period of approved leave under this policy, an employee’s group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. For part time employees, the coverage will be computed on an average of the previous twelve (12) month period.

1. Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee’s contribution will be collected in the same manner as if the employee were reporting to work. During periods of unpaid leave, the employee must make payment arrangements with the Auditor’s Office, prior to commencement of the leave, for the payment of the employee’s share of the insurance premium.

2. An employee who does not return to duty from an unpaid leave under this policy will be liable for the County’s group health insurance premium contribution and any part of the employee’s share paid by the County during the unpaid leave, unless the failure to return

to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under this policy, or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the County shall be entitled to offset the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.

3. Employees will not accrue other benefits (i.e., sick leave, vacation, holidays, seniority for the purposes of grade or longevity steps) while in an unpaid leave status, including seniority rights, unless these benefits are authorized by an applicable employee bargaining agreement, County Code provision, or any other applicable ordinance or statute.

(c) Employees taking leave under this section may take leave intermittently upon production of a health care provider's certification. To the extent possible, such certification should provide the dates and duration any treatment and leave is expected. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.

(d) Employees who anticipate taking California Pregnancy Disability leave must to provide as much advance notice to the department as may be practicable under the circumstances surrounding the health condition.

(e) Required Certifications: Failure to provide the required health care medical certifications may result in denial or postponement of the leave or request for leave. The County may request, at the County's expense, that an employee submit a second opinion from a health care provider designated and approved by the County. The County may require an employee to obtain subsequent medical re-certification, on a reasonable basis, as a requirement for continued leave approval. An employee who has been on leave for California Pregnancy Disability will be required to present a certification of fitness for duty from a health care provider prior to commencement of work.

3.09.090 Family and Medical Leave Act/California Family Leave Act

(a) General Purpose

This policy describes the circumstances and conditions under which an employee may take family care and medical leave in accordance with the provisions of the Family and Medical Leave Act (hereinafter FMLA). The policy is applicable to all County departments, and provides a uniform procedure for processing requests for leaves available under the FMLA to all eligible County employees. It is separate and distinct from any other leave policies, procedures, or employee bargaining agreement provisions that are available to Sierra County employees.

(b) General Application

The FMLA leave policy will not diminish the County's obligation to comply with any employee bargaining agreement, County policy, or benefits plan that provides the greatest benefit to the employee. This policy will supplement leaves available to employees through employee bargaining agreements, or other County leave policies, and will represent the County's policy and guide for applying FMLA leaves when employee bargaining agreements, County policies, and State leave laws are silent or less generous then the leaves available under the Federal Family and Medical Leave Act. This policy will be made available and shall apply equally to both male and female employees.

(c) Available Leave

Eligible employees are entitled to take a maximum of twelve (12) work weeks of leave during a twelve (12) month period. The twelve (12) month period shall begin on the first day that leave is taken. FMLA leave may be used for any of the following purposes:

1. Child Care Leave: Child care leave can be taken by an employee for the birth, adoption, or foster care placement of a child in order to care for the child.

   (i) Child care leave must be concluded within twelve (12) months from the date of the birth, adoption, or foster care placement. Foster care must require State action, rather than just an informal arrangement to take care of another person's child.

   (ii) Child care leave may be taken intermittently if approved by the respective Appointing Authority. If approved, such leave may be taken in increments of eight (8) hours of more.

   (iii) In cases where both parents of a child are employed by the County, both parents will not be granted leave concurrently, nor in amounts totaling more than four (4) months combined leave in a twenty four month period for both parents.

   (iv) In order to provide departments sufficient time to accommodate requests for leave, employees who foresee taking leave for FMLA child care purposes are encouraged to provide notice at least 30 days prior to the date leave is anticipated to begin, or such notice as may be practicable if leave becomes necessary before a 30 day notice can be given. FMLA child care leaves will not be denied, but may be temporarily delayed if reasonable advance notice is not provided to the respective department.

2. Family Care Leave: Family care leave can be taken by an eligible employee for care of a family member (spouse, son, daughter, or parent) who has a serious health condition.

   (i) For purposes of FMLA leave, a "family member" is defined as:

      A. The employee's spouse as defined in California Family Code Section 300;

      B. A child (under the age of 18) who may be biological, adopted, foster, stepchild, legal ward, or one whom the employee has day to day care and financial responsibilities;

      C. A child (over the age of 18) who is incapable of self-care because of a mental or physical disability;

      D. An employee's parent means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or a person who acted in place of a parent (i.e., in local parents) in relation to an employee when the employee was a child. A County Department Head, or the Administrative Director, may request that an employee requesting FMLA leave submit proof of a parental relationship.

   (ii) A "serious health condition" means an illness, injury, impairment, or physical or mental condition which involves either:

      A. inpatient care in a hospital, hospice, or residential health care facility; or

B. continuing treatment or continuing supervision by a health care provider of more than three (3) calendar days; or

C. continuing treatment or continuing supervision by a health care provider for a chronic or long term health condition that is incurable or so serious that, if not treated, would likely result in incapacity for more than three (3) calendar days; or for prenatal care.

(iii) Employees requesting leave under family care must present a certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required.

(iv) Employees taking leave under family care may take leave intermittently upon production of a health care provider's certification that the intermittent leave is necessary for, or will assist, the care of the family member. To the extent possible, such certification should provide the dates and duration any treatment and leave is expected. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.

(v) Employees who anticipate taking family care leave to care for a seriously ill family member must provide as much advance notice to the department as may be practicable under the circumstances surrounding the health condition. FMLA family care leaves will not be denied, but may be temporarily delayed if reasonable advance notices, or required medical certifications, are not provided to the Appointing Authority.

3. Self-Care: Self-care leave can be taken when an employee is unable to perform the essential functions of the position that the employee holds because of a serious health condition.

(i) Employees seeking leave for self-care must have a serious health condition, as defined by paragraph 2(ii) above.

(ii) Employees requesting leave under self-care must provide a certification from a health care provider containing the date the serious health condition commenced, the probable duration of the condition, and a statement that the employee is unable to perform the essential functions of the position. Employees seeking the certification must provide the health care provider with the County's written job description and/or list of essential functions of the position.

(iii) Employees taking leave under self-care may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is medically necessary. The certification must indicate, if possible, the expected duration of the leave. Employees who elect to use the available leave on an intermittent basis must try to schedule this leave in a way to minimize disruption to normal operations when possible. An employee may be reassigned temporarily to an available alternative position with equivalent pay and benefits that better accommodate the recurring periods of leave.

(iv) Employees who anticipate taking self care leave for a serious leave condition are encouraged to provide as much advanced notice to the Administrative Director as may be practicable under the circumstances surrounding the health condition.

4. Required Certifications: Failure to provide the required health care medical certifications may result in denial or postponement of the leave or request for leave. The County may request, at the County's expense, that an employee submit a second opinion from a health care provider designated and approved by the County. The County may require an employee to obtain subsequent medical recertification, on a reasonable basis, as a requirement for continued leave approval. An employee who has been on leave for self care will be required to present a certification of fitness for duty from a health care provider prior to commencement of work.

(d) Leave Calculation

1. An employee is eligible for FMLA leave if all of the following criteria are met:

(i) The employee has been employed by Sierra County for at least twelve (12) months; and

(ii) The employee has been employed for at least 1,250 hours during the immediately preceding twelve month period; and

2. The twelve (12) month period for FMLA eligibility begins with the date of first absence qualifying for FMLA leave, and rolls forwards from that date. FMLA leave may be taken in either a block form or on an incremental basis.

3. When calculating the eligible leave, the calculation will be based on actual hours worked during the previous twelve (12) month period. In other words, this calculation will not include any paid time off, such as vacation, sick leave, compensatory time off, or holiday leave.

(e) Use of Accrued Paid Leave While on FMLA Leave

The employee shall be required to also use sick leave, vacation, and compensatory time off (CTO) while on FMLA leave; except that employees shall have the option of retaining up to 40 hours of accrued vacation leave and up to 80 hours of accrued sick leave on the books.

(f) Benefits While on Leave

Subject to the following requirements and restrictions, during any period of approved leave under this Section, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began. For part time employees, the coverage will be computed on an average of the previous twelve (12) month period.

1. Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee's contribution will be collected in the same manner as if the employee were reporting to work with appropriate deductions being made from the employee's paycheck. During periods of unpaid leave, the employee must make payment arrangements with the Auditor's Office, prior to commencement of the leave, for the payment of the employee's share of the insurance premium. If an employee fails to make payment for his or her share of the medical insurance for more than sixty (60) days, the County shall be entitled to drop the employee from the health insurance plan/coverage.

2. An employee who does not return to duty from an unpaid leave under this policy will be liable for the County's group health insurance premium contribution and any part of the employee's share paid by the County during the unpaid leave, unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under this policy, or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the County shall be entitled to offset the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.

3. Employees will not accrue other benefits (i.e., sick leave, vacation, holidays, seniority for the purposes of grade or longevity steps) while in an unpaid leave status, including seniority rights, unless these benefits are authorized by an applicable employee bargaining agreement, County Code provision, or any other applicable ordinance or statute.

(g) Return to Duty

Upon return to duty, an employee who has been on leave is entitled to restoration to the former position, or if that is not possible, to an equivalent position with equivalent pay and benefits.

An employee who has taken leave for self care will be required to present a certification of fitness for duty from a health care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.

(h) Role of Auditing Department

The Auditing Department will be responsible for ensuring that this leave policy is uniformly and equitably applied throughout all County departments. The Personnel Department will provide information and assistance to County departments when reviewing employee leave requests for FMLA leaves. All requests for FMLA, required medical certifications, and related information will be submitted by departments and reviewed by the Auditor who will decide if the request for leave meets the leave requirements of the Family and Medical Leave Act and this policy. Leaves meeting the requirements of the Act will be approved for processing by the Auditor.

(i) Forms

All applicable FMLA forms are available from the Auditing Department and may be obtained upon request. Forms include:

1. Family and Medical Leave Request Form
2. Family Medical Certification Form
3. Your Rights Under the Family and Medical Leave Act of 1993

(j) Complaint Procedure

Any employee, who receives a denial of a request for FMLA leave by a County Department Head, may appeal the matter to the Auditor. Final authority to approve or deny a leave for FMLA reasons will rest with the Auditor.

3.09.100 Procedures Governing Leave Policies

(a) The Personnel Director, with the cooperation of the County Auditor-Controller, shall establish such procedures and maintain such records as are necessary to administer the provisions of this chapter.

(b) Where the provisions of this section conflict with presently existing Memorandums of Understanding with particular bargaining units, the presently existing memorandums shall supersede and take precedence.

10) CHAPTER 3.10 DISCIPLINARY POLICY

3.10.010 Procedure to Impose Discipline

(a) Notwithstanding any provision in this Code to the contrary, the procedures and protections provided for in this Chapter only apply to permanent full-time and permanent part-time employees. Extra help, temporary and probationary employees are deemed to be "at-will" employees and may be fired without need for cause and without employing the procedures set forth in this Chapter,

It is the intent of this Chapter to provide a basis and uniform procedures for disciplining employees and to provide rights to the employee(s) to contest same as provided under California law. Employees may only be disciplined for just cause and discipline shall be subject to the concepts of progressive discipline, where appropriate. (Depending upon the circumstances and where warranted, employees may be subject to suspension or termination for serious misconduct without progressive discipline).

A permanent employee may be discharged, suspended or demoted pursuant to this Chapter. Prior to taking any disciplinary action against a permanent employee, the Appointing Authority shall contact and discuss such action with the Personnel Director. To initiate a disciplinary action against a permanent employee the Appointing Authority, or his or her designee, shall give the employee a written notice outlining the proposed action and the reasons for such action, the code and ordinance sections which the employee is alleged to have violated, and notice of the right to respond to the charges verbally and/or in writing to the Appointing Authority. The Appointing Authority shall, to the extent practicable and reasonable, provide the employee with copies of any reports that directly pertain to the proposed discipline. At least seven (7) days prior to the effective date of the proposed disciplinary action, the notice shall be served upon the employee who is the subject of the disciplinary action. The employee may, within said seven (7) day period, respond orally and/or in writing to the proposed action and may request a meeting with the Appointing Authority or the person designated to serve as the initial hearing officer, to respond to the charges against the employee.

(c) After the time has elapsed for receiving response from the employee, and taking any response into account together with the recommendation of the hearing officer, the Appointing Authority shall decide whether discipline should be taken against the employee. The decision of the Appointing Authority imposing discipline (as originally proposed or as revised after receipt of the employee response) shall be prepared by the Appointing Authority, and shall be reviewed by County Counsel or the Personnel Director for legal sufficiency. The decision and written order for disciplinary action shall advise the employee of the effective date of any such order and shall include a copy of the applicable provisions in the County Personnel Code pertaining to the appeal rights and procedures available to the employee, if not previously given to the employee. The written order for discipline shall be served on the employee who is subject of the disciplinary action. If personal service upon the employee of the written notice or of the order cannot be reasonably be affected, a copy shall be sent by registered mail to the employee at his/her last known address.

Notwithstanding any other provision to the contrary in the County Code or any County rule, policy or administrative procedure, in the event that the order provides for the termination employment then the employee shall be deemed terminated for all purposes upon the effective date stated in the order or upon service of the order if no date is specified.

3.10.020 Causes for Discipline

Each of the following constitutes cause for suspension, demotion, or dismissal of an employee.

1. Fraud in securing appointment
2. Incompetence
3. Inefficiency
4. Inexcusable neglect of duty
5. Insubordination
6. Dishonesty
7. Drunkenness on duty
8. Sexual harassment or other forms of harassment or abuse of County employees or the public
9. Addiction to the use of narcotics or drugs
10. Illegal manufacture, distribution, possession, and or use of a controlled substance in the work place
11. Being intoxicated and/or under the influence of any controlled substance while on duty or while subject to scheduled call back
12. Inexcusable absence without leave (absenteeism or tardiness)
13. Conviction of a felony or conviction of a misdemeanor involving moral turpitude
14. Discourteous treatment of the public or other employees
15. Improper political activity as specified in this Code
16. Willful disobedience
17. Misuse of County property
18. Violation of any of the provisions of the Personnel Code
19. Refusal to take and subscribe to any oath or affirmation which is required by federal and/or state law in connection with employment
20. Misuse of sick leave or a claim of sick leave under false pretenses
21. Knowingly falsifying records
22. Threat or assault on an employee or member of the public in connection with County employment
23. Performance of any acts either during or outside of public employment, which are incompatible with public service and the public interest.
24. Possession and/or viewing of pornographic or offensive sexual material during work hours or on County property.

3.10.030 Right of Appeal

(a) Any permanent employee who is suspended, demoted, or dismissed, or any permanent public safety officer who is disciplined by punitive actions as outlined in the Public Safety Officer's Procedural Bill of Rights Act, may appeal such action by filing a notice of appeal with the County Personnel Director within ten (10) working days after the effective date of the notice/order of disciplinary action. Within ten (10) working days after the effective date of the Order, such employee shall file with the County Personnel Director an answer in writing to the charges set forth in the order of disciplinary action.

The Personnel Director shall review said order, notice of appeal and the basis of the appeal (the answer) and may, if he or she deems it appropriate, hold a meeting to discuss the disciplinary action and appeal with the employee and/or his or her representative and with the Appointing Authority. In the event an agreement regarding disposition of the matter cannot be reached within fifteen (15) working days after filing of the answer to the charges, the County Personnel Director will contact the State of California, Office of Administrative Hearings at the earliest possible time to request the assignment of a hearing officer to hear the appeal. Said hearing officer will commence hearing the matter as soon as possible. In the event a State hearing officer is not reasonably available, the parties may mutually select an individual to conduct a hearing. The parties may mutually agree to the extension of any time lines provided for in this Section.

(b) If the employee alleges in his or her answer that the suspension, demotion or dismissal resulted from retaliation for the exercise of the employee's rights, or discrimination based on age, ethnicity, race, color, religion, sex, sexual orientation, national origin, or handicap, and provides a statement of facts to support same, this issue shall be the first issue to be considered on appeal if (1) the employee's allegation is supported by a written statement of facts from the employee or his or her representative, providing reasonable grounds to believe that suspension, demotion or dismissal was improper and (2) the written statement is deemed by the Hearing Officer to be sufficiently clear and concrete to permit a hearing on the issue.

(c) Hearing

The following rules shall apply to any appeal hearing.

1. The hearing shall be private unless the employee requests that the matter be heard publicly.

2. Evidence may be submitted by affidavit or by deposition in accordance with the provisions of Section 11514 and Section 11511 of the Government Code, respectively.

3. Subpoenas for attendance or the production of documents at the hearing shall be issued in accordance with Section 11510 of the Government Code.

4. The hearing shall be conducted in accordance with evidence rules as outlined in Section 11513 of the Government Code.

5. The County and the employee (as the appealing party) shall mutually share all costs related to the hearing, including without limitation, all fees of the Hearing Officer. Other costs including attorney fees shall be borne by the party who incurs said costs.

(d) Decision

The Hearing Officer shall, within fifteen (15) working days after said hearing, make a finding as to whether the employee was suspended, demoted, or dismissed for reasonable cause and shall also make a recommendation as to the appropriate disposition of the case.

The Hearing Officer shall forward written findings and recommendations to the Clerk of the Board of Supervisors, the appropriate Appointing Authority, the County Personnel Director and the employee. These findings and recommendations shall be presented to the Board at its next regular meeting (subject to Brown Act agenda requirements).

In cases where unlawful retaliation or discrimination based on age, race, color, religion, sex, sexual orientation, national origin, or handicap is alleged and proven, the Hearing Officer shall have the authority to reinstate the employee without prejudice. Such a decision, which shall be supported by the written findings of the Hearing Officer, shall be final and binding upon all parties and shall not be subject to any modification by the Board of Supervisors; provided however, the Board may elect to seek judicial review of any such determination, which review shall be under the rules of Civil Procedure, Section 1094.5 to determine if the decision is supported by substantial evidence. In all other instances, the Board will take the findings and recommendations of the Hearing Officer under advisement and will render a decision within twenty-one (21) calendar days after the presentation of said findings and recommendations to the Board.

(e) The Board may:

1. Adopt the proposed decision of the Hearing Officer in its entirety; or
2. Alter the proposed penalty and adopt the balance of the proposed decision; or
3. Refer the case to the same hearing officer to take additional evidence; or
4. Decide the case upon the record, including the transcript; with or without taking additional evidence. If such additional evidence is taken, the Board shall afford the parties the opportunity to present either oral or written argument before the Board itself.

The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the penalty, if any. The findings may be stated in the language of the pleadings or by reference thereto.

The decision shall become effective upon adoption by the Board unless the Board orders that the decision shall become effective at another date.

(f) Judicial Review

Judicial review may be had by either the employee or the County by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure Section 1094.5. Such petition shall be filed not later than the 30th day following the date on which the decision becomes effective.

(g) Default

If employee fails to file an answer or to appear at the hearing without good cause, the employee will be considered to be in default and action may be taken without further hearing. Good cause for failure to time answer or to appear shall be made, in any event, within 48 hours following any such failure.

(h) Letters of Reprimand

Any permanent employee except an elective official may be reprimanded by the appropriate Appointing Authority which shall be in writing and a copy shall be entered in his/her personnel file. An employee shall have thirty (30) calendar days within which to file a written response to any adverse written comment entered into the personnel file, and such written response shall be attached to the adverse comment. No right of appeal shall exist with regard to a written reprimand to an employee; provided however, that the employee may file a grievance under Chapter 3.11. Letters of reprimand will be removed from an employee's personnel file following three (3) years from the date of issuance, if no further letters or discipline action is take against the employee and the employee has received satisfactory job evaluations.

11) CHAPTER 3.11 GRIEVANCE PROCEDURE

3.11.010 Purpose

It is the purpose of this procedure to provide a simple method for employees of the County of Sierra to resolve grievances they may have in their employment relationships without unnecessarily disrupting county functions or services. This procedure shall apply to the resolution of grievances by all employees in all county departments. The overall purpose of this procedure is to provide for the resolution of grievances at the lowest level possible. Grievances shall be submitted to and addressed by the employee's department prior to presentation of a grievance to the Board of Supervisors.

This procedure shall be liberally construed to effectuate its purpose and shall be viewed by all as a means to enhance the function of the County in providing services to the general public. The use of this procedure in resolving grievances shall not be held against any employee in any manner since the adoption of this procedure gives each employee the right to use it. Employees shall have the right of representation in grievances at all stages.

3.11.020 Definition of Grievance

A Grievance means an alleged violation of the rights given to employees under the Sierra County Code or the applicable memorandum of understanding (MOU) for the employee's bargaining unit for which there are no other procedures in existence which may be used to resolve such problem. A grievance shall not include a complaint for which other procedures exist to resolve the matter, including without limitation, dismissals, or suspensions. Grievances may be used to contest written reprimands to employees. In addition, a grievance shall not include issues more appropriately resolved by use of the meet and confer process.

No complaint shall be considered a grievance unless the involved employee initiates the grievance process within fifteen (15) calendar days after the occurrence of the event or events on which the grievance is based or fifteen days following the discovery of the acts giving rise to the grievance, but in no event later than one hundred eighty (180) days from the event or the initial event. With respect to all periods specified in this Chapter, time limits may be waived by mutual written consent of the parties.

(a) Who May Use

Any employee may use this procedure, regardless of membership in any recognized employee organization. In using this procedure any employee may choose to be represented by the representatives of his or her employee organization.

(b) Communications in Writing

All grievances except those at the first level shall be in writing. The written grievance shall specify the basis of the grievance and the solution or outcome desired by the grievant. Resolution of a grievance shall be limited to the facts and issues specified in the written grievance.

(c) Decision

When any decision is rendered at any level and is not appealed to the next level it shall become final. All those concerned shall abide such final decision. If the person assigned to hear the grievance fails to respond within the time limits set forth below, the grievant may not later than fifteen (15) days following the expiration of such time limit follow the next step in the below procedure.

(d) Use of County Time

Provided that it does not interfere with the proper conduct of the business of the County, The Appointing Authority may allow the use of a reasonable amount of County time for the preparation of a written or oral grievance.

(e) Procedure

1. First Step. Any employee or group of employees having a grievance shall first discuss the grievance with the Appointing Authority or his or her designee. This step shall not require a written grievance but every effort shall be made to resolve the grievance. Within fifteen (15) days the Appointing Authority or designated person shall render his decision. If the grievant or the Appointing Authority is not satisfied with the decision, he may not later than fifteen (15) days following the decision, follow the next steps outlined below; if the next step is not followed within such fifteen (15) days, the decision becomes final.

2. Second Step. If an oral grievance is not satisfactorily resolved, a written grievance setting forth the factual details of the grievance may be submitted to the Appointing Authority. The Appointing Authority shall personally meet with the grievant as soon as is practicable, generally no later than fifteen (15) days from the presentation of the written grievance, to discuss the grievance and shall render a written decision to the grievant within fifteen (15) days of such meeting. The grievant may request that the Appointing Authority hear from reasonable and appropriate witnesses where the Appointing Authority determines there is a significant question as to the facts as alleged by the grievant and a resolution of some or all of the facts is important to the resolution of the grievance. The decision to hear from witnesses shall be at the sole discretion of the Appointing Authority. Any meeting with the grievant may be continued by the Appointing Authority if necessary for the purpose of hearing from witnesses. Thereafter

and within fifteen (15) days, the Appointing Authority shall issue a written decision on the grievance. If the grievant is not satisfied with the written decision, he or she may not later than fifteen (15) days follow the next step outlined below; if the next step is not followed within such fifteen (15) working days, the decision becomes final.

3. Third Step. The grievance shall be submitted in writing to the Clerk of the Board of Supervisors only after completion of the second step. Following the filing of an appeal of a grievance with the County Clerk and the Clerk shall schedule a hearing on the matter before the Board of Supervisors within two months. The Board shall hear the matter and render a written decision within thirty-one (31) days of such hearing; any such hearing may be continued by the Board if necessary. Such hearing shall be open to the public unless the grievant elects to have a closed hearing and such closed hearing is permitted by under the provisions of the Brown Act. The Board may sustain, overrule or modify any decision by the Appointing Authority.

4. Upon the filing of any grievance, neither the employee, his or her representative(s) or the Appointing Authority or his or her staff shall discuss the matter of the grievance with any member of the Board of Supervisors, except through the procedures set forth in item # 3, above.

CHAPTER 3.12 DRUG AND ALCOHOL NON-USE AND TESTING

(a) Purpose and Effect

Sierra County and its employees are committed to providing a safe and drug free work environment. The County also recognizes that its employees are a most valuable resource and as a goal, the County is dedicated to provide a healthy and satisfying work environment to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and, (4) to encourage employees to seek professional assistance when personal problems, including alcohol or drug use, misuse, or dependency, adversely affect their ability to perform their assigned duties.

This policy is adopted in order to provide a reasonable means to protect the privacy rights of public employees and to address potential questions and safety considerations should an employee inappropriately be under the influence of drugs and/or alcohol while engaged in the performance of their public duties. This policy sets forth the rights and obligations of employees who are covered by this policy. Employees covered by these new requirements and this policy should become familiar with their respective provisions, as compliance with this policy is an express condition of employment with Sierra County.

(b) Covered Employees

Unless otherwise noted, this policy applies to all employees other than:

1. The employees that are covered by the Drug and Alcohol Testing Policy pertaining to the transportation and road workers employed by the Sierra County Department of Public Works and Transportation, as adopted under Resolution No. 98 175; and

2. Department heads and elected County officials.

(c) Prohibited Substances

Prohibited drugs are any illegal controlled substance including, but not limited to, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the US Department of Agriculture, US Drug Enforcement Administration, or the US Food and Drug Administration. Prohibited drugs shall also include the unauthorized use or misuse of a legally prescribed drug or over-the-counter drugs, or illegally obtained prescription drugs.

The use of any beverage, liquid, or mixture containing alcohol or substances, including any medications, such that alcohol is present in the body while "on duty" (working for the County) is prohibited. (Ord. 909, eff. 8/4/00)

(d) Prohibited Conduct

The following conduct is prohibited and may result in discipline, up to and including termination:

1. Engaging in the manufacture, distribution, dispensing; possession, or use of prohibited substances on County premises, in County vehicles, or while on County business.

2. Reporting for duty or remaining on duty when the employee's ability to perform assigned functions is adversely affected by alcohol or when the employee's blood alcohol concentration is 0.02 or greater. The Sheriff of Sierra County shall be entitled to adopt stricter requirements for deputy sheriffs and other personnel assigned to his office.

3. Using alcohol while on duty or while performing "safety sensitive functions".

4. Being on duty or operating a County vehicle while in possession of alcoholic beverage intended for personal consumption while on duty.

5. Reporting for duty or remaining on duty when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle. When taking medication pursuant to a doctor's direction, which may affect the employee's ability to perform safety sensitive functions, the employee shall promptly disclose this information to his or her supervisor.

6. Reporting for duty or remaining on duty if the employee tests positive for controlled substances.

7. Refusal of a request to submit to testing for any alcohol or controlled substance as required by this policy. Refusal can include inability to provide a specimen or breath sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, physical absence resulting from the inability to conduct any test, or refusal to submit to an alternative test when requested to do so.

8. Providing false information in connection with a test or any attempt to falsify test results through tampering, contamination, adulteration or substitution.

9. Refusal or failure to comply with requirements for treatment or after care for alcohol or substance abuse problems, or for a return to duty.

10. Failure to immediately disclose to the employee's Appointing Authority of any criminal conviction regarding use of drugs or alcohol.

11. Knowing disregard by supervisory personnel regarding the requirements of this policy or any deliberate misuse of the policy regarding subordinates.

12. Failure to remain readily available for testing following an accident until released by the employee's Appointing Authority or immediate supervisor.

13. Consuming alcohol during the eight (8) hours immediately following an accident or until the employee undergoes a post-accident alcohol and/or drug test, whichever occurs first.

14. Failure to comply with the requirements for any "reasonable suspicion" test as directed by supervisory personnel.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of marijuana or of any substance which carries any form of warning label which indicates that mental functioning, motor skills, or judgment will be adversely affected shall be reported to supervisory personnel prior to performing any "safety sensitive duties". Employees shall be responsible for removing themselves from performing and "safety sensitive functions" if they are experiencing any adverse effects from any medication. A legally prescribed drug means that the individual (employee) has a prescription or other written approval from a physician for use of a drug in the course of medical treatment. It must include the patient name, the name of the substance and/or medication, quantity/amount to be taken, and the period of authorization for use of the drug or substance.

For the purpose of this policy, a "safety sensitive function" is any activity or work, the performance of which involves some risk of injury to people or property, including but not limited to the personal safety of the person performing the work, which risk of injury is reasonably believed to be increased due to the use of alcohol and/or drugs which may cause impairment to the mental and or physical abilities of the person consuming same. An example of a "safety sensitive function" is the operation of a motor vehicle. (Ord. 909, eff. 8/4/00)

(e) Testing for Prohibited Substances

All testing under this policy shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and lab facilities, which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted in accordance with procedures established by law. Samples shall be retained by the County or its testing laboratory for a minimum of ninety-six (96) hours from the time of notification to the employee of the results of the testing which has revealed drug and/or alcohol use in violation of this policy. The employee shall be notified of his or her right to request re-testing or testing at a laboratory of his or her choice (if a sufficient amount of sample is available for that purpose) which request must be made within the 96 hours from the time of the notification. All costs for storage following such a request shall be borne by the employee.

Testing for drug and alcohol use shall be conducted and imposed upon covered employees under the following circumstances:

(i) Drug testing shall be required for applicants following their selection for and an offer of employment and any such offer shall be conditional on the results of the drug testing. Drug testing as a condition of employment shall only be administered where by the nature of the job's activities, the use of alcohol or other substances could reasonably create a threat to the safety of the individual, the safety of co-workers or the safety of the public. Any prospective employee who, as a component of his or her job activities is required to operate a motor vehicle shall be deemed to be within the category of employees who are involved in safety sensitive activities and are subject to drug testing as a condition of employment. Notwithstanding the foregoing, office clerical staff shall not be deemed to be involved in safety sensitive activities unless driving during work hours as a customary part of the job. Applicants who do not pass these tests shall not be hired by the County and/or immediately dismissed.

(ii) Reasonable Suspicion: Employees shall be required to submit to reasonable and appropriate alcohol and/or drug testing when there are reasons to believe that drug or alcohol use has occurred and/or is adversely affecting job performance.

A reasonable suspicion referral for testing will be made on the basis of objective facts and circumstances that are consistent with the effects of substance abuse. Reasonable suspicion is a belief based upon specific contemporaneous articulable observations concerning the appearance, behavior, speech, and/or body odors of the employee and reasonable inferences drawn from those facts. Reasonable suspicion may be based upon indicators, such as blurry eyes, slurring speech, alcohol on the breath and similar indicators.

A supervisor who is trained to detect the physical and behavioral signs will make reasonable suspicion determinations and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected and/or impaired in his or her work performance due to prohibited substance abuse or misuse.

Once a reasonable suspicion determination is made, it is the responsibility of the employee's immediate supervisor, or such person as may otherwise be designated, to transport the employee to the collection site. Under no circumstances shall the employee who is to be tested based on reasonable suspicion, be permitted to drive any vehicle or to transport himsepf or herself to the testing location. The reasonable suspicion test must be conducted as promptly as possible and in no case may such a test be administered after eight (8) hours following observation. County personnel shall transport the employee to his or her residence or other appropriate destination after the test.

Supervisory personnel implementing a reasonable suspicion test shall use the form attached hereto as “Attachment B", to document the findings supporting the test.

(iii) Random Testing: Due to the critical nature of the law enforcement and emergency service provided by the employees within the Sheriff’s Department and the safety concerns pertaining thereto, those employees within the Sheriff’s department shall be subject to random alcohol and drug testing. (Random testing under this ordinance shall not apply to employees other than those in the Sheriff’s department.) The following procedures regarding random testing shall apply:

(A) The number of drug tests conducted annually shall equal or exceed 50% of the number of employees for within the Department. Random alcohol tests shall equal or exceed 25% of the employees.

The County shall use a random selection process to select and request an employee to be tested for use of alcohol or controlled substances (drugs).

(B) An employee shall submit to alcohol or controlled substance testing when selected by a random selection process used by the County. Some employees may be tested more than once in a year, while others may not be tested at all depending upon the random selection. To assure random selection, all employees within the department, whether or not they have been chosen for testing in the past, will remain in the pool of employees for any subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in a previous period.

(C) Post-Accident Testing: Employees will be required to undergo urine and breath testing if they are involved in an accident, while on duty, in which there is any

injury to a person or there is property damage, or when a State or local law enforcement agency issues a citation to the employee driver for a moving violation arising from the accident. This requirement also includes other employees who are on duty and whose actions or omissions may have contributed to the accident. For the purpose of this policy an accident shall mean an injury to the employee or any other person reasonably requiring medical assistance or review, and/or injury to real or personal property which is could reasonably be expected to amount to more than $500.00 in loss or damage.

Post-accident testing shall occur as promptly as possible. Any employee subject to post accident testing shall not use alcohol within eight (8) hours following the accident or before an alcohol test, whichever comes first.

Following any accident, the employee shall remain available and may not leave the scene of any accident prior to submission to drug and alcohol testing unless appropriate authorization is given by law enforcement and/or supervisory personnel. This does not prohibit the employee from leaving the scene of an accident to obtain required emergency medical care.

(iv) Return To Duty/Follow Up Testing: Any employee who previously tested positive on a drug or alcohol test and who has violated any of the prohibitions of this policy must submit to a return to duty test before resuming any employment position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. Employees who engage in conduct prohibited under this policy shall be evaluated by a substance abuse professional (SAP). The County will provide for the SAP evaluation to assess employees with drug and/or alcohol misuse problems. The County will only provide an assessment by a SAP and all further treatment or rehabilitation, including costs, is the responsibility of the employee. Where care is provided under the employee s health care plan, employees may avail themselves of that or those options. An employee wishing to use health plan benefits should contact the County's health insurance contact for assistance in accessing benefits.

Where the SAP determines that an employee needs assistance for substance abuse, as a condition of continued employment with the County and before returning to duty the employee must (1) comply with the treatment program recommended by the SAP, (2) undergo a drug and/or alcohol test to satisfy established acceptable results for return to duty; and, (3) be re-evaluated the SAP to determine whether the employee has successfully complied with the treatment program. In addition, as a condition of continuing employment, the employee shall be subject to a minimum of six (6) unannounced drug and/or alcohol tests over the ensuing twelve (1 2) months. The SAP can direct additional testing during this period for an additional period up to a maximum of sixty (60) months from the date that the employee returns to duty. The SAP can terminate the requirement for follow up testing in excess of the minimum required at any time if the SAP determines that the testing is no longer necessary and the decision is concurred in by the employer. Follow up testing may include tests for other substances beyond the employee s initial positive test of alcohol and/or drugs when the SAP has reason to suspect other drug or alcohol use or misuse during the follow up period.

(f) Employee Requested Testing: Any employee who disputes the results of a required drug test may request that an additional test be conducted. In such case, the test must be conducted at a different testing DHHS certified lab and the test must be conducted on the split sample that was provided at the same time as the original sample.

1. Consequences of a Positive Test

A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination. The following process is required for alcohol and drug testing:

(i) Alcohol Test Results Between 0.02 and 0.04:

A. The supervisor/Appointing Authority shall initiate a disciplinary action against the employee listing the basis of the action and providing a Notice of Disciplinary Action. The disciplinary action shall include a notice of violation to the employee's file and a requirement that the employee obtain an evaluation of and treatment for alcohol abuse as the SAP may determine, which shall be a condition of continued employment. At the request of the employee a disciplinary hearing shall be held.

B. The supervisor/Appointing Authority shall give the employee the telephone number of the County s substance abuse professional (SAP) and advise the employee that he or she must contact the SAP within twenty four (24) hours. The employee shall promptly submit to a full and proper evaluation by the SAP. If the employee fails to promptly submit to a full and proper evaluation by the SAP, the employee may be placed on administrative leave, without pay, until the evaluation is performed by the SAP.

C. The employee must undergo a return to duty test with less than ".00" reading for alcohol and a negative drug test result prior to returning to work.

D. The employee must sign a return to work agreement outlining ongoing treatment, after care conditions, and follow up testing for up to five (5) years with a minimum of six (6) test the first year

(ii) Alcohol Test Results at 0.04 or above:

A. The supervisor/Appointing Authority will prepare a Notice of Disciplinary Action and conduct a disciplinary hearing, leading to the suspension, demotion or termination of employment. In addition, the employee shall promptly submit to the evaluation and treatment program or programs as determined by the SAP (as provided for in subsection I, above) and the follow up testing as a condition of continued employment with the County.

B. The employee will be given a list of substance abuse rehabilitation resources in the area.

(iii) Drug Test Results are Verified Positive:

A. The supervisor/Appointing Authority shall prepare a Notice Of Disciplinary Action and conduct a disciplinary hearing. The employee may be dismissed from County employment for use of any illegal substance or use of any controlled substance without appropriate authorization of a licensed medical doctor. An employee may be disciplined for abuse of controlled substances (prescription medications) where the employee knew or should have known that the nature of the employee's use could impair his or her ability to properly perform his or her job and/or to protect the public health and safety and

failed to properly report such use to his or her supervisor. An employee using prescription medications may be required to take time off from work, using such leave that he or she may have accrued, where in the judgment of the supervisor or Appointing Authority, the use of such medications may impair the employee's job performance or make them unable to perform safety sensitive functions.

B. It is the intent of the County that any employee shall be dismissed for use of any illegal substance or use of any controlled substance without appropriate authorization of a licensed medical doctor dismissal, unless the Appointing Authority believes that there is exceptional reason to continue the employment, in which case the employee shall be suspended without pay, pending a report and recommendation from the SAP concerning the need for substance abuse rehabilitation. Any suspension may continue until such time as the employee successfully completes initial treatment and compliance with a full treatment program shall be a condition for continued employment. The cost of treatment shall be the sole responsibility of the employee. Any subsequent positive test for illegal drugs or the unauthorized use of a controlled substance shall result in dismissal of the employee.

C. An employee will be given a list of substance abuse rehabilitation resources in the area. If the discipline is not discharge, the employee will be referred to the SAP for evaluation and treatment recommendations as outlined for alcohol tests which result between 0.02 and 0.039.

D. Failure to meet any of the terms for the return to duty agreement will result in immediate discharge.

(iv) Payment and Costs of Testing

The County shall pay the cost of the initial test or tests. Costs for any follow up testing or requested split sample testing shall be the sole responsibility of the employee subject to the follow up testing or who has requested the split sample testing. If the split sample test should indicate a negative result, the employee shall be reimbursed for the cost of the split sample test. The employee shall also be responsible for any medical evaluation that may be necessary as a result of the employee not being able to provide an adequate sample. Split sample testing will only be available if there is sufficient quantity to allow for such testing.

(Ord. 1046, eff. 8/5/13; prior 1015, 976, 878, 771, 710, 611)

PART 5
REVENUE AND FINANCE

Chapters Sections

CHAPTER 5.04 PURCHASING, BIDDING, SURPLUSING 1
5.04.010 Purpose 1
5.04.020 Board Approval 1
5.04.030 Purchase Orders 1
5.04.030.10 Purchase Order Requirement 1
5.04.030.20 Purchase Order Exemption 1
5.04.030.30 Submission of Purchase Orders 2
5.04.030.40 Advance Purchase Orders 2
5.04.030.50 Travel Advances 2
5.04.040 Purchases of Goods 2
5.04.040.10 Purchases of Goods & Equipment Under $2500 2
5.04.040.20 Purchase of Goods in Excess of $2500 2
5.04.040.30 Purchase of Goods Through State Department of General Services 2
5.04.050 Purchasing of Supplies 2
Section 5.04.055 Authorization for Business Meals 3
5.04.060 Vehicle Acquisition, Surplusing and Disposition 3
5.04.060.10 Vehicle Acquisition 3
5.04.060.20 Title to Vehicles and Inventory 3
5.04.060.30 Vehicle Surplusing 3
5.04.060.40 Storage 3
5.04.060.50 Disposition 3
5.04.060.60 Suspension of Procedures for Sale of Surplus Vehicles 5
5.04.070 Vehicle Damage 5
5.04.080 Fixed Assets 6
5.04.080.10 Definition of Fixed Asset 6
5.04.080.20 Prior Approval 7
5.04.090 Contracting for Services 7
5.04.090.10 Services Defined 7
5.04.090.20 When Service Contract May Be Utilized 7
5.04.090.30 When Contract Is Required 7
5.04.090.40 Contract Requirement Exclusions 8
5.04.090.50 Competitive Bidding 8
5.04.090.60 Advertising for Services 8
5.04.100 Public Projects 9
5.04.110 County Highway Projects 9
5.04.120 Routine Utility and Fuel Bills 9
5.04.130 Informal Bid Procedures 9
5.04.130.10 Procedural Steps 9
5.04.130.20 "Quotation" or Informal Bid 9
5.04.130.30 Failure to Meet Quoted Price 9
5.04.130.40 Diminimous Deviations Approved by Auditor 9
5.04.130.50 Violation of Bid Procedure 10
5.04.140 Formal Bid Procedures 10
5.04.140.10 Applicability 10
5.04.140.20 Bid Specifications and Documents 10
5.04.140.40 Determination of Bids 10
5.04.140.50 Bonding and Insurance Requirements for Public Works Projects Under Certain Circumstances 11
5.04.150 Surplusing of Non-Vehicular Goods 11
5.04.150.10 Surplusing 11

5.04.150.20 Storage 11
5.04.150. 30 Disposition 11
5.04.150.40 Suspension of Procedures for Sale of Surplus Equipment 12
5.04.160 County Officials, Employees and Spouses Prohibited from Bidding 12
5.04.160.10 Suspension of County Employees and Spouses Prohibited from Bidding 13
5.04.170 Personal Liability for Unauthorized or Excess Expenditures 13
5.04.180 Emergency Purchases 13
5.04.190 Disadvantaged Businesses 13
5.04.200 Severability 13
CHAPTER 5.08 PROCEDURE FOR LEASING COUNTY REALTY 14
5.08.010 Formal Leasing Procedures 14
5.08.020 Informal Leasing 14
5.08.030 Possessory Interest Clause 14
CHAPTER 5.12 SALES AND USE TAX 15
5.12.010 Statement of Purpose15
5.12.020 Contract With State 15
5.12.030 One And One-Quarter Percent Sales Tax 15
5.12.040 Delivery of Goods Defined 15
5.12.050 Provisions of R&T Code Incorporated15
5.12.060 State and County Regulations Defined16
5.12.070 Seller's Permit 16
5.12.080 State Assessment Greater Than Local Assessment 16
5.12.090 State Assessment Equal To Local Assessment 16
5.12.100 One And One-Quarter Percent Excise Tax 17
5.12.110 Provisions of R&T Code Incorporated17
5.12.120 State and County Regulations Defined17
5.12.130 State Assessment Greater Than Local Assessment 17
5.12.140 State Assessment Equal to Local Assessment 18
5.12.150 Credit for City Tax 18
5.12.160 Restriction of Remedies 18
5.12.170 Incorporation of Amendments 18
5.12.180 Termination 18
5.12.190 Compliance with Government Code 18
5.12.200 Duplicate Taxation Prohibited 19
5.12.210 Operation Date 19
CHAPTER 5.16 REAL PROPERTY TRANSFER TAX 20
5.16.030 Security Exemption 20
5.16.040 Governmental Exemption 20
5.16.050 Reorganization Exemption 20
5.16.060 Securities and Exchange Commission Exemption 20
5.16.070 Partnership Exemption 21
5.16.080 City Tax Credit 21
5.16.090 County Recorder's Duties 21
5.16.110 Distribution of Tax 21
5.16.120 Recordation After Payment of Tax 22
5.16.130 Amount of Tax Due Shown on Document 22
5.16.140 Location of Land to be Stated in Document 22
5.16.150 Refunds 22
5.16.160 Chapter Consistent with Federal Law 22
5.16.170 Request for Records 22
5.16.180 Violation a Misdemeanor 22
CHAPTER 5.20 TRANSIENT OCCUPANCY TAX 24
5.20.010 Definitions 24
5.20.020 Ten Percent Tax Imposed 24
5.20.030 Payment Schedule 25

5.20.040 Exemptions 25
5.20.050 Operator Duties 25
5.20.060 Registration of Operators 25
5.20.070 Reporting and Remitting 26
5.20.075 Payment by Mail 26
5.20.080 Original Delinquency 26
5.20.090 Continued Delinquency 26
5.20.100 Fraud 26
5.20.110 Interest 27
5.20.120 Penalties Merged with Tax 27
5.20.130 Failure to Collect or Report 27
5.20.140 Appeals Process 27
5.20.150 Records and Audits 28
5.20.160 Refund by Written Claim 29
5.20.170 Recording Certificate of Lien 29
5.20.180 Priority and Lien of Tax 30
5.20.190 Tax Collector Remedies 30
5.20.200 Change in Ownership 30
5.20.210 Violation a Misdemeanor 31
5.20.220 Civil Remedies 31
5.20.225 Implementation Date for Reserved Outdoor Space 31
5.20.230 Severability 31
CHAPTER 5.21 TAX COLLECTOR FEES - REPEALED 32
CHAPTER 5.22 TREASURER FEES - REPEALED 33
CHAPTER 5.24 DAMAGED PROPERTY TAX RELIEF 34
5.24.010 Application for Reassessment 34
5.24.020 Reassessment Computed 34
5.24.030 Property Damage of $10,000 or Less 34
5.24.040 Assessor May Initiate Reassessment 34
5.24.050 Determination of Tax 35
5.24.060 Refund of Excess Tax 35
5.24.070 Subsequent Assessment 35
CHAPTER 5.25 REASSESSMENT OF POSSESSORY INTERESTS DAMAGED AND REDUCED IN VALUE 37
5.25.010 Application for Reassessment 37
5.25.020 Computation of Reassessment 37
5.25.030 Application of Section Where Damage is at Least $10,000 37
5.25.040 Reassessment Initiated by Assessor 37
5.25.050 Fixing of Tax Rate 37
5.25.060 Refund of Excess Tax 38
5.25.070 Subsequent Assessments 38
5.25.080 Definition of Damage 38
5.25.090 General Conditions 38
CHAPTER 5.26 PAYMENT FOR COST OF INCARCERATION 39
5.26.010 Payment of Incarceration Costs 39
5.26.020 Designation of Collection Officer Under Penal Code Section 1203.1C 39
5.26.030 Determination of Average Per Day Costs of Incarceration 39
CHAPTER 5.30 PAYMENT OF JUROR ATTENDANCE EXPENSE 40
5.30.010 Payment of Juror Attendance Expense 40
CHAPTER 5.40 PROPERTY TAX ADMINISTRATION FEE 41
5.40.010 Factual Basis for Establishing Fee 41
5.40.020 Computation of Fee 41
5.40.030 Receipt of Fee 41
5.40.040 Severability 41
CHAPTER 5.50 SCHEDULE OF FEES AND CHARGES 42

5.50.010 Schedule of Sierra County Fees and Charges 42
5.50.011 Schedule of Sierra County Fees and Charges for County Assessor 42
5.50.012 Schedule of Sierra County Fees and Charges for Animal Control 43
5.50.013 Schedule of Sierra County Fees and Charges for Sierra County Human Services 44
5.50.014 Schedule of Sierra County Fees and Charges for Sierra County Information Systems 54
SCHEDULE OF SIERRA COUNTY INFORMATION SYSTEMS 54
INFORMATION SYSTEMS 54
5.50.020 Interdepartmental Fee Waiver 55
5.50.030 Amendments and Additions by Resolution 59
5.50.040 Severability 59

PART 5
REVENUE AND FINANCE

12) CHAPTER 5.04 PURCHASING, BIDDING, SURPLUSING

(History: Prior Ordinances 226, 265, 486, 523, 584, 597, 619, 627, 683)

5.04.010 Purpose

This chapter is enacted to adopt and/or amend policies and procedures governing purchases of supplies and equipment (pursuant to Government Code Sections 25480 and following), contracting for services and supplies (pursuant to Government Code Sections 23004(c), 25207), bidding of public projects (pursuant to Public Contracts Sections 20121 et seq.), and acquisition, surplusing, and disposition of vehicles and equipment, both interdepartmentally and to the public. (Ord. 801, eff. 1/14/93)

5.04.020 Board Approval

All purchases and all acquisition of services by contract require prior approval of the Board of Supervisors unless otherwise exempt pursuant to this chapter. Unless a transaction is exempt pursuant to this chapter, Board of Supervisors' approval is required prior to any purchase or contract obligation. (Ord. 801, eff. 1/14/93)

5.04.030 Purchase Orders

5.04.030.10 Purchase Order Requirement

The payment for all goods, supplies, vehicles and "variable amount" (contract payments) services (as opposed to fixed rate contracts identified under 5.04.030.20(d)) are subject to submission and approval of "Purchase Orders" in a form and content approved by the County Auditor. The County shall not pay for goods, supplies, services or contracts without submission of a Purchase Order to the Auditor unless specifically exempted pursuant to 5.04.030.20 below. All Purchase Orders must be approved by the Board of Supervisors in advance of the requested purchase unless the amount of the purchase is contained in the respective Departmental budget and the purchase amount or type is exempt from Board of Supervisor approval pursuant to 5.04.040.10 or the payment is requested pursuant to a contract previously approved by the Board of Supervisors.

5.04.030.20 Purchase Order Exemption

The following payments shall not require Purchase Orders, unless otherwise specified by the County Auditor at his discretion. Documentation for "exempt purchases" shall be as specified by the County Auditor.

(a) Interdepartmental charges and transfers
(b) Payments for district utilities
(c) Payments out of funds not under the jurisdiction of the Board of Supervisors
(d) Payments specified in contracts duly adopted by the Board of Supervisors which contain a fixed rate of payment
(e) Telecommunications
(f) Service Area Waste Disposal
(g) Solid Waste Fees
(h) Any purchases determined to be exempt by the Auditor

5.04.030.30 Submission of Purchase Orders

Except as set forth in 5.04.030.40 below, all purchase orders must be submitted to the Auditor's office after approval of the Board of Supervisors, if required, and after the purchase is made or service is rendered, accompanied by proof that the goods, or supplies have been delivered to the County or the services have been rendered, as the case pertains.

5.04.030.40 Advance Purchase Orders

Within the limits of the appropriate budget item, the Auditor may authorize the approval and payment of advance purchase orders for amounts not to exceed five hundred dollars ($500) for payment to governmental agencies and three hundred dollars ($300) for nongovernmental persons and entities. This section does not pertain to the approval and payment of advance warrants for travel.

5.04.030.50 Travel Advances

Travel advances will be made pursuant to the County Travel Policy as adopted by resolution, which resolution may from time to time be amended. (Ord. 801, eff. 1/14/93)

5.04.040 Purchases of Goods

5.04.040.10 Purchases of Goods & Equipment Under $2500

Within the limits of the appropriate budget item, department heads may purchase "goods" including supplies and equipment for their departments in amounts of seventy-five hundred dollars ($7,500) or less without prior Board of Supervisors approval. "Goods" do not include "Fixed Assets", costing in excess of $7,500, which are governed under 5.04.080 below. (Ord. 993, eff. 12/20/07; prior 993)

5.04.040.20 Purchase of Goods in Excess of $2500

Any purchase in excess of seventy-five hundred dollars ($7,500) shall be approved by the Board of Supervisors in advance.

Except where competitive bidding is required by statute, the Board of Supervisors may determine the form and procedure for purchases. If the Board determines that a formal bid procedure will likely result in a lower net cost to the County, then the bid procedure set forth in Sections 5.04.130 et. seq., shall be followed. (Ord. 993, eff. 12/20/07)

5.04.040.30 Purchase of Goods Through State Department of General Services

The Board of Supervisors by resolution may authorize designated County employees to purchase supplies and equipment as needed for an on behalf of the County of Sierra from the State of California, Department of General Services, Office of Procurement. This includes purchases from the "Cooperative Purchasing" program, surplus property program, and other related programs administered by the State Department of General Services.

When purchases are made through the "Cooperative Purchasing" program, formal and informal bid procedures need not be followed as the State of California, as part of the program, has provided compliance with bidding and purchasing procedures required by law. (Ord. 801, eff. 1/14/93)

5.04.050 Purchasing of Supplies

Annually, the Board of Supervisors shall advertise for bids for purchase of supplies pursuant to the California Government Code, Sections 25480 and following. (Ord. 801, eff. 1/14/93)

Section 5.04.055 Authorization for Business Meals

Each County Department shall annually be allowed to expend up to $500.00 for the purchase of meals for County staff, volunteers, and officials of other public entities which are incurred in support of the conduct of County business. Payment shall be by direct payment or by reimbursement to the Department Head or his/her authorized subordinate, upon submission of a purchase order together with an appropriate receipt to the County Auditor. In no event shall any department head expend more than $500.00 for the purchase of meals during any fiscal year without obtaining further authorization from the Board of Supervisors. (Ord. 926, eff. 11/15/01)

5.04.060 Vehicle Acquisition, Surplusing and Disposition

5.04.060.10 Vehicle Acquisition

Vehicles may only be purchased if the vehicle purchase price, including all applicable tax, license, fees, dealer preparation and delivery charges, is included in the fixed assets portion of the budget for the department requesting the purchase of a vehicle or vehicles and the purchase is specifically authorized, in advance of the purchase, by action of the Board of Supervisors. Such purchases shall only be approved if competitive bidding procedures are followed. Unless other specific requirements are established by the Board, informal bid procedures set forth in Section 5.04.130 shall be followed. Informal bid procedures are waived for any vehicle purchase which is made pursuant to a Federal or State of California government qualified acquisition program which has been established subject to Federal or State bidding standards.

5.04.060.20 Title to Vehicles and Inventory

The title to vehicles shall be held in the name of the "County of Sierra". Any and all original documents of title shall be held by the County Treasurer. Original acquisition documents shall be maintained by the department which acquires the vehicles. The Auditor shall maintain an inventory of all County vehicles.

5.04.060.30 Vehicle Surplusing

Individual County departments wishing to dispose of vehicles shall provide written notice to the Board of Supervisors indicating that a specific vehicle(s) is recommended for surplus. The Board of Supervisors, after consideration of this written notice and after finding that the vehicle(s) is no longer required for use by the subject department, may declare the vehicle as surplus. County vehicles may be declared surplus property only after such declaration is made by action of the Board of Supervisors.

5.04.060.40 Storage

The County Director of Public Works shall be responsible for the storage of surplus County vehicles. The County Director of Public Works shall obtain from the originating department current and complete files on all County vehicles which have been declared surplus and County departments shall turn over all records requested by the County Director of Public Works which may be necessary to maintain accurate information on the surplus County vehicles approved by the Board of Supervisors. (Ord. 801, eff. 1/14/93)

5.04.060.50 Disposition

1. 5.04.060.50.10 Interdepartmental Transfer

Any department requesting a surplus County vehicle shall make such request in writing to the Director of Public Works after the vehicle desired has been declared surplus. The Director of Public Works may make a determination of a proposed disposition for interdepartmental transfer of vehicles based upon his perception of need and relative priorities for vehicle use. Not less than ten (10) days prior to a proposed interdepartmental transfer of any vehicle, the Director of Public Works shall give notice to all department managers of such proposed

transfer. Within ten (10) days after such ten (10) day notice, the Director of Public Works or the requesting department shall place the proposed transfer on the Board of Supervisors Consent Agenda for approval. No inter-departmental transfer shall be made without the approval of the Board of Supervisors.

2. 5.04.060.50.20 Public Sales

In the event that vehicles are in the surplus pool and either not requested or not approved for interdepartmental transfer, said vehicles shall periodically be offered for sale pursuant to the following procedures.

A. Preparation of Bid List: The Director of Public Works shall prepare a "bid list" identifying the type of vehicle, the date of manufacture by year, the license number, a proposed minimum bid, and other such information as deemed necessary by the Board of Supervisors.

B. Approval by Board of Supervisors: The Director of Public Works shall submit the bid list to the Board of Supervisors for approval (or modification) and for authorization to solicit sealed bids or to hold a public auction.

C. Advertising for Sale: Subsequent to receiving Board approval of the bid list, the Director of Public Works shall advertise for solicitation of bid upon the approved bid list as he deems appropriate, but not less than once in at least one newspaper of general circulation in the County. Such advertisement shall contain the bid list information (item A above), and a date for final submission of sealed bids or the date, time and location of the public auction.

D. Director of Public Works to Authorize Sales to Highest Qualified Bidders: The Director of Public Works or his designated representative shall authorize sales to the highest qualified bidders in the sealed bid sale or public auction.

E. Unsold Surplus Vehicles: The Board of Supervisors may authorize the Director of Public Works to sell any unsold vehicles which have been advertised for sale but for which no qualifying bid was received, in any commercially reasonable manner at a price not less than seventy-five per cent (75%) of the minimum bid price approved by the Board of Supervisors pursuant to Provision B above.

F. Condition of Sale: All vehicles shall be sold "AS IS" with no warranty, express or implied as to condition or fitness for any particular purpose. Obligations for smog certification, transfer fees and licensure transfer fees shall be the responsibility of Buyer. The foregoing shall be contained in a Bill of Sale signed by Buyer and County. The Treasurer and/or Auditor are authorized to sign the "pink slips" or other documents of title conveying the vehicle to the Buyer. (Ord. 812, eff. 2/12/94, prior 801)

3. 5.04.060.50.030 Transfer and Sale of Surplus Vehicles to Special Districts

As an alternative to the public sale of any surplus vehicle pursuant to Section 5.04.060.50.20, in the event that vehicles are in the surplus pool and either not requested or not approved for interdepartmental transfer, said vehicles may be offered to sale, at nominal cost, to any special district within the County of Sierra. In the event that any such vehicle is not purchased by a special district within the County, the Director of Public Works is authorized to sell any such vehicle to a special district in a neighboring County within the State of California, at the lowest blue book value or at such other price as the Director feels is reasonable and appropriate taking into consideration the age and condition of the vehicle. If any vehicle is unsold by the County for more than ninety (90) days after being “surplused”, the Director

may sell any such vehicle to any special district in neighboring County within the State of California for such value as the Director may then deem appropriate. (Ord. 920, eff. 8/2/01)

4. 5.04.060.50.040 Sales to Human Services Program Participants

Notwithstanding subsection 5.04.060.020, upon request from the Director of the Department of Human Services, the Director of the Department of Public Works, as the County official in charge of disposing of surplus vehicles, shall allow persons that are certified by the Director of the Department of Human Services as being eligible Cal Works, Welfare-to-Work or General Assistance program participants, to purchase surplus vehicles from the County, without submitting the vehicle to public bidding under subsection 5.04.060.020. Any such purchase shall be at the price established by the Board of Supervisors in the resolution declaring the vehicle surplus. The list of eligible program participants shall be transmitted by the Director of the Department of Human Services to the Director of the Department of Public Works as may from time to time be necessary to reflect eligibility of program participants that wish to participate in the purchase of surplus County vehicles. Any eligible program participant shall be allowed to purchase a surplus vehicle under this policy at any time prior to the vehicle being sold at public auction. Purchase shall be for cash and shall be on an "as is" basis. In purchasing a surplus County vehicle as allowed under this ordinance, the identity of the program participant making the purchase will be a matter of public record and the participant will be deemed to have waived any confidentiality pertaining to participation in this particular program that may otherwise be provided by law. The Director of the Department of Human Services, or his designee shall advise any program participant desiring to have his or her name certified as being eligible to purchase a surplus vehicle pursuant to this ordinance, that certification of his or her eligibility thereunder will constitute a waiver of any rights of confidentiality that may exist pertaining to their participation in the Cal Works program. This subsection shall expire twenty-four (24) months from the date of adoption. (Ord. 991, eff. 8/2/07, prio 901)

5. 5.04.060.50.050 Trade-In of Surplus Vehicles to Special Districts

This section is intended to provide an alternative to the procedures specified by this Code for the disposal of surplus County vehicles, including but not limited to road graders, tractors and other heavy equipment used by the County Department of Transportation. Upon the recommendation of the Director of the Department of Transportation, the Board may authorize any County vehicle to be traded in to a vendor as part of the purchase of a new vehicle. The Director of the Department of Transportation shall negotiate an appropriate trade-in value based on the value of the vehicle being traded in based on such pricing guidelines and other information as may then be available. (Ord. 923, eff. 10/18/01)

5.04.060.60 Suspension of Procedures for Sale of Surplus Vehicles

Sections 5.04.060.30, .40 and .50 regarding procedures for Vehicle Surplusing shall be suspended for a period of 12 months (from July 1, 2012, to June 30, 2013) and the Director of Public Works is authorized and directed to dispose of vehicles declared by the Board of Supervisors to be surplus as follows:

Without otherwise complying with the provisions of Chapter 5.04 of the Sierra County Code, the Director shall publish a list of vehicles declared surplus in The Mountain Messenger and stating that the Director shall entertain offers to purchase and is authorized to sell for such price as the Director determines is reasonable and in the public interest, any of the surplus vehicles. (Ord. 1040, eff. 8/16/12)

5.04.070 Vehicle Damage

Any damage or destruction of County owned vehicles shall be reported to the Risk Manager in the form of a completed incident report as prescribed by the Risk Manager, together with photographs showing the damage, within twenty-four hours of the damage. (Ord. 801, eff. 1/14/93)

5.04.080 Fixed Assets

5.04.080.10 Definition of Fixed Asset

"Fixed Assets" are defined as those assets which have a cost in excess of seventy-five hundred dollars ($7,500) and a useful life of three (3) years as determined by the Sierra County Auditor. (Ord. 993, eff. 12/20/07; prior 905)

5.04.080.20 Prior Approval

Fixed Assets may only be purchased with prior approval of the Board of Supervisors. (Ord. 801, eff. 1/14/93)

5.04.090 Contracting for Services

5.04.090.10 Services Defined

"Services" means and includes the performance of a task involving utilization of personnel who are either employees of the County or retained by contract.

5.04.090.20 When Service Contract May Be Utilized

Services which the County cannot provide, either because of workload capacity or lack of specialized expertise may be provided through a service contract under the following conditions:

A. The contractor is a legal entity or the contractor is one who meets the basic requirement to enter into an independent contractor relationship, including a majority of the following criteria:

1. possesses licensure
2. possesses advanced academic and/or professional degrees
3. operates an independent business including clients other than the County
4. routinely provides services on an independent contractor fee for services basis
5. provides own equipment, supplies, personnel
6. works primarily without supervision as to time, manner and methods utilized to perform services
7. maintains own liability insurance
8. maintains own workers compensation insurance policy or has no employees
9. maintains own books and records
10. files own payroll, and state and federal income tax returns applicable to service income and expenses
11. routinely bills for services
12. willing to enter into "Independent Contractor Agreement" waiving or excluding "employee" benefits

B. There is an adequate budget appropriation in the department for which the services are sought.

C. The contract is duly approved by the Board of Supervisors.

5.04.090.30 When Contract Is Required

A contract for services is required in the following instances:

1. The entity or person to provide the services meets the criteria set forth in 5.04.090.20.A above.

2. The work cannot readily be performed by existing County employees.

3. The services to be provided involve work of a value in excess of seventy-five hundred dollars ($7,500) on a fiscal year basis from any Contractor. Services costing $7,500 or less may be contracted for by use of a purchase order and shall include terms and conditions as may be required by the Auditor. Auditor shall have the authority to reject the use of a purchase order when in his or her judgment a more detailed contract is required to serve the interest to the County. (Ord. 993, eff. 12/2007; prior 910)

5.04.090.40 Contract Requirement Exclusions

A. Vehicle maintenance and repair

B. Routine plant maintenance and repair

C. Bona fide emergency which requires immediate action for the preservation or health or safety

D. Court ordered services (Conflict Public Defenders, Court Reporters, Investigators, jury/witness fees, experts)

5.04.090.50 Competitive Bidding

A. Informal Bidding Required: Informal competitive bidding shall be required, unless otherwise exempt pursuant to 5.04.090.50.B below, for any service contract, the payments pursuant to which exceed five thousand dollars ($5,000).

B. Exemptions

1. Professional Services: Competitive bidding is not required unless so directed by the Board of Supervisors for any contract for services which requires a high degree of professional training, skill and use of independent judgment including medical, legal, auditing, accounting, financial advisors, architectural, engineering, survey, scientific consultation, environmental or historical review and evaluation.

2. Equipment Maintenance and Repairs: Competitive bidding is not required unless so directed by the Board of Supervisors for equipment maintenance or repairs, or the purchase of parts or materials for such purpose.

3. Miscellaneous Identified Services: Competitive bidding is not required unless so directed by the Board of Supervisors for contracts to print legal briefs or legal notices, contracts for reporters' services or transcripts, contracts for election supplies, contracts for expert services to be rendered the offices of the District Attorney or Sheriff, contracts for Appraisers' services, contracts for consultants and other experts employed directly by the Board of Supervisors, or contracts for other services which by law some other officer or body is specifically charged with obtaining.

4. Specific Findings: Competitive bidding may be waived if the Board of Supervisors finds that the cost of preparing bid specifications for contract projects for which competitive bidding is not otherwise required by law would significantly increase the cost to the public of providing the subject service and accordingly the requirement of formal bidding procedures for such contracts is waived.

5. Exemption Provided by Law: Competitive bidding may be waived for any contractual arrangement that is specifically made exempt by statutes or County ordinances.

5.04.090.60 Advertising for Services

Other than as exempted pursuant to 5.04.090.50.B) above, all contracts over the value of one thousand dollars ($1,000) shall be advertised not less than one time in a newspaper of general circulation in the County. (Ord. 801, eff. 1/14/93)

5.04.100 Public Projects

Public projects as defined in Public Contracts Code 10105 shall be undertaken pursuant to the Local Agency Public Construction Act contained in Division 2, Part 3, Chapter 1, Articles 3.0 and 3.5 of the California Public Contract Code commencing with § 20120 and 20150, respectively. (Ord. 801, eff. 1/14/93)

5.04.110 County Highway Projects

County highway projects shall be performed pursuant to the California Streets and Highways Code, Chapter 4, Article 1. (Ord. 801, eff. 1/14/93)

5.04.120 Routine Utility and Fuel Bills

Payments for periodic and routine utility and fuel charges may be authorized by department heads without the required approvals by Section 5.04.040.20 of this chapter provided that purchases are within the limits of the appropriated budget item. (Ord. 801, eff. 1/14/93)

5.04.130 Informal Bid Procedures

5.04.130.10 Procedural Steps

"Informal" bidding procedure consists of

A. Obtaining not less than three (3) written quotations (defined below) from three (3) independent vendors, respectively.

B. If the subject purchase is made, the lowest cost quotation must be selected unless the Board of Supervisors approves a higher quotation upon specific findings of the reasons why the lowest quotation was not selected and a finding that the interests of the public would be best served by selecting a quotation other than the lowest quotation. All quotations may be rejected, but the purchase may not be made unless the informal quotation process is repeated or formally waived by the Board upon specific findings supported by objective facts concluding that the interests of the public would be better served by a "negotiated" purchase without accepting the bid or a lowest quotation.

5.04.130.20 "Quotation" or Informal Bid

To qualify as bona fide quotations, the vendor submitting the quotation must be ready, willing and able to supply the object of the quotation (goods, services, supplies, vehicles, etc.) according to the terms and conditions of the quotation and in a commercially reasonable manner.

5.04.130.30 Failure to Meet Quoted Price

A purchase authorized following required informal bid may not be consummated unless it is made on the price, terms and conditions set forth in the quotation and so approved.

5.04.130.40 Diminimous Deviations Approved by Auditor

In the event that a purchase cannot be consummated without an increase in price or change in terms, and such change varies, in the opinion of the Auditor, by less than two percent (2%) of the value of the approved purchase, the change in price or terms is not considered "material", and if budget funds are available, and if no budget transfer is required, the purchase may be completed upon the Auditor's written authorization.

5.04.130.50 Violation of Bid Procedure

In the event that a department manager, officer or employee makes or authorizes a purchase in violation of this chapter, and such purchase is not ratified by the Board of Supervisors, the subject department manager, officer or Board member shall be liable for the difference in cost between the price and terms the subject item could be purchased by the County and the price and terms of the unauthorized purchase.
(Ord. 801, eff. 1/14/93)

5.04.140 Formal Bid Procedures

5.04.140.10 Applicability

All purchases or services acquisition required by law or by action of the Board of Supervisors shall comply with the following Formal Bid Procedure (provision 5.04.140.20 - 5.04.140.30):

5.04.140.20 Bid Specifications and Documents

Formal Bid Procedure requires the preparation and advance approval by the Board of Supervisors of bidding documents including specification, conditions and contracts.

5.04.140.30 Notice

A notice inviting sealed bids shall be published at least twice in a newspaper of general circulation not less than five (5) days apart, with the first publication completed not less than ten (10) days before the bid deadline. The notice shall describe the project, state where bid documents are to be obtained and filed, and the bid deadline.

5.04.140.40 Determination of Bids

In its discretion, the Board of Supervisors shall follow any of the following alternatives after the opening of bids:

A. The Board shall accept the lowest responsible bid.

B. The Board shall reject all bids. After such rejection, supplies and equipment may be purchased at a lower cost than the lowest responsible bid without further compliance with this chapter. After such rejection, work on public projects shall not be undertaken without compliance with one of the following procedures:

1. Bids shall again be solicited pursuant to this chapter. After such rebidding, the Board shall accept the lowest responsible bid or shall reject all bids, and thereafter

2. The Board shall reevaluate the cost estimates of the project and pass a resolution by a four-fifths (4/5) vote declaring that the project can be performed more economically by County personnel, or that a contract to perform the project can be negotiated at a lower price than in any of the bids, or that the materials and supplies involved in the public project can be furnished at a lower price in the open market. Upon adoption of the resolution, the Board shall have the project done in the manner stated without further compliance with this chapter.

C. If no bids are received by the bid deadline, supplies and equipment may be purchased and work on public projects may be performed without further compliance with this chapter.
(Ord. 801, eff. 1/14/93)

5.04.140.50 Bonding and Insurance Requirements for Public Works Projects Under Certain Circumstances

Purpose

It is the purpose and intent of this Chapter to make the bid and performance bonding requirements for public works projects more accessible and affordable to local contractors, while providing a reasonable level of protection and security during the construction of small public works projects.

Covered Territory

The regulations contained in this chapter shall apply to all projects within the County of Sierra.

Bonding Requirements for Contracts under $25,000

On any "public works project" which is subject to the provisions of the Public Contracts Code, where the bids are less than $25,000, the performance bond and labor and materialmen bond shall each be in the amount to 50% of the value of the contract; provided however that the Board of Supervisors may waive all bonds where the Board finds that it would be in the public interest to do so.

A bidder's bond shall be executed by an admitted surety insurer, made payable to the County of Sierra, for all projects in excess of $25,000.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the County beyond 60 days from the time the award is made.

Insurance Requirements for Contracts under $25,000

13)
The County shall require a policy of business insurance covering liability for all work on public works contracts in the amount of not less than $250,000. For projects greater than $25,000 or where specific circumstances indicate a need for higher amounts of insurance, the County shall have the absolute right to set a higher amount as a condition to the award of a public works contract. (Ord. 870, eff. 9/15/98)

5.04.150 Surplusing of Non-Vehicular Goods

No County supplies or equipment shall be surplused without the prior approval of the Board of Supervisors. (Ord. 801, eff. 1/14/93)

5.04.150.10 Surplusing

Individual County departments shall, when circumstances warrant, provide written notice to the Board of Supervisors indicating that specific goods are recommended for surplus. The Board of Supervisors, after consideration of this written notice and after finding that the goods are no longer required for use by the subject department, may declare the goods as surplus. County property may be declared surplus property only after such declaration is made by minute order of the Board of Supervisors. (Ord. 801, eff. 1/14/93)

5.04.150.20 Storage

The County Director of Public Works shall be responsible for the storage of surplus County property. The County Director of Public Works shall maintain current and complete files on all County property which have been declared surplus and County departments shall turn over all records requested by the County Director of Public Works which may be necessary to maintain accurate information on the surplus County property approved by the Board of Supervisors. (Ord. 801, eff. 1/14/93)

5.04.150. 30 Disposition

6. 5.04.150.30.10 Interdepartmental Transfer

Any department requesting surplus County property shall make such request in writing to the Director of Public Works. The Director of Public Works may make a determination of a proposed disposition for inter-departmental transfer of property based upon his perception of need and relative priorities for surplus property use. Not less than ten (10) days prior to a proposed interdepartmental transfer of any property, the Director of Public Works shall give notice to all department managers of such proposed transfer. Within ten (10) days after such ten (10) day notice, the Director of Public Works or the requesting department shall place the proposed transfer on the Board of Supervisors Consent Agenda for approval. No inter-departmental transfer shall be made without the approval of the Board of Supervisors. (Ord. 812, eff. 2/12/94, prior 801)

7. 5.04.150.30.20 Public Sales

In the event that property are in the surplus pool and either not requested or not approved for inter-departmental transfer, said property shall periodically be offered for sale pursuant to the following procedures.

A. Preparation of Bid List: The Director of Public Works shall prepare a "bid list" identifying the type of property and a proposed minimum bid.

B. Approval by Board of Supervisors: The Director of Public Works shall submit the bid list to the Board of Supervisors for approval (or modification) and for authorization to solicit sealed bids or to hold a public auction.

C. Advertising for Sale: Subsequent to receiving Board approval of the bid list, the Director of Public Works shall advertise for solicitation of bid upon the approved bid list as he deems appropriate, but not less than once in at least one newspaper of general circulation in the County. Such advertisement shall contain the bid list information (item A above), and a date for final submission of sealed bids or the date, time and location of the public auction.

D. Director of Public Works to Authorize Sales to Highest Qualified Bidders: The Director of Public Works or his designated representative shall authorize sales to the highest qualified bidders in the sealed bid sale or public auction. (Ord. 812, eff. 2/12/94, prior 801)

5.04.150.40 Suspension of Procedures for Sale of Surplus Equipment

5.04.150.10, .20 and .30 regarding procedures for selling surplus equipment shall be suspended for a period of 12 months (from July 1, 2012 to June 30, 2012) and the County is authorized and directed to dispose of any equipment or furniture owned by the County that is obsolete and/or no longer needed by the County (referred herein as “surplus equipment”) by offering for sale such equipment to the public on such basis as the involved department head deems reasonable and in the public interest. Any such sale shall be preceded by publication of a Notice of Sale of Surplus Equipment, not less than ten (10) days prior to the offering of the equipment for sale, generally describing the nature of the type of equipment available for sale. In the event that any Department Head finds that it is unable to sell any surplus equipment, the Department Head may, with the concurrence of the County Auditor, offer to donate any such equipment as follows: first to any other public entity in Sierra County; second to any non-profit organization operating in Sierra County; and third failing to dispose of any equipment per above, to any other interested person (excepting County employees). (Ord. 1040, eff. 8/16/12)

5.04.160 County Officials, Employees and Spouses Prohibited from Bidding

No County official, County employee, or their spouses shall be permitted to bid or purchase at any County surplus, Sheriff, or tax sale. (Ord. 801, eff. 1/14/93)

5.04.160.10 Suspension of County Employees and Spouses Prohibited from Bidding

> Section 5.04.160.10 prohibiting County employees and spouses from purchasing surplus equipment shall be suspended for a period of 12 months (July 1, 2012, to June 30,2013) and during said twelve (12) month period, County employees and spouses (but not County officers) shall be allowed to purchase any surplus vehicles or equipment provided however, that the equipment or vehicle is surplused from a department other than the department the employee works for. (Ord. 1040, eff.8/16/12)

5.04.170 Personal Liability for Unauthorized or Excess Expenditures

Pursuant to Government Code '29121, any Department Manager or member of the Board of Supervisors who knowingly makes any expenditure in violation of this chapter or incurs or pays any obligation in excess of the unencumbered balance of the amounts authorized in the budget appropriations is liable therefor personally and upon his official bond. All County Department Managers are presumed to know the contents of this chapter and the status of their own budget. (Ord. 801, eff. 1/14/93)

5.04.180 Emergency Purchases

Emergency purchases may be made by an agency when the supplies or equipment so purchased are necessary for the immediate preservation of health, welfare or the preservation of County property in a situation in which following the normal bidding procedures would be reasonably expected to further endanger health, welfare or County property under the jurisdiction and control of the County. Such emergency purchases, where they exceed the amount generally requiring the bidding procedure shall be submitted to the Board of Supervisors for ratification at the next meeting of the Board after the purchases. (Ord. 801, eff. 1/14/93)

5.04.190 Disadvantaged Businesses

To the extent practical in the rural economic environment, the County shall make reasonable attempts to utilize disadvantaged businesses consistent with state and federal guidelines. (Ord. 801, eff. 1/14/93)

5.04.200 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 801, eff. 1/14/93)

14) CHAPTER 5.08 PROCEDURE FOR LEASING COUNTY REALTY

5.08.010 Formal Leasing Procedures

Any proposed lease of County realty of a duration exceeding one (1) year, or having an estimated rental in excess of four hundred dollars ($400) shall be approved by the Board of Supervisors only after the Board has adopted a resolution of intention to lease such property; a call for bids has been posted in at least three (3) public places for not less than fifteen (15) days, and published for not less than two (2) weeks in a newspaper of general circulation. Any such lease shall be let to the highest proposal submitted in response to said call for bids. The call for bids shall include the terms and conditions specified in the resolution of intention. The Board of Supervisors shall retain the right to reject all bids. (Ord. 621, eff. 4/6/82)

5.08.020 Informal Leasing

On determination by the Board of Supervisors that the estimated monthly rental of County property does not exceed four hundred dollars ($400), the Board may approve the lease of County property, provided that the period of such lease does not exceed one (1) year, the lease is not renewable, and the actual monthly rental does not exceed five hundred dollars ($500). The procedure for letting any such property shall be as prescribed by the Board of Supervisors. (Ord. 621, eff. 4/6/82)

5.08.030 Possessory Interest Clause

All leases executed by the County shall contain a possessory interest clause, in a form approved by the County Assessor. (Ord. 621, eff. 4/6/82)

15) CHAPTER 5.12 SALES AND USE TAX

5.12.010 Statement of Purpose

The Board of Supervisors of the County of Sierra hereby declares that this chapter 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 adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California;

(b) To adopt a sales and use tax ordinance which 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 Part 1.5 of Division 2 of the Revenue and Taxation Code;

(c) To adopt a sales and use tax ordinance which imposes a one and one-quarter percent (1-1/4%) tax and provides a measure therefore that can be administered and collected by the State Board of Equalization 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 State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting county sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 233, 250, 393, eff. 7/1/72, prior Section 14100)

5.12.020 Contract With State

The County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this chapter. (Ord. 233, eff, 1/1/59, prior Section 14101)

5.12.030 One And One-Quarter Percent Sales Tax

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 and one-quarter percent (1-1/4%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the County of Sierra. (Ord. 233, 250, 393, eff. 7/1/72, prior Section 14102(a)(1))

5.12.040 Delivery of Goods Defined

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 his 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. (Ord. 233, 250, eff. 1/1/62, prior Section 14102(a)(2))

5.12.050 Provisions of R&T Code Incorporated

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California, all of the provisions of Part 1 of

Division 2 of said code, as amended and in force applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein. (Ord. 233, 250, eff. 1/1/62, prior Section 14102(b)(1))

5.12.060 State and County Regulations Defined

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the County of Sierra shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the County of Sierra 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 of California; 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 of California, 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 Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said 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, 6711, 6715, 6737, 6797 and 6828 of the Revenue and Taxation Code as adopted. (Ord. 233, 250, eff. 1/1/62, prior Section 14102(b)(2))

5.12.070 Seller's Permit

If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section. (Ord. 233, 250, 393, eff. 7/1/72, prior Section 14102(b)(3))

5.12.080 State Assessment Greater Than Local Assessment

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 vessel principally outside of this county. (Ord. 233, 250, 393, eff. 7/1/72, prior Section 14102(b)(4))

5.12.090 State Assessment Equal To Local Assessment

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 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.

(Ord. 414, amended 12/6/83, Ord. 665, prior Section 14102(b)(4.5))

5.12.100 One And One-Quarter Percent Excise Tax

An excise tax is hereby imposed on the storage, use or other consumption in the County of Sierra of tangible personal property purchased from any retailer for storage, use or other consumption in the County at the rate of one and one-quarter percent (1-1/4%) 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. 233, 250, 393, eff. 7/1/72, prior Section 14103)

5.12.110 Provisions of R&T Code Incorporated

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California, all of the provisions of Part 1 of Division 2 of said code, as amended and in force applicable to use taxes, are hereby adopted and made a part of this section as though fully set forth herein. (Ord. 233, 250, eff. 1/1/62, prior Section 14103(b)(1))

5.12.120 State and County Regulations Defined

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. Nothing in this subdivision 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 of California; 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 of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption or 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 Part 1 of Division 2 of the Revenue and Taxation Code, 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 said provisions of that Code; and, in addition, the name of the County shall not be substituted for that of the State in Section 6701, 6702, except in the last sentence thereof, 6711, 6715, 6736, 6797, and 6828 of the Revenue and Taxation Code 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 Section 6203 nor in the definition of that phrase in Section 6203. (Ord. 233, 250, eff. 1/1/62, prior Section 14103(b)(2))

5.12.130 State Assessment Greater Than Local Assessment

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 has been subject to a sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code 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 percent (80%) of the tax due under this section. (Ord. 233, 250, 393, eff. 1/1/72, prior Section 14103(b)(3))

5.12.140 State Assessment Equal to Local Assessment

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 Part 1.5 of Division 2 of the Revenue and Taxation Code 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 Sections 6366 and 6366.1 of the Revenue and Taxation Code, 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 percent (80%) of the tax. (Ord. 414, amended 12/6/83, Ord. 665, prior Section 14103(b)(3.5))

5.12.150 Credit for City Tax

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 subdivision (1) to (8) inclusive, of subsection (h) of Section 7202 of the Revenue and Taxation Code, and other applicable provisions of Part 1.5 of Division 2 of that Code. (Ord. 233, 250, amended 12/6/83, Ord. 665, prior Section 14104)

5.12.160 Restriction of Remedies

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 of Part 1.5 of Division 2 of the Revenue and Taxation Code of any tax or any amount of tax required to be collected. (Ord. 233, eff. 1/1/59, prior Section 14105)

5.12.170 Incorporation of Amendments

All amendments of the Revenue and Taxation Code enacted subsequent to the effective date of this chapter that relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 233, eff. 1/1/59, prior Section 14106)

5.12.180 Termination

This chapter shall become inoperative on the first day of the first calendar quarter that commences more that sixty (60) days following the date upon which any city within the County increases the rate of its sales or use tax above the rate of 95/100 of 1%. (Ord. 233, 304, eff. 9/13/67, prior Section 14107)

5.12.190 Compliance with Government Code

This chapter may be made inoperative not less than sixty (60) days, but not earlier than the first day of the calendar quarter, following the County's lack of compliance with Article II (commencing with section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code. (Ord. 393, eff. 7/1/72, prior Section 14107.5)

5.12.200 Duplicate Taxation Prohibited

Any person subject to a sales or use tax or required to collect a use tax under this chapter shall be entitled to credit against the payment of taxes due under this chapter 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 subdivision (1) to (10), inclusive, or subsection (i) of Section 7202 of the Revenue and Taxation Code, and other applicable provisions of Part 1.5 of Division 2 of that code. (Ord. 414, eff. 1/1/74, prior Section 14110)

5.12.210 Operation Date

(a) Sections 5.12.090, 5.12.140, and 5.12.200 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 Revenue and Taxation Code Section 401, at which time Sections 5.12.080, 5.12.130, and 5.12.150 shall become inoperative.

(b) In the event that Sections 5.12.090, 5.12.140, and 5.12.200 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 Revenue and Taxation Code Section 401, Sections 5.12.080, 5.12.130, and 5.12.150 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 5.12.090, 5.12.140, and 5.12.200 of this chapter shall be inoperative until the first day of the month following the month in which the Board again adopts an assessment ratio for state-assessed property which is identical to the ratio required for local assessments by Revenue and Taxation Code Section 401 at which time sections 5.12.090, 5.12.140, and 5.12.200 shall again become operative and sections 5.12.080, 5.12.130, and 5.12.150 shall become inoperative. (Ord. 414, eff, 1/1/74, prior Section 14111)

16) CHAPTER 5.16 REAL PROPERTY TRANSFER TAX

5.16.010 Imposition of Tax

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 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) exceeds $100.00, a tax at the rate of 55 cents for each $500.00 or fractional part thereof. (Ord. 309, eff. 1/1/68, prior Section 14201)

5.16.020 Tax Paid by Seller

The tax imposed 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. (Ord. 309, eff. 1/1/68, prior Section 14202)

5.16.030 Security Exemption

The tax imposed shall not apply to any instrument in writing given to secure a debt. (Ord. 309, eff. 1/1/68, prior Section 14203)

5.16.040 Governmental Exemption

The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed with respect to any deed, instrument or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefore. (Ord. 309, eff. 1/1/68, prior Section 14204)

5.16.050 Reorganization Exemption

The tax imposed 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 Section 205 of Title 11 of the United States Code, as amended;

(c) Approved in an equity receivership proceedings in a court involving a corporation, as defined in subdivision (3) of Section 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.

Subsections (a) through (d) 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. (Ord. 309, eff. 1/1/68, prior Section 14205)

5.16.060 Securities and Exchange Commission Exemption

The tax imposed shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in Internal Revenue Code (1954) Section 1083 (2), but only if:

(a) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(b) Such order specified the property which is ordered to be conveyed;

(c) Such conveyance is made in obedience to such order.

(Ord. 309, eff. 1/1/68, prior Section 14206)

5.16.070 Partnership Exemption

(a) In the case of any realty held by a partnership, no tax shall be imposed 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 Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continued to hold the realty concerned.

(b) If there is a termination of any partnership within the meaning of Section 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 tax shall be imposed by reason of a termination described in subsection (b), and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Ord. 309, eff. 1/1/68, prior Section 14207)

5.16.080 City Tax Credit

If the legislative body of any city in the County imposes a tax pursuant to Revenue and Taxation Code Section 11901 and following equal to one-half (1/2) of the amount specified in Section 5.16.010 of this chapter, a credit shall be granted against the taxes due under this chapter in the amount of the city's tax. (Ord. 309, eff. 1/1/68, prior Section 14208)

5.16.090 County Recorder's Duties

The County Recorder shall administer this chapter and shall also administer any ordinance adopted by any city in the County pursuant to Revenue and Taxation Code Section 11901 and following imposing a tax for which a credit is allowed. (Ord. 309, eff. 1/1/68, prior Section 14210)

5.16.100 Report to County Auditor

On or before the fifteenth (15th) day of each month the County Recorder shall report to the County Auditor the amount of taxes collected during the preceding month pursuant to this chapter and each such city ordinance. (Ord. 309, 316, eff. 7/1/68, prior Section 14210)

5.16.110 Distribution of Tax

The Auditor shall allocate and distribute monthly said taxes as follows:

(a) All monies which relate to transfer of real property located in the unincorporated territory of the County shall be allocated to the County.

(b) All monies which relate to transfers of real property located in a city in the County which has imposed a tax pursuant to said Revenue and Taxation Code sections shall be allocated one-half (1/2) to such city and one-half (1/2) to the County.

(c) All monies which relate to transfers of real property located in a city in the County which imposes a tax on transfers of real property not in conformity with the Revenue and Taxation Code shall be allocated to the County.

(d) All monies which relate to transfers of real property in a city in the County which does not impose a tax on transfers of real property shall be allocated to the County. (Ord. 309, eff. 1/1/68, prior Section 14210)

5.16.120 Recordation After Payment of Tax

The Recorder shall not record any deed, instrument or writing subject to the tax imposed hereunder 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 Government Code Section 27231. (Ord. 309, 316, eff. 7/1/68, prior Section 14211)

5.16.130 Amount of Tax Due Shown on Document

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, and the Recorder may rely thereon. (Ord. 309, eff. 1/1/68, prior Section 14211)

5.16.140 Location of Land to be Stated in Document

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 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." (Ord. 309, eff. 1/1/68, prior Section 14211)

5.16.150 Refunds

Claims for refunds of taxes imposed pursuant to this chapter shall be governed by the provisions of Revenue and Taxation Code Sections 5096 and following. (Ord. 309, 316, eff. 7/1/68, prior Section 14213, renumbered Section 14212)

5.16.160 Chapter Consistent with Federal Law

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. (Ord. 309, 316, eff. 7/1/68, prior Section 14214, renumbered Section 14213)

5.16.170 Request for Records

Whenever the County Recorder has reason to believe that the full amount of tax due hereunder has not been paid, the Recorder may by notice served upon any person liable therefore, require that person to furnish a true copy of their records relevant to the amount of the consideration or value of the interest or property conveyed. (Ord. 309, 306, eff. 7/1/68, prior Section 14215, renumbered Section 14214)

5.16.180 Violation a Misdemeanor

Any person 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

hereunder and intentionally makes any material misrepresentation of fact for the purpose of avoiding all or any part of the tax imposed shall be guilty of a misdemeanor. (Ord. 306, 316, eff. 7/1/68, prior Section 14216, renumbered Section 14215)

17) CHAPTER 5.20 TRANSIENT OCCUPANCY TAX

5.20.010 Definitions

For the purposes of interpreting this chapter, the following definitions are intended to be controlling:

(a) "County" means the County of Sierra, a political subdivision of the State of California.

(b) "Day", unless otherwise specified, means calendar day.

(c) "Delinquency" means the failure to do any act required to be done pursuant to this chapter, at the time required by this chapter.

(d) "Lodging" shall mean any building, portion of a building, reserved outdoor space, or other premises or area rented for use by transients for overnight accommodations. A "lodging" shall refer to the following premises, including but not limited to: motel, hotel, inn, tourist home, vacation home rental property, bed and breakfast, rooming house, apartment house, mobile home park, recreational vehicle park, campground, or parking area, or any property rented to a "transient" as defined below. (Ord. 834, eff. 4/16/96, prior Ord. 377, 786, 807)

(e) "Occupancy" means the use, or the right to use, any lodging.

(f) "Operator" means the person who is proprietor of the lodging whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or in any other capacity. Where the operator performs his duties through a contracted managing agent of any type or character other than that of an employee, the managing agent shall also be deemed to be an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. If the contract between the operator and the managing agent so states, the managing agent shall be solely responsible for the duties and liabilities of the operator. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both. (Ord. 834, eff. 4/16/96)

(g) "Person" shall mean 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.

(h) "Rent" means any fee, charge, or other valuable consideration received by an operator as gross proceeds paid by a transient (defined below) for lodging. The "rent" shall be valued in money, whether it is received in money or in-kind goods or services. "Rent" shall include all services of any kind or nature prior to any deduction for any reason whatever.

(i) "Tax" means the transient occupancy tax imposed by this chapter.

(j) "Tax Collector" means the Tax Collector of the County of Sierra.

(k) "Transient" means any Person having occupancy of a lodging for a period of thirty (30) consecutive calendar days or less regardless of the form of agreement, license, permit or entitlement. Any person actually occupying a lodging 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. (Ord. 807, eff. 10/07/93, prior 786, 377)

5.20.020 Ten Percent Tax Imposed

For the privilege of occupying a lodging within the unincorporated areas of the County, each transient shall pay a tax in the amount of ten percent (10%) of the rent charged. This tax constitutes a debt owed by the transient to the County and that debt can be satisfied only by payment in full to the operator or to the County. Upon

payment of the tax to the operator, the tax constitutes a debt owed by the operator to the County. (Ord. 834, eff.4/16/96, prior 377, 659, 786, 789)

5.20.030 Payment Schedule

The transient shall pay the tax to the operator of the lodging at the time the rent is paid. If the rent is paid in installments, the proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's termination of the lodging. The Tax Collector may, at the Tax Collector's sole option, require that the tax be paid directly to the Tax Collector by the transient. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.040 Exemptions

(a) No tax shall be imposed upon the following transients:

1. Any person, or upon the privilege of any occupancy, if it is beyond the power of the County to impose the tax provided in this chapter;

2. Any officer or employee of a foreign government who is exempt by reason or express provision of federal law or international treaty.

(b) No exemption of transients shall be granted except upon a claim for exemption made at the time rent is collected, and under penalty of perjury, upon a form prescribed by the tax collector.

(c) No occupancy of the following classifications of lodgings shall be subject to the tax:

1. An "organized camp" as defined in Section 18897 of the California Health and Safety Code.

2. Housing operated by or used exclusively for religious, charitable or educational purposes by any organization which has obtained exemption from property taxes under the laws of California for the period the tax would otherwise be imposed.

3. Any campsite in a unit of the State Park System.

(Ord. 967, eff. 8/18/05, prior Ord. 377, 383, 786)

5.20.050 Operator Duties

Each operator shall collect the tax imposed by this chapter at the same time that the rent is collected from the transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive from the operator a receipt for payment of tax. Failure to impose or collect the tax shall not relieve the operator from the obligation to pay the tax due under this chapter. No operator of a lodging 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 provided in this chapter. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.060 Registration of Operators

Each operator of a lodging located within the unincorporated area of the County shall register the lodging with the Tax Collector within thirty (30) days after commencing business. The Tax Collector shall provide the operator a "Transient Occupancy Registration Certificate" which shall be posted at all times in a conspicuous place at the lodging. The certificate shall include, but is not limited to, the following information:

(a) The name of the operator,

(b) The address of the lodging,

(c) The date upon which the certificate was issued,

(d) A statement to the effect that the certificate means that the operator has registered for the purpose of collecting and remitting the tax and that the certificate is not to be construed as a permit or authorization for any other purpose.

(Ord. 786, eff. 7/18/92, prior Ord.. 377,383)

5.20.070 Reporting and Remitting

(a) Each operator shall make a report to the Tax Collector, on forms provided by the Tax Collector, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter or longer reporting period which may be established by the Tax Collector.

(b) The report shall include the total rents charged, total rents from transient occupancy, the amount of tax collected for transient occupancy and any further information required by the Tax Collector. The Tax Collector may establish shorter, longer or other reporting periods for any certificate holder if the Tax Collector deems it necessary or expedient in order to ensure collection of the tax.

(c) At the time the report is filed, the full amount of the tax collected shall be paid to the Tax Collector. Returns and payments are due immediately upon cessation of business for any reason.

(d) All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the County until payment of the tax is made to the Tax Collector.

(Ord. 834, eff. 4/16/96, prior Ord. 377, 786)

5.20.075 Payment by Mail

A payment shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance. (Ord. 834, eff. 4/16/96)

5.20.080 Original Delinquency

Any transient who fails to pay, and any operator who fails to collect or fails to remit to the Tax Collector any tax imposed by this chapter within the time required, shall pay a penalty of ten percent (10%) of the amount of the tax owed in addition to the amount of the tax. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.090 Continued Delinquency

Any person who fails to pay, and any operator who fails to collect or fails to remit to the Tax Collector any tax imposed by this chapter on or before a period of thirty (30) days following the date on which the payment first became delinquent, shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.100 Fraud

If the Tax Collector determines that the non-payment of any sum due under this chapter is attributable to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added to the tax in addition to the penalties stated in Section 5.20.090 and 5.20.100. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.110 Interest

In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction of a month on the amount of the tax, exclusive of penalties, from the date on which the payment first became delinquent until paid. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.120 Penalties Merged with Tax

Every penalty imposed and such interest as accrues under the provisions of this chapter shall become a part of the tax required to be paid. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.130 Failure to Collect or Report

(a) **Tax Collector to Estimate Tax Due**: In the event that any operator fails or refuses to collect the tax imposed by this chapter, or to make, within the time provided in this chapter, any required report or any payment of the tax or any portion of the tax required by this chapter, the Tax Collector may make an estimate of the tax due. In making the estimate, the Tax Collector shall proceed in the manner the Tax Collector deems appropriate to obtain facts and information on which to base an estimate of the tax due. In the absence of information which the Tax Collector deems most appropriate, it shall be deemed appropriate for the Tax Collector to estimate the tax by multiplying the number of days in the reporting period by the estimated number of lodging units customarily available for rent by the operator and then multiplying such resultant number by the estimated average rent for the subject lodging units or similar lodging units and thereafter multiplying that resultant number by the tax rate. The foregoing shall not limit the Tax Collector in estimating the tax due but if utilized shall in and of itself be deemed reasonable.

(b) **Notice of Tax Due**: The Tax Collector shall proceed to determine and assess against the operator the tax, interest, and penalties due as provided for by this chapter. The Tax Collector shall give a notice of the amount so assessed by mail or personal service addressed to all persons so assessed, at their last known addresses.

(c) **Tax Is Final If Hearing Not Requested**: The operator may make application in writing to the Tax Collector for a hearing on the amount assessed within ten (10) calendar days after personal service of any notice of taxes or within fifteen (15) days from the date of mailing of any notice of taxes due. 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 Collector shall become final and conclusive and shall be immediately due and payable. (Ord. 786, eff. 7/18/92, prior Ord. 377)

(d) **Separate Trust Account**: The Tax Collector may require the Operator to establish a separate trust account for deposit of the taxes as they are collected. The bank account shall be established in the ownership of Sierra County. (Ord. No. 834, eff. 4/16/96)

5.20.140 Appeals Process

(a) **Hearing and Dispute Resolution**: In the event that an operator applies for a hearing within the time prescribed, the Tax Collector shall give at least fifteen (15) days written notice to the operator of the time and place of the hearing by mail or at least ten (10) days notice if by personal service. Such hearing may be held at any time within sixty (60) days of receipt of application for the hearing by the Tax Collector. At the hearing, the operator may appear and offer evidence why the specified tax, interest, or penalties should not be so established.

(b) **Determination of Tax**: Within thirty (30) days after the hearing, the Tax Collector shall determine the proper tax to be remitted and shall give written notice to the person by personal service or certified mail of the determination and the amount of the tax, interest, and penalties. The total due shall be

payable fifteen (15) days from mailing or serving of notice unless an appeal is made as provided in section 5.20.140(c).

(c) **Appeal from Initial Hearing**: Any operator aggrieved by any decision of the Tax Collector with respect to the amount of the tax, interest, or penalties may appeal to the Sierra County Uniform Appeals Committee by filing a written notice of appeal with the County Clerk within fifteen days of personal service or twenty (20) days from the date of mailing of the determination of tax due. The appeals procedure and the rules governing the hearing(s) shall be consistent with the Sierra County Uniform Appeals Procedure specified in Sierra County Resolution No. 90-272, as amended. Any operator or the Tax Collector, dissatisfied with the results of the determination of the Uniform Appeals Committee may appeal to the Sierra County Board of Supervisors pursuant to the Sierra County Uniform Appeals Procedure. Any determination on the matter by the Sierra County Board of Supervisors shall be deemed final. No appeal may be taken without first having completed the Initial Hearing process set forth in 5.20.140(a).

(d) **Limitation of Issues on Appeal**: The issues on appeal shall be limited to:

1. Operator named on the tax bill is not correct.

2. Estimated tax is based on incorrect number of units.

3. Estimated tax is based on incorrect lodging rates.

4. Estimated tax is based on incorrect occupancy rates. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5. Payment of Tax a Condition of Appeal

After the determination of an amount of tax due from any operator has been made following an Initial Hearing as specified in 5.20.140(a) above, an operator must pay the tax as specified in the notice as a condition precedent to filing an appeal. Failure to pay such tax, together with penalties and interest thereon, if any, shall result in the appeal being denied. In the event that it is ultimately determined that the whole or any part of the tax, interest and penalties was not due, the operator shall be entitled to a full refund of all the amounts paid but determined not to be due together with interest at the rate prescribed by Revenue & Taxation Code 5151. The County may retain without interest those funds ultimately determined to be due to the County pursuant to this chapter. (Ord. 834, eff. 4/16/96, prior Ord. 377, 786)

5.20.150 Records and Audits

(a) 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 three (3) years, all records that may be necessary to permit verification of the amount of the tax. As a minimum, the records deemed necessary for this verification shall be relevant income tax information, a chronological listing of transients, cash journal, or other means of summarizing the operator's quarterly revenue, supported by a file or other record of sequential registrations, which may with reasonable effort, be identified with the revenue summary, banking records for operator's business related to rental income and expenses including bank statements, deposit records, checks and check stubs, journals and general ledger, income and expense statements and balance sheet. These records shall be available, at all reasonable times, for audit by the tax collector or the Tax Collector's designated representative.

(b) The Tax Collector or a designated representative may conduct audits of the records in order to verify compliance with the requirements of this chapter. The operator's records and the auditor's records shall be confidential records not subject to public disclosure with the following exceptions:

1. As necessary in the performance of official duty pursuant to this chapter

2. In the course of any proceeding, hearing, or litigation involving the existence or amount of the tax liability of the operators

3. Upon the written consent of the operator or his authorized representative.

(c) When an audit results in additional payments due to the county, the operator shall be notified of the amount due, including any applicable penalties and interest and the total shall be due and payable immediately.

(d) Any operator dissatisfied with the audit results may file for a hearing and proceed with the appeals process, all as set forth in section 5.20.140 (a) through (e) above. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.160 Refund by Written Claim

The amount of any tax, penalty, or interest may be refunded if it has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the County under this chapter. A written claim for refund must be filed with the Tax Collector within three (3) years of the date of payment stating, under penalty of perjury, the specific grounds upon which the claim is founded. The claim shall be on a form provided by the Tax Collector.

(a) An operator may obtain a refund, or take as a credit against taxes collected and paid, the amount overpaid, paid more than once, or erroneously or illegally collected or received, or when it is established in a manner prescribed by the Tax Collector that the person from whom the tax has been collected was not a transient or upon any other facts or circumstances the Tax Collector deems relevant. However, neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the occupant or credited to rent subsequently payable by the occupant to the operator.

(b) A transient may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the County, but only when the tax was paid by the transient directly to the Tax Collector, or when the transient having paid the tax to the operator establishes to the satisfaction of the Tax Collector that the transient has been unable to obtain a refund from the operator who collected the tax.

(c) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records reasonably proving that the claimant is entitled to the refund.

Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.170 Recording Certificate of Lien

The Tax Collector may record a certificate of lien in the office of the Sierra County Recorder, within three (3) years after the amount required to be paid to the county under this chapter is not paid when due. The certificate shall specify the amount of tax, penalties and interest due, the name and address as it appears on the records of the Tax Collector of the operators liable for the tax and the fact that the 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 and interest constitutes a lien upon all real and personal property in the county owned by the operator or afterwards acquired by operator prior to the expiration of the lien. The lien has the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of filing of the certificate unless sooner released or otherwise discharged. The lien may be extended for two additional ten year periods by re-recording the original lien. The lien may be recorded in any other county in which the operator may have property. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.180 Priority and Lien of Tax

The amounts required to be paid by any operator under this chapter with penalties and interest shall be satisfied first in any of the following cases:

(a) Whenever the person is insolvent,

(b) Whenever the person makes a voluntary assignment of his assets,

(c) Whenever the estate of the person in the hands of the executors, administrators or heirs is insufficient to pay all the debts due from the deceased,

(d) Whenever the estate and effects of an absconding, concealed or absent person required to pay any amount under this chapter are levied upon by process law.

(e) Whenever a lien recorded hereunder is senior to other claimant interest.

(Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.190 Tax Collector Remedies

The Tax Collector may utilize any remedy available for the collection of taxes to enforce collection of the tax under this chapter, including seizure and sale (Revenue and Taxation Code ' 2951 et seq.). Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the County. Any such tax collected by an operator which has not been paid to the County shall be deemed a debt owed by the operator to the County. Any person owing money to the County under the provisions of this chapter shall be liable to an action brought by the Tax Collector in the name of the County of Sierra, as plaintiff, for the recovery of the tax, penalties and interest and costs of collection, including but not limited to attorneys' and County Counsel's fees. (Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.200 Change in Ownership

When ownership of a lodging is transferred, the following duties arise:

(a) Duty of transferor (seller). Prior to a change of ownership of a lodging, the transferor or operator of the lodging shall give written notice to the Tax Collector of the sale no later that fifteen days before the close of escrow or the transfer of title. The transferor shall request and complete a final transient occupancy report form and pay upon close of escrow or upon delivery of title or transfer, whichever first occurs, all taxes, penalties and interest due in addition to any unsecured property taxes which are a statutory lien against the transferor.

(b) Duty of transferee (buyer). Prior to the change in ownership of a lodging, the transferee or prospective operator of the lodging shall give written notice to the Tax Collector of the sale no later than fifteen (15) days before the close of escrow or the transfer of title. The transferee shall retain from the purchase price the amount for which the transferor is liable until the transferor produces a certificate from the Tax Collector stating that the taxes have been paid. If the tax is not paid as provided in this chapter, the Tax Collector shall request the retained amount from the transferor. The transferor shall pay the request within ten (10) days.

(c) Effect of notice. If proper notice is given by the parties to the transfer of ownership of a lodging, an audit may be performed by the Tax Collector in order to determine any tax liability of the transferor prior to the change of ownership. If proper notice was given, the county will release the transferee from any tax liability arising prior to the change of ownership, even if no audit was conducted.

(d) This section shall be deemed constructive notice to all new owners of lodgings that they shall assume liability for all unpaid taxes when the Tax Collector is not properly notified as set forth in this section.

(Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.210 Violation a Misdemeanor

(a) In addition to any civil remedy for the collection of taxes, any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for a period of not more than six months or by both fine and imprisonment.

(b) Any operator or other person liable under the provisions of this chapter who fails or refuses to register as required in this chapter, or who fails or refuses to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the Tax Collector, or who renders a false or fraudulent return or claim is guilty of a misdemeanor and is punishable as set forth in subsection (a) of this section. 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 chapter to be made, is guilty of a misdemeanor and is punishable as set forth in subsection (a) of this section.

(Ord. 786, eff. 7/18/92, prior Ord. 377)

5.20.220 Civil Remedies

In addition to any and all other remedies provided herein, the Tax Collector may utilize any and all civil remedies available to the Tax Collector at law or in equity not otherwise prohibited by law or inconsistent with the provisions of this chapter. (Ord. 786, eff. 7/18/92)

5.20.225 Implementation Date for Reserved Outdoor Space

The Transient Occupancy Tax shall be applied to reserved outdoor spaces, including but not limited to recreational vehicle park, campground, or parking area, effective January 1, 1993. (Ord. 792, eff. 9/5/92)

5.20.230 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 786, eff. 7/18/92)

18) CHAPTER 5.21 TAX COLLECTOR FEES - REPEALED

Chapter 5.21 repealed by Ordinance No. 800, eff. 12/17/92.

19) CHAPTER 5.22 TREASURER FEES - REPEALED

Chapter 5.22 repealed by Ordinance No. 800, eff. 12/17/92.

20) CHAPTER 5.24 DAMAGED PROPERTY TAX RELIEF

(Revised February 2003)

5.24.010 Application for Reassessment

Every person who at 12:01 a.m. on January 1st, was the assessee of any taxable property, or any person liable for the taxes thereon, for the fiscal year commencing the following July 1, which property was thereafter damaged or destroyed, without his fault by a misfortune or calamity, may, within twelve (12) months of such misfortune or calamity, apply for reassessment of such property by delivering to the Assessor a written application showing the condition and value, if any, of the property immediately before and after the damage or destruction, which damage must be shown therein to be in excess of ten thousand dollars ($10,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit. (Ord. 941 eff. 4/17/03, prior 484, 470, Section 14217)

5.24.020 Reassessment Computed

Upon receiving a proper application, the Assessor shall verify the amounts claimed on the application in the before and after condition. If the sum of the full cash values of the land, improvements and personalty before damage or destruction exceeds the sum of the values after the damage by ten thousand dollars ($10,000) or more, the Assessor shall also separately determine the percentage reductions in value of land, improvements and personalty due to the damage or destruction. The Assessor shall reduce the values appearing on the assessment roll by the percentages of damage or destruction computed pursuant to Section 170 of the Revenue and Taxation Code, and the taxes due on the property shall be adjusted as provided for in that Section; provided however, the amount of the reduction shall not exceed the amount of the actual loss.

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 local Board of Equalization within six (6) months of the date of mailing the notice. If an appeal is requested within the six (6) month 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 local Board of Equalization 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. The reassessments resulting from those reductions, as determined above, shall be forwarded to the Auditor by the Assessor or the Clerk of the Board, as the case may be. The Auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessments shall not be subject to review except by a court of competent jurisdiction. (Ord. 941 eff. 4/17/03, prior 484, 470, Section 14217)

5.24.030 Property Damage of $10,000 or Less

If the amount of damage, as verified by the Assessor, is not at least ten thousand dollars ($10,000), no adjustment shall be made to said roll and no taxes shall be canceled or refunded. (Ord. 941, eff. 4/17/03, prior 484, 470, Section 14218)

5.24.040 Assessor May Initiate Reassessment

If an application is not made under the provisions of Section 5.24.010**,** and the Assessor determines that a property has suffered damage caused by misfortune or calamity, which may qualify the property owner for relief under this chapter, 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. 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 sixty (60) days of date of mailing of the notification by the Assessor. Upon receipt of a properly completed, timely filed application, the Assessor shall proceed to reassess property in the same manner as required above. In the event that no application is made, the Assessor is hereby

authorized to reassess the property as provided in this chapter and to notify the last known owner of the property of the reassessment. (Ord. 941, eff. 4/17/03, prior 823, 484, 470, Section 14219)

5.24.050 Determination of Tax

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 section 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, 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 pro-ration of the tax due on the property as reassessed in its damaged or destroyed condition, 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. For purposes of applying the preceding calculation in prorating supplemental taxes, the term "fiscal year" means that portion of the tax year used to determine the adjusted amount of taxes due pursuant to subdivision (b) of Revenue and Taxation Section 75.41. If the damage or destruction occurred after January 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. 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. (Ord. 941 eff. 4/17/03, prior 484, 470, Section 14220)

5.24.060 Refund of Excess Tax

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code as an erroneously collected tax or by order of the Board of Supervisors without the necessity of a claim being filed pursuant to Chapter 5. (Ord. 941, eff. 4/17/02, prior 484, Section 14221)

5.24.070 Subsequent Assessment

The assessed value of the property in its damaged condition, as determined pursuant to subdivision (b) compounded annually by the inflation factor specified in subdivision (a) of Revenue and Taxation Code Section 51, 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.

When the property is fully repaired, restored, or reconstructed, the Assessor shall make an additional assessment or assessments in accordance with subparagraph (a) or (b) upon completion of the repair, restoration, or reconstruction:

(a) If the completion of the repair, restoration, or reconstruction occurs on or after January 1, but on or before May 31, then there shall be two 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 January 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.

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.

For purposes of this subdivision, "new taxable value" shall mean the lesser of the property's (A) full cash value, or (B) factored base year value or its factored base year value as adjusted pursuant to subdivision (c) of Section 70.

The Assessor may apply Chapter 3.5, of Part 0.5, of the Revenue and Taxation Code (commencing with Section 75) in implementing this section, to the extent that Chapter is consistent with this portion of the Sierra County Code. (Ord. 941 eff. 4/17/03, prior 484, 470, Section 14227)

21) CHAPTER 5.25 REASSESSMENT OF POSSESSORY INTERESTS DAMAGED AND REDUCED IN VALUE

(Revised February 2003)

5.25.010 Application for Reassessment

Every person who at 12:01 a.m. on January 1st has a possessory interest in land owned by the state or federal government or who acquired such interest after such date and is liable for the taxes thereon for the fiscal year commencing immediately following July 1 and the permit or other right to enter upon the land has been suspended or restricted without his fault, because of a misfortune or calamity, including without limitation a condition of drought; may, within twelve (12) months of such misfortune or calamity, apply for reassessment of such property by delivering to the Assessor a written application showing the condition and value, if any, of the possessory interest immediately before and after the suspension or restriction. The damage to the interest must be shown in the application to be in excess of ten thousand dollars ($10,000). The application shall be executed under penalty of perjury or if executed outside the State of California, verified by affidavit. (Ord. 941 eff. 4/17/03, prior 517)

5.25.020 Computation of Reassessment

Upon receiving a proper application, the Assessor shall verify the amounts claimed on the application in the before and after condition. The Assessor shall then compute a percentage relationship of loss and reduce the current assessed value by that percentage. 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 local Board of Equalization within six (6) months of the date of mailing the notice. If an appeal is requested within the six (6) month 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 value of the suspended or restricted permit shall be final provided that a decision of the local Board of Equalization 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 suspension or restriction. The reassessments resulting from those reductions, as determined above, shall be forwarded to the Auditor by the Assessor or the Clerk of the Board, as the case may be. The Auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessment shall not b e subject to review except by a court of competent jurisdiction. (Ord. 941 eff. 4/17/03, prior 517)

5.25.030 Application of Section Where Damage is at Least $10,000

If the amount of damage as verified by the Assessor, is not at least ten thousand dollars ($10,000), no adjustment shall be made to said roll and no taxes shall be canceled or refunded. (Ord. 941 eff. 4/17/03, prior 517)

5.25.040 Reassessment Initiated by Assessor

If no such application is made pursuant to Section 5.25.010 and the Assessor determines that a possessory interest has been suspended or restricted without fault of the holder thereof because of a misfortune or calamity which may qualify the holder thereof for relief under this chapter, the Assessor shall provide the last known holder of such possessory interest with an application for reassessment. The holder shall file the completed application within sixty (60) days of notification by the Assessor. Upon receipt of the properly completed, timely filed application, the Assessor shall proceed to reassess property in the same manner as required above. In the event that no application is made, the Assessor is hereby authorized to reassess the property as provided in this chapter and to notify the last known owner of the property of the reassessment. (Ord. 941 eff. 4/17/03, prior 823, 517)

5.25.050 Fixing of Tax Rate

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this

section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll, a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such pro-ration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a pro-ration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for the balance of the fiscal year.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph. (Ord. 941 eff. 4/17/03, prior 517)

5.25.060 Refund of Excess Tax

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code as an erroneously collected tax or by order of the Board of Supervisors without the necessity of a claim being file pursuant to Chapter 5 of said Code. (Ord. 941 eff. 4/17/03)

5.25.070 Subsequent Assessments

The assessment of the property in its damaged condition as determined by this section shall be reviewed at the lien date following the date of the misfortune or calamity and shall be assessed in the same manner as prescribed by law for any other assessable property. (Ord. 941 eff. 4/17/03, prior 517)

5.25.080 Definition of Damage

As used in this section, "damage" means a possessory interest in land owned by the state or federal government wherein the permit or other right to use the land has been suspended or restricted because of a misfortune or calamity such as the drought condition, as existed in this state in 1976 and 1977. (Ord. 941 eff. 4/17/03, prior 517)

5.25.090 General Conditions

This section applies to all counties, whether operating under a charter or under the general laws of this State. (Ord. 941 eff. 4/17/03, prior 517)

22) CHAPTER 5.26 PAYMENT FOR COST OF INCARCERATION

5.26.010 Payment of Incarceration Costs

The provisions of California Penal Code Section 1203.1C, relative to payment by inmates of their cost of incarceration, shall be operative within the County of Sierra. (Ord. 645, eff. 4/5/83)

5.26.020 Designation of Collection Officer Under Penal Code Section 1203.1C

The Probation Officer is designated as the County Officer responsible for the collection of monies ordered pursuant to Penal Code Section 1203.1C. (Ord. 645, eff. 4/5/83)

5.26.030 Determination of Average Per Day Costs of Incarceration

The average per-day costs of incarceration in the Sierra County Jail or in any other county jail where prisoners sentenced by Sierra County serve their sentence, are determined, pursuant to Penal Code Section 1203.1C to be twenty three dollars ($23). This amount is to be reviewed annually by the Board of Supervisors at the time of adoption of the County budget, and may be revised by resolution of the Board of Supervisors. (Ord. 645, eff. 4/5/83)

23) CHAPTER 5.30 PAYMENT OF JUROR ATTENDANCE EXPENSE

5.30.010 Payment of Juror Attendance Expense

The fee for each day's attendance by trial jurors called for trial jury duty in the Justice Court and Superior Court shall be five dollars ($5) per day plus fifteen cents per mile for each mile necessarily traveled in attending court, in going only. (Ord. 690, 734, eff. 1/5/88)

24) CHAPTER 5.40 PROPERTY TAX ADMINISTRATION FEE

5.40.010 Factual Basis for Establishing Fee

The Property Tax Administration fee set forth herein is based on the following facts:

(a) Senate Bill 2557, Chapter 455 of 1990 Statutes of California, provides the County and/or the County Auditor the authority to establish and charge local jurisdictions and Special Districts in the County as the latter are defined in the California Revenue and Taxation Code for the reasonable property tax administrative costs attributable to such local jurisdictions and Special Districts; and,

(b) The County Auditor has determined, in accordance with the provisions of Senate Bill 2557, and the Guidelines for County Property Tax Administration Charges promulgated by the California State Comptroller Office through the County Accounting Standards and Procedures Committee, the property tax administrative costs attributable to the School and Special Districts in the County; and,

(c) Senate Bill 2557 authorizes the Property Tax Administration Charges to be charged effective January 1, 1991, for the 1989/90 fiscal year and for the entirety of each fiscal year thereafter.

(Ord. 768, eff. 03/21/91)

5.40.020 Computation of Fee

The Auditor is hereby authorized and instructed to compute the property Tax Administration Fee proportionately attributable to all local jurisdiction, as more particularly set forth in Revenue and Taxation Code 97, et seq. (S.B. 2557) and the Guidelines for County Property Tax Administration Charges promulgated by the California State Comptroller Office through the County Accounting Standards and Procedures Committee and to submit an invoice to said jurisdiction for services rendered as so computed for the prior fiscal year; and for each fiscal year thereafter; and to withhold from the incorporated city or cities whose boundaries are located within the boundaries of the County of Sierra that amount of costs attributable to such city or cities for Property Tax Administration computed as described above. (Ord. 768, eff. 03/21/91)

5.40.030 Receipt of Fee

The Treasurer is to receipt such funds received. (Ord. 768, eff. 03/21/91)

5.40.040 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 768, eff. 03/21/91)

25) CHAPTER 5.50 SCHEDULE OF FEES AND CHARGES

Chapter 5.50 is repealed and re-enacted, effective 10/5/2000

5.50.010 Schedule of Sierra County Fees and Charges

Unless superceded by a subsequently adopted ordinance setting fees for any County service, product or function, the Schedule of Sierra County Fees and Charges bearing the designation of "Master Fee Schedule Effective 4/15/2005" as adopted by Ordinance 965 shall remain in effect. (Ord. 1029, eff. 1/20/11; prior 965, 952, 913, 817, 800)

5.50.011 Schedule of Sierra County Fees and Charges for County Assessor

The Schedule of Sierra County Fees and Charges bearing the designation of "Master Fee Schedule Effective 1/15/04" pertaining to fees for the Sierra County Assessor's Office is hereby amended to reflect a change in the fees as attached hereto as "Exhibit A". (Ord. 1036, eff. 11/17/11, prior 1009, 913)

EXHIBIT "A"
SCHEDULE OF SIERRA COUNTY ASSESSOR'S OFFICE
FEES AND CHARGES (effective 11/17/11)

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
ASSESSOR	Assessor's Parcel Maps, Computer-Generated Map	$2.00/Map, plus $2.00/Layer on/off
	Std. Map Enlarge/Reduced	$1.00/Map
	Fax Assessor's Parcel Map	$2.00/Fax number dialed
	Photocopy of Map	$2.00/Map
	Custom Map	$35.00/hour – Minimum 1 hr
	Special Mapping Request	$100 Minimum up to full cost of contractor
	Microfilming or Photocopying Assessor's Parcel Maps	$1.00/Map if purchaser provides supplies
	Computer Printouts: Secured Roll Unsecured Roll halFILE	$0.15/parcel or Acct. ID#, up to $700 for Preliminary Secured Roll with Alpha Index; $200 for Preliminary Unsecured Roll with Alpha Index. Minimum Chg. $1.00
	Property Characteristics	$4.00/Parcel
	Photocopy document	$0.25/page for first 500 + $0.10 per page over 500
	Mining Claim Locations	$1.00/page for listing Section/Township/Range
	Mailing Labels	$0.10/parcel for first 500 + $0.02 per parcel over 500
	Compact Disc: Secure Roll Value + Alpha Index	$650.00/Compact Disc

	Compact Disc: Preliminary Unsecured Assessment Roll including Alpha Index	$200.00/Compact Disc
	Compact Disc: Secured Roll w/Property Characteristics + Alpha Index	$2,050/Compact Disc
	File Layouts if purchase separately from tape	$20.00
	Certification of document	$1.00
	Name Search	$7.50 minimum, plus postage
	Equalization Rules and Procedures	$0.65/page $104.00/complete set of pages $108.00/complete set with binder
	Clerical and Administrative Time	$25.00 per hour for 1st 2 hours, time in excess of 2 hours actual cost plus benefits computed to nearest ¼ hour
	Parent/Child and Grandparent/Grandchild Change in Ownership Exclusion reassessment reversal fee, **due to untimely filing**.	$175.00/reappraisal event (Senate Bill 1233, eff. 1/1/09)

5.50.012 Schedule of Sierra County Fees and Charges for Animal Control

The Schedule of Sierra County Fees and Charges bearing the designation of "Master Fee Schedule Effective 4/15/05" is hereby amended to reflect fees for animal control services for kennel/impound fees; redemption fees; euthanasia, etc.; as follows (which fees are in addition to any other fees established by the County or by statute or regulation:

Impound Fees – a fee in the amount of $185 shall be levied for each animal that is picked up and impounded by Sierra County Animal Control. An additional fee shall be charged based on actual costs incurred by Animal Control, for impounding any animal that is larger than a dog, or as to which special handling is required.

Redemption Fee – shall be in the amount of $185

Second pickup of a Dog or Cat in an eighteen (18) month period - and additional $50 will be charged

Third pickup of a Dog or Cat in an eighteen (18) month period – an additional $100 will be charged

Four or more pickup of a Dog and Cat in an eighteen (18) month period – an additional $150 will be charged

Euthanasia fees shall be in the amount of $100

Disposal of remains fees shall be in the amount of $40

All other costs incurred by the County associated with the care, treatment and handling of an impounded animal, including without limitation veterinarian costs, shall be paid to the County by the owner of the animal.
(Ord. 1017, eff. 11/5/09, prior 913)

5.50.013 Schedule of Sierra County Fees and Charges for Sierra County Human Services

The Schedule of Sierra County Fees and Charges, bearing the designation of "Master Fee Schedule Effective 4/15/05" and "Resolution 2007-066: pertaining to fees for Sierra County Human Services; Environmental Health; Certified Unified Program Agency; Public Health; Mental Health; and Drug-Alcohol Programs, is hereby amended and superceded with the following Schedule. (Ord. 1016, eff. 10/1/09, prior 913)

SCHEDULE OF SIERRA COUNTY HUMAN SERVICES
FEES AND CHARGES
Effective 10/1/2009

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
HUMAN SERVICES		
ENVIRONMENTAL HEALTH FEES	RESTAURANTS Annual Permit Fee 0-20 Seats 21 – 50 Seats 51+ Seats	 $132.00 $198.00 $264.00
	RESTAURANTS W/BARS Annual Permit Fee 0-20 Seats 21-50 Seats 50+ Seats Bars w/ only minimal pre-packaged food (no food preparation)	 $165.00 $231.00 $297.00 $132.00
	RETAIL MARKETS Annual Permit Fee Packaged food only-no food preparation Add for food prep. Add for meat dept. Add for bakery	 $132.00 $66.00 $66.00 $66.00
	BED AND BREAKFAST Annual Permit Fee	 $132.00
	BAKERY Annual Permit Fee	 $132.00
	ORGANIZED CAMP Annual Permit Fee	 $132.00
	DETENTION FACILITIES Annual Permit Fee	 $132.00
	LIQUID WASTE HAULERS Annual Permit Fee (septic tank & chemical toilet cleaning svcs.)	 $132.00

	RECREATIONAL HEALTH Annual Permit Fee Public Pools Public Spas Wading Pool Special Use Pool (additional pool or spa At same facility)	 $132.00 $132.00 $132.00 $132.00 Fee x .75
	Permittees who fail to renew their permits on or before July 31st or other established renewal date shall pay an amount equal to 10% of the regular fee as a penalty, in addition to the amount specified hereinabove. Penalty fees shall be accrued monthly.	
	REQUEST FOR SERVICE For services not specifically identified above	 $132.00 per hour
	ACTIVITY TYPES NON-ANNUAL Community event organizer Temporary Food Facility Non-Profit Mobile Food Prep Unit Stationary Mobile Food Prep Unit Non Motorized Food Unit	 $132.00 $66.00 EXEMPT $132.00 $132.00 $132.00

	SEWAGE DISPOSAL SYSTEM	
	New System	$264.00
	Major Repair (drain field and tank)	$264.00
	Minor Repair (drain field or tank)	$198.00
	Engineered individual System	$528.00
	Septic Tank Destruction	$132.00
	Annual Monitoring Fee (where applicable)	$132.00
	Septic Disposal System begun or completed w/o an Application/Inspection	Add 50% penalty to appropriate fee
	Approval extension on year (prior to expiration date)	$66.00
	Preliminary Site Review— (Evaluation for feasibility of Sewage disposal –this fee is credited toward septic inspection fee if applied for within six (6) months of the inspection	$132.00
	Variance Request- Administrative hearing with Health Officer	$132.00
	MORTGAGE INSPECTIONS	
	Individual well certification	$132.00
	Individual septic system certification	$132.00
	Combined well and septic site	$198.00

	INDIVIDUAL WELLS	
	Water well construction(new domestic or agriculture)	$264.00
	Water well modification (deepen or reperforate)	$132.00
	Geo Thermal Heat Exchange well	$198.00
	Monitoring well – Up to 10 wells on a given site	$250.00
	Well Destruction - (water well or monitoring well)	First Well $66.00 additional wells @ $33.00
	Well construction begun or completed without a permit Permit Extension-one year (prior to expiration date)	$426.00
CERTIFIED UNIFIED PROGRAM AGENCY (CUPA) ANNUAL FEES The County collects the surcharge fee and submits to the state	WATER SYSTEMS	
	CURFFL Water System	$132.00
	Private Water System Inspection/Approval 1Hr.)	$132.00
	Plan Check – hourly fee	$132.00
	Plan Review and construction Inspection	$132.00
	Remote Location-Additional fee	$132.00
	Violation Re-inspection Fee (per hour) Fee is assessed only if a violation noted on a previous inspection or report has not been corrected by the required date for correction, as verified by a violation re-inspection. No fee is assessed if correction of the violation has occurred prior to the re-inspection.	$132.00

	Business Plan	County fee $35.00 State fee $24.00 Total $59.00
	Small Quantity Generator	$25.00
	Large Quantity Generator	$100.00
	Above ground storage tank	Fee to be determined
	Underground Storage Tank (per tank)	County fee $35.00 State surcharge $15.00 Total $50.00
	Underground Storage Tank Removal Permit (per tank)	$35.00
	Underground Storage Tank Installation Permit (1st tank)	$250.00
	Additional tank installation(s) at same site (per tank)	$50.00
	Risk Management Plan (RMP) California Accidental Release Prevention (Cal ARP) Facility	County fee $150.00 State Fee $270.00 Total $420.00
	State Fee Electronic Reporting Fee	$25.00
PUBLIC HEALTH	IMMUNIZATIONS	
	Immunizations per person Immunizations per family	$2.00 $5.00
	Gonorrhea Culture Hemoglobin	$12.00 $5.00
	Adult Hepatitis A & B	No Charge
	Rabies Treatment series	$750.00
	Rabies Treatment/Gamma Globulin Adult Child	 $710.00 $150.00

	MEDICAL MARIJUANA IDENTIFICATION CARD (MMIC) (In accordance with Health and Safety Code §11362.755) Fee Fees for Medi-Cal Patients	 County fee $40.00 State fee $66.00 Total $106.00 County fee $20.00 State fee $33.00 Total $53.00
	Animal Licensing Fees <u>Dog License Fees-</u> One year license Male/Female One year license Neutered-Spayed Two/Three year license Male/Female (to coincide with rabies cert.) Two/Three year license Neutered-Spayed (to coincide with rabies cert.) Penalty for failure to renew Replacement for lost tags Penalty for failure to procure license within 30 days <u>Vicious or Dangerous Animal License</u> Application fee (including first annual permit) Annual permit fee Penalty for failure to renew <u>Kennel License</u>	 $15.00 $10.00 $23.00 $14.00 $10.00 $5.00 $10.00 $100.00 $50.00 $50.00

	5 – 10 dogs 11 – 15 dogs 16 or more dogs Penalty for failure to renew Additional tags	$30.00 $50.00 $70.00 $35.00 $1.00
MENTAL HEALTH PROGRAM Rates are subject to sliding scale (UMDAP), reduced rates as established and mandated by the State of California	Counseling Fees Treatment Code Case Management 1501 Office 99244 Telephone 99371 15 minutes 30 minutes 45 minutes 60 minutes Per minute Treatment Code Collateral 1510 w/o patient 90846 w/ patient 90847 15 minutes 30 minutes 45 minutes 60 minutes Per minute Treatment Code Assessment 1530 w/o patient 90801 w/ patient 90802 15 minutes 30 minutes 45 minutes 60 minutes 90 minutes 120 minutes Per minute Treatment Code Individual Therapy 1540 20 – 30 minutes 90804 45 – 50 minutes 90806 75 – 80 minutes 90808 15 minutes 20 – 30 minutes 45 – 50 minutes 60 minutes 75 – 80 minutes 90 minutes Per minute	 $19.05 $38.10 $57.15 $76.20 $ 1.27 $24.90 $49.80 $74.70 $99.60 $ 1.66 $24.90 $49.80 $74.70 $99.60 $124.50 $149.40 $ 1.66 $24.90 $49.80 $74.70 $99.60 $124.50 $149.40 $1.66

	Treatment Code Individual Therapy (Interactive) 1540 20 – 30 minutes 90810 45 – 50 minutes 90812 75 – 80 minutes 90814 15 minutes 20 – 30 minutes 45 – 50 minutes 60 minutes 75 – 80 minutes 90 minutes Per minute Treatment Code Medication 1560 20 – 30 minutes 90862 45 – 50 minutes 90862 75 – 80 minutes 90862 20 -30 minutes 45 -50 minutes 75-80 minutes Treatment Code Medication 1560 (interactive) 20 – 30 minutes 90811 45 – 50 minutes 90813 75 – 80 minutes 90815 20 – 30 minutes 45 – 50 minutes 75 – 80 minutes	 $24.90 $49.80 $74.70 $99.60 $124.50 $149.40 $1.66 $92.40 $184.60 $231.00 $92.40 $184.60 $231.00
DRUG/ALCOHOL PROGRAM Rates are subject to sliding scale (UMDAP), reduced rates as established and mandated by the State of California	OUTPATIENT SERVICES Assessment (1 -1 ½ hours) Individual Counseling Session (1 hour) Group Counseling Session (1 to 1 ½ hours) <u>Driving Under the Influence (DUI)</u> Non-Refundable Intake Fee <u>First Offender DDP</u> Wet and Reckless	 $125.00 $75.00 $35.00 $39.50 $392.00 (requires ½ down ($215.50) at the time of registration

	Three Month Six Month	$781.00 (requires ½ down ($410.25) at the time of registration $1107.00 (requires down payment of $360.00 at the time of registration)
	<u>Proposition 36 Drug Court</u>	
	Level I (3 mo or 13 wks) Level I-II (6 mo or 26 wks) Level II-III (9 mo or 39 wks) Level I-IV (12 mo or 52 wks)	$130.00 $260.00 $390.00 $520.00
	A fee will be charged for participation in the Prop 36 Court Program as determined by the level of participant's individualized treatment plan. The participant will contact the Treasurer's Office to set up an appointment for financial evaluation to establish a payment schedule. The participant may not petition the Court to request reduction or dismissal of criminal charges until this fee has been paid in full. Failure to complete the Prop 36 Court Program will not relieve the client of their obligation to pay the Prop 36 Court fee.	
	<u>Drug Testing</u>	
	Sweat Patch Hair Test Urine Test Oral Fluid	$50.00 $125.00 $25.00 $50.00
	<u>Misc. Charges</u>	
	Bad Check Fee	$25.00
	Make-Up for missed appointment fee	$15.00
	Reinstatement to program fee	$25.00
	Transfer Fee	$25.00

DOMESTIC VIOLENCE PROGRAM	Fees for each session if monthly income of client is less than the following amounts: # in Family Income $ 821.92 $1105.25 $1388.58 $1821.92 $2105.25 ea. additional $ 283.33	 $15.00
	Fees for each session if monthly income of client is less than the following amounts: # in Family Income $971.92 $1255.25 $1538.58 $1671.92 $1955.25 ea. Additional $ 283.33	 $20.00
	Fees for each session if monthly income of client is less than the following amounts: # in Family Income $1021.92 $1305.25 $1588.58 $1871.92 $2155.25 ea additional $ 283.33	 $25.00
	Fees for each session if monthly income of client is less than the following amounts # in Family Income $1071.92 $1355.25 $1638.58 $1921.92 $2205.25 ea additional $ 283.33	 $30.00
	Fees for each session if monthly income of client is less than the following amounts: # in Family Income $1121.92 $1405.25 $1688.58 $1971.92	

	$2255.25 ea. additional $ 283.33 Fees for each session if monthly income of client is less than the following amounts: # in Family Income $1171.92 $1455.25 $1738.58 $2021.92 $2305.25 ea. additional $ 283.33 Fess for each session if monthly income exceeds the amounts shown above:	$35.00 $40.00 $40.00

5.50.014 Schedule of Sierra County Fees and Charges for Sierra County Information Systems

SCHEDULE OF SIERRA COUNTY INFORMATION SYSTEMS
FEES AND CHARGES
Effective January 20, 2011

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
INFORMATION SYSTEMS	Parcel Boundaries with APN Only	$50.00

(Ord. 1029, eff. 1/20/11)

5.50.015 Schedule of Sierra County Fees and Charges for Sierra County Clerk-Recorder

The Schedule of Sierra County Fees and Charges, bearing the designation of "Master Fee Schedule Effective 4/15/05; is hereby replaced by this section. (Ord. 1047, eff. 8/1/13; prior 965)

Recorder's Fee Schedule		
Regular Recording Fee · First Page	$14.00	GC 27361 (a) GC 27361(c) GC 27361(d) GC 27361.4(a) GC 27361.4(c)
· Each Additional Page	$3.00	GC 27361(a) GC 27361(b) GC 27361(c) GC 77205
· Combined Documents	$14.00 (each additional title)	GC 27361.1
Non-Conforming Document (8½ x 11 page in document)	Regular Recording Fee plus $3 per page (all pages)	GC 27361(a)(2) GC 27361.5
Additional Indexing · Each Group of 10 Names or Fraction Thereof After First 10	$1.00	GC 27361.8
· Each Additional Referenced Indexed, e.g., Mining Claims	$1.00	GC 27361.2
Military Records	No Fee	GC 27381
Liens · Release of Liens (State, County, Etc.) · Involuntary Lien Notification · Lien for State, Municipality, County	$11.00 $3.00 No Fee	GC 27361.3 GC 27387 GC 27383
Preliminary Change of Ownership Report Penalty Fee (Form not filed if recording evidences a change of ownership)	$20.00	R&T 480.3
Recording of Maps · First Page · Each Additional Page	$6.00 $2.00	GC 27372
Financing Statements · Recording UCC · Recording UCC (3 Pages or More) · Request for Information (Search Files) · Copies	$10.00 $20.00 $5.00 $1.00 per page	GC 12194(b)
Documentary Transfer Tax	$0.55 per $500.00 value	R&T 11911
Copies · Official Records · Grantor/Grantee Index	$1.00 per page $1.00 per page	GC 27366

CD's · Monthly Recordings · Maps (Full Set)	$125.00 $250.00	
Administering and Certifying Oaths and Affirmations	$0.50 each	GC 27379
Certification of Any Recorded Document	$1.75	GC 26833
Clerk Fee Schedule		
Clerk's Certification and Copies · Paper or Record on File in the Clerk's Office · Certifying a Copy of a Document on File · Clerk's Certificate, Not Otherwise Fixed · Conflict of Interest Statement · Exemplification of Paper · 20 Day Notice Filing · Fee for Certificate of Official Capacity of any Public Official	 $0.50 $1.75 $1.75 $0.10 per page $20.00 $9.00 $2.25	 GC 26831 GC 26833 GC 26836 GC 81008 GC 26839 GC 27361.9 GC 26833
Faxing Official Documents	Regular document copy fee plus $2.00 fax fee	GC 26831
Miscellaneous Fees (Filing, Indexing, Amending or Certifying Copies of Articles of Incorporation)	$2.25	GC 26851
Environmental Documents · Environmental Impact Report (EIR) · Mitigated/Negative Declaration (MND)/(ND) · Clerk's Filing Fee	 $2,995.25 $2,156.25 $50.00	FG 711.4
Admitted Surety Insurers · Filing Power of Attorney or Revocation One Name Two or More · Filing Final Statement of Admitted Surety Insurer · Certification that Corporation Sureties Certificate is not Surrendered/Revoked	 $12.00 $9.00 each $12.00 $12.00	GC 28655.1
Legal Document Assistant (Filing Certificate) Unlawful Detainer Assistant to be Accompanied by $25,000 Surety Bond · Filing · File Stamp Bond · Each Additional ID Card · Recorded Bond (First Page) · Each Additional Page	 $175.00 $7.00 $10.00 $8.00 $3.00	B&P 6404 & 6405
Professional Photocopier (Filing Certificate) to be accompanied by $5,000 surety bond · Filing · File Stamp Bond · Each Additional ID Card · Recorded Bond (First Page) · Each Additional Page	 $175.00 $7.00 $10.00 $8.00 $3.00	B&P 22453

Registration Process Server (Filing Certificate)to be accompanied by $2,000 surety bond · Filing · File Stamp Bond · Each Additional ID Card · Recorded Bond (First Page) Each Additional Page	 $100.00 $7.00 $10.00 $8.00 $3.00	B&P 22353
Fictitious Business Name Statements · First Filing, Renewal, Renewal with Changes First Business Name and One Partner Each Additional Name (Business or Partner) · Abandonment, Withdrawal · Filing Affidavit of Publication of Dissolution of Partnership · Certified Copy · Business Name Index	 $35.00 $5.00 $10.00 $5.00 $5.00 $15.00 (base fee)	B&P 17929 B&P 17926 B&P 17928
Marriages · Issuing Marriage License · Issuing/Filing Confidential Marriage License · Issuing Marriage License (After Hours) · Issuing Confidential Marriage License (After Hours) · Solemnizing Marriage Ceremony (M-F) · Issuing Duplicate Marriage License · Deputization to Perform Marriage	 $65.00 $71.00 $70.00 $76.00 $50.00 $5.00 $25.00	H&S 103650 GC 26840 et seq
Notary Public · Filing and recording Bond of Notary Public · Certificate to Capacity of Public Official or Notary Public	 $10.00 filing fee plus regular recording fee $2.25	GC 26849.1
Vital Records		
Vital Record Copies · Birth Certificate · Death Certificate · Marriage Certificate · Birth (Gov.) · Amendments to Above · Permit for Disposition · Cross Filing Permit for Disposition	 $20.00 $16.00 $14.00 $14.00 $20.00 $11.00 $14.00	State Annual Vital Record Fee Schedule - multiple state statutes
Searching Vital Records · Birth · Marriage · Death	 $20.00 $14.00 $16.00	H&S 103650; GC 27369
Board of Equalization Fee Schedule		
Copies of Documents	$0.50 per page	GC 26831
Finding of Fact (This is the minimum fee computed on actual time charges, not to exceed $100.00 per parcel or a total of $500.00.)	$50.00	R&T 1611.5
Board of Supervisors Fee Schedule		
Copies of Documents	$0.50 per page	GC 26831

Audio Recordings of Board Meetings · CD Recording of Board Meeting (October 2006 to Present) · Tape Recording of Board Meeting (October 2006 and Prior)	 $10.00 $20.00 per hour or fraction thereof plus cost of tape	GC 26831
Agenda and Public Notices (Hard Copy)	$40.00 annually	GC 26831
Minutes (Hard Copy)	$70.00 annually	GC 26831
Board Packets · CD	 $10.00	 GC 26831
Franchises · New Applications · Renewal Applications	 $1000.00 $1000.00	
Appeals (Amounts shown are required as deposits to be applied to all actual costs, including actual clerical, administrative, and county counsel costs, document duplication costs, telephone, fax & reporter per diem and transcription costs. Costs will be subtracted from initial deposit and any overage refunded, or additional costs billed to and shall be paid by the person or entity filing the appeal. This provision shall supersede anything to the contrary in the County Code or any County resolution, policy or procedure.) · Administrative Appeals · Planning Commission Appeals	 $200.00 deposit $500.00 deposit	GC 26831
County Code · CD	 $50.00	GC 26831
Elections Fee Schedule<u>Available for Election, Scholarly, Journalistic, Political, or Governmental Purposes Only</u>		
Voter Index · Candidates or Committees (Hard Copy or CD) · Non-Candidates or Committees (Hard Copy) · Non-Candidates or Committees (CD All Five Districts) · Non-Candidate or Committees (CD Single District)	 $0.50 per 1,000 voters up to 2 requests $0.50 per page $50.00 $10.00	 EC 2184 EC 2191
Select Election Specific Reports	$5.00 each	EC 2191
Political Reform Documents · Copy · Retrieval, per request for reports and statements five or more years old (a request for more than one report or statement or report and statement at the same time shall be considered a single request).	 $0.10 per page $5.00	GC 81008
Certified Copy of Voter Registration	$1.50	EC 2167
Precinct Map	$4.00	GC 26831
Candidate Statement	$200.00	EC 13307
Legislative Candidate Statement	$200.00	EC 13307.5

Copies of Documents	$0.50 per page	GC 26831

5.50.020 Interdepartmental Fee Waiver

Interdepartmental fees or charges shall be waived unless such fee or charges arise out of a project or activity for which there is a non-general fund revenue source and the subject fee or charge is eligible to be included as a fee or charge against said project or activity. (Ord. 913, eff. 10/5/00, prior 800)

5.50.030 Amendments and Additions by Resolution

Except where the adoption of an ordinance is specifically required by state law as to a specific fee, the fees established by this Chapter may be amended by resolution of the Board of Supervisors and new fees be adopted by resolution of the Board. (Ord. 913, eff. 10/5/00, prior 800))

5.50.040 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 913, eff. 10/5/00, prior 800)

SCHEDULE OF SIERRA COUNTY
FEES AND CHARGES
Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
ASSESSOR See Section 5.50.011 above		
AUDITOR	County Budget	$ 10.00
CLERK-RECORDER See Section 5.50.015 above		
DISTRICT ATTORNEY	Time (hourly rate of secretary) Postage	One hour minimum Actual Cost
HEALTH/HUMAN SERVICES Health, Lab & Exam Fees See Section 5.50.013 above		
MISCELLANEOUS & UNIFORM FEES	Mailing Labels	$75 for 1st 500 labels (or portion thereof) plus $.05 for each additional label.
	Photocopies of documents not otherwise provided for by statute	$.25 per page for first 50 copies; $.10 per addtn'l page
	Fax Charges	$2.00 plus $.50 per page plus any long distance or toll charges

SCHEDULE OF SIERRA COUNTY
FEES AND CHARGES
Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
	Records provided by computer disc	$20 per CD - large projects will be charged at the hourly billing rate for involved personnel plus $2 per CD.
	Copies of tape recordings	$20 per hour for duplication plus $2 per tape – one-half hour min.
BUILDING Set by Resolution (As of 3/15/05 – see Resolution No. 05-071)		
PLANNING Set by Resolution (As of 4/19/05 - see Resolution 05-064)		
PROBATION	Child Custody Investigations (Family Code 3122)	$ 250.00/party
	Step-Parent Adoption Report	$ 100.00
	Probation Supervision Fees	$ 25.00/month
	Probation pre-sentence/Pre-Plea Reports	$ 250.00 felony $ 90.00 misdemeanor
	Domestic Violence Diversion	$ 15.00/month
	Child Abuse/Neglect Diversion	$ 15.00/month
	Drug Diversion	$ 15.00/month
PUBLIC DEFENDER	Capital Cases	$ 90.00/hour
	All other matters	$ 70.00/hour

SCHEDULE OF SIERRA COUNTY
FEES AND CHARGES
Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
PUBLIC WORKS	CONSTRUCTION/IMPROVEMENT PLAN Checking and Inspections	3.5% of an engineer's estimate of construction costs as approved by the Department of Public Works. (Building Permit engineering evaluations shall be a minimum of $50.00; Health permit engineering evaluations shall be a minimum of $100.00)
	MAP REPRODUCTION AND COPYING 11" x 17" Blueline Mylar Sepia 18" x 26" Blueline Mylar Sepia 24" x 26" Blueline Mylar Sepia Roll Stock/Ft. – 24" width Blueline Mylar Sepia Roll Stock/Ft. – 36" width Blueline Mylar Sepia	 $ 2.00 $ 4.00 $ 2.00 $ 3.00 $ 8.00 $ 4.00 $ 4.00 $ 20.00 $ 5.00 $ 1.50 $ 7.00 $ 1.50 $ 3.00 $ 10.00 $ 2.00
SERVICE AREA 5, ZONE 5A	Sierra Brooks Water System Benefit Assessment Fee Improved Parcel Unimproved Parcel Improved Parcel w/o water service	 $ 20.00 $ 10.00 $ 5.00
SOLID WASTE FEE ADMINISTRATION Set by Resolution (As of 7/1/05 – see Resolution No. 05-097)		

SCHEDULE OF SIERRA COUNTY

FEES AND CHARGES

Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
SHERIFF DEPARTMENT Animal Control Fees See Section 5.50.012 above		
SHERIFF/CORONER	Christmas Tree Transportation permit	$ 30.00 application/$3.00 tag
	Report copy	$ 35.00/1-20 pages, $.25 each additional page
	Fingerprint, 1-3 sets	$ 20.00
	Livescan service	$ 20.00
	Concealed Weapon	$ Fees set by State
	Explosive Permit	$ Fees set by State
	Business License	$ 10.00 per month
	Second Hand Dealer	$ 5.00 + state & fingerprint
	Firearm Dealer	$ 5.00 + state & fingerprint
	Dance Permit	$ 10.00
	Civil service and levies	Fees set by State
	Photograph copies	$ 10.00 + actual costs
	Alarm activation fee	$ 50.00
	Investigation, collection and processing of bad checks referred to department	$ 25.00
	Incarceration/Work Furlough Fee	$ 60.00 per day upon court order
	Medical costs while incarcerated based upon ability to pay	Actual Costs

SCHEDULE OF SIERRA COUNTY

FEES AND CHARGES

Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
	Electronic Monitoring Application Fee Daily Fee	 $ 25.00 $ 10.00
TRANSPORTATION Set by resolution (As of 3/15/05 – see Resolution No. _____)		
TREASURER-TAX COLLECTOR	Copies of Office Records Certification of Office Records	$ 1.00/page $ 1.75/page
	Research of Records	$ 34.00 per hour with $17.00 minimum charge
	Express postage or mailing costs (if requested)	Actual costs
	Return check fee Certified Final Notice Letter	$ 25.00 $ 8.00
	Tax segregation fee (split one bill into two bills) Each additional bill	$ 100.00 $ 50.00
	Installment Plan Setup Fee For all types of collections Processing Fee	 $ 50.00 $ 5.00/installment payment
	Miscellaneous Tax Reports or Files	$ 36.00 setup charge and $ .01/APN
	Microfiche of Property Tax Roll or Index	Actual cost plus $25.00
	CORTAC Tax Status Tape or file: Current Secured Tax Data File Supplemental Tax Date File Property Tax Abstract File	$ 150.00 $ 150.00 $ 150.00 $ 150.00

SCHEDULE OF SIERRA COUNTY

FEES AND CHARGES

Effective 4/15/2005

DEPARTMENT	SERVICE	SERVICE CHARGE & FEE
	Delinquent Collections: Abstract Transfer Fee (County Share of Redemption Fee) Secured Parties of Interest Search Title Search for Tax Sale Secured Tax Sale Preparation All Other Collections: Judgment/Lien Preparation & Release Seizure/Writ of Execution Preparation Small Claims Filings and Action Physical Seizure Fee Other Personnel Costs of Collection Out of Pocket Expenses of Collection Annual Maintenance Cost Delinquent unsecured accounts	 $ 50.00 $ 200.00 $ 100.00 + actual costs $4,000.00 $ 35.00 $ 50.00 $ 75.00 $ 69.00/hour $ 40.00/hour Actual Costs $ 20.00/account
	Tax clearance certificate: Transient occupancy tax Mobile home Probate	 $ 25.00 $ 25.00 $ 25.00
	Tax security deposit fee for lot line adjustments, subdivisions, etc. Per existing parcel Simple merger of existing APNs	 $ 25.00 No charge
	Special assessment charge and collection fee: Auditor and Tax Collector functions	$ 1.00/tax bill
	Central Collections fee per case or account	$ 30.00

EXHIBIT A: STATE FAMILY PLANNING ELIBILITY GUIDELINES

INCOME ELIGIBILITY

FAMILY SIZE	MAXIMUM AMOUNT MONTHLY	MAXIMUM AMOUNT YEARLY
1-person family	$1,392	$16,700
2-person family	$1,875	$22,500
3-person family	$2,359	$28,300
4-person family	$2,842	$34,100
5-person family	$3,325	$39,900
6-person family	$3,809	$45,700
7-person family	$4,292	$51,500
8-person family	$4,775	$57,300
9-person family	$5,259	$63,100
10-person family	$5,742	$68,900

Note: For families with more than ten members, add $5,800 ($484 monthly) for each additional member.

NO CO-PAYMENT EFFECTIVE 01/01/2000

CHAPTER 6
BUSINESS LICENSES AND REGULATIONS

CHAPTER 6.04 BUSINESS LICENSES AND PROHIBITIONS 1
6.04.010 Purpose 1
6.04.020 Private Residence Solicitation 1
6.04.030 County Employee Solicitation 1
6.04.040 Application 1
6.04.050 Reporting 1
6.04.060 Possession 1
6.04.070 Fees 1
6.04.080 Revocation 2
CHAPTER 6.08 OUTDOOR FESTIVAL LICENSES 3
6.08.010 Outdoor Festivals Defined 3
6.08.020 Requirement 3
6.08.030 Application Format 3
6.08.040 Application Filed 60 Days Prior to Festival 4
6.08.050 Hearing Date Set By Board 4
6.08.060 Conditional or Unconditional License 4
6.08.070 Conditions to be Met/Proof to Sheriff 4
6.08.080 Security Required 4
6.08.090 Corporate Surety Bond 4
6.08.100 Fee Per Day 4
6.08.110 License Fee Exemptions 5
6.08.120 Board May Revoke License 5
6.08.130 Reasons For Revocation 5
6.08.140 Distribution of Revocation Notices 5
6.08.150 Suspension of Festival 5
CHAPTER 6.12 CABLE TELEVISION 6
6.12.010 Cable Television Franchises 6
6.12.020 Application Fees 6
6.12.030 Service Area 6
6.12.040 Application and Award 6
6.12.045 Administration of Franchises 6
6.12.050 Conditions of Operation 7
6.12.060 General Characteristics of Franchise Issued 8
6.12.070 Conditions of Street Occupancy 8
6.12.080 Restoration of Public Ways 8
6.12.090 Relocation at Request of Franchising Authority 9
6.12.100 Safety Requirements 9
6.12.110 Aerial and Underground Construction 9
6.12.120 Prior Award of Franchises 9
6.12.130 Legal Requirements 9
6.12.140 Indemnification 9
6.12.150 Possessory Interest 10
6.12.160 Transfer of Franchise 10
6.12.170 Minimum Requirements 10
6.12.180 General Capability 10
6.12.190 Community And Institutional Uses 11
6.12.200 Technical Standards 11
6.12.210 Privacy 11
6.12.220 Permission Of Property Owner Required 11
6.12.230 Construction Schedule 11
6.12.240 Line Extensions 12
6.12.250 Remedies for Breach 12
6.12.255 Enforcement 12

6.12.260 Removal 13
6.12.270 Audio And Video Quality 13
6.12.280 Continuity of Quality 13
6.12.290 Maintenance And Repair 13
6.12.300 Office - Service 13
6.12.310 Service Orders 14
6.12.320 Discrimination In Service Prohibited 14
6.12.330 Refunds 14
6.12.340 Disconnect For Cause 14
6.12.350 Installations 15
6.12.360 Reporting 15
6.12.370 Auditing And Financial Records 15
6.12.380 Schedule Of Rates 16
6.12.385 Rate Regulation 16
6.12.390 No Recourse Against Agencies 16
6.12.400 Nonenforcement 16
6.12.410 Inspection Of Property And Records 16
6.12.420 Severability 17
6.12.430 Force Majeure 17
6.12.440 Exemption for Less Than 500 Subscribers 17
6.12.450 Exemption for Less Than 250 Subscribers 17
6.12.460 Severability 18
CHAPTER 6.13 TRANSMISSION AND DISTRIBUTION OF ELECTRICITY 19
6.13.010 Scope of Chapter 19
6.13.020 Terminology 19
6.13.030 Franchise Granted 19
6.13.040 Term 19
6.13.050 Direction of County Road Commissioner 20
6.13.060 Relocation 20
6.13.070 Maintenance of Public Roads 20
6.13.080 Ongoing Installation and Maintenance 20
6.13.090 Payment for Franchise 20
6.13.100 Franchise Not Exclusive 20
CHAPTER 6.14 DRUG PARAPHERNALIA 21
6.14.010 Purpose 21
6.14.020 Definitions 21
6.14.030 Display of Drug Paraphernalia 23
6.14.040 Distribution of Drug Paraphernalia 24
6.14.050 Exceptions 24
6.14.060 Severability 24
6.14.070 Violations - Infractions 24
6.14.080 Revocation of Business Licenses 24
CHAPTER 6.15 FIREARMS DEALER LICENSES 26
6.15.010 Purpose 26
6.15.020 Restrictions 26
6.15.030 Compliance with Statute 26
6.15.040 Term of License 26
6.15.050 Record Check 26
6.15.060 Conditions for License Issuance 26
6.15.070 Revocation 26
6.15.080 Fees 26
6.15.090 Appeal 27
6.15.100 Severability 27
CHAPTER 6.16 CARDROOM LICENSES 28
6.16.010 Cardroom Regulations 28
6.16.020 Amendment to County Ordinance No. 122 28

PART 6

BUSINESS LICENSES AND REGULATIONS

CHAPTER 6.04 BUSINESS LICENSES AND PROHIBITIONS

(History: Prior Ordinances 1, 5, 14, 15, 16, 17, 18, 19, 24, 29, 31, 32, 39, 41, 47, 50, 66, 96, 128, 129, 195)

6.04.010 Purpose

(a) The Board of Supervisors finds that to protect the public against nuisance, fraud, and crime it is necessary to prohibit solicitation at private residences and to license the businesses of hawker, itinerant peddler, itinerant vendor, junk dealer, and second-hand dealer to provide the Sheriff with information helpful to law enforcement.

(b) The Board of Supervisors finds that to prevent interference with the work of county employees it is necessary to prohibit solicitation of county employees while they are working, unless such solicitation is for goods or services to be provided to the County and not personally to the employee. (Ord. 472, 481, eff. 10/1/76, prior Section 61100)

6.04.020 Private Residence Solicitation

It is unlawful and punishable as a misdemeanor for any person to solicit orders for the sale of goods or services, whether for immediate sale and delivery or for subsequent sale or delivery, at private residences where the owners or occupants have not requested or invited such solicitation. (Ord. 481, eff. 10/1/76, prior Section 61101.1)

6.04.030 County Employee Solicitation

It is unlawful and punishable as a misdemeanor for any person to solicit orders for the sale of goods or services, whether for immediate sale and delivery or for subsequent sale or delivery, from county employees while they are working, unless such solicitation is for goods or services to be provided to the County and not personally to the employee. (Ord. 481, eff. 10/1/76, prior Section 61101.2)

6.04.040 Application

Every person required to procure a license pursuant to this chapter shall furnish such information as is required on the application form provided by the Sheriff. (Ord. 472, 481, eff. 10/1/76, prior Section 61102)

6.04.050 Reporting

Every person acting as a junk dealer or second-hand dealer shall provide once a week to the Sheriff such information as is required on the reporting form provided by the Sheriff. (Ord. 472, eff. 10/1/76, prior Section 61103)

6.04.060 Possession

Any license issued pursuant to this chapter shall be in the possession of the licensee at all times during the carrying on of business and shall be available to any peace officer for inspection upon request. (Ord. 472, eff. 10/1/76, prior Section 61104)

6.04.070 Fees

(Repealed Ord. 800, eff. 12/17/92)

6.04.080 Revocation

(a) The Sheriff may summarily revoke any license for any violation of the requirements of this chapter by personally serving upon the licensee or by mailing to the licensee at the address furnished in the application a written notice of revocation. Such notice shall state the reason for revocation and shall inform the licensee that the revocation may be appealed to the Board of Supervisors in writing within ten (10) days after revocation. Revocation shall be effective upon personal service or upon the third day after mailing.

(b) Any license revocation may be appealed to the Board of Supervisors within ten (10) days after revocation by lodging with the Clerk of the Board within such time a written notice stating the reason for appealing the revocation. The Board of Supervisors shall hear the appeal at its next regular meeting following seven (7) days after the appeal has been filed. The Board of Supervisors may sustain the revocation, reinstate the license unconditionally, or reinstate the license subject to meeting specified conditions. (Ord. 473, eff. 10/1/76, prior Section 61106)

CHAPTER 6.08 OUTDOOR FESTIVAL LICENSES

6.08.010 Outdoor Festivals Defined

For the purpose of this chapter, outdoor festivals shall mean and include any outdoor gathering of individuals for the purpose of participation in "rock," dances and similar musical and/or theatrical type performances which are of a periodic nature and to which the public is admitted with or without the payment of admission charges. (Ord. 344, eff. 4/15/70, prior Section 61400)

6.08.020 Requirement

It shall be unlawful and punishable as a misdemeanor for any person to advertise, sell or furnish tickets or other types of written authority for admission to, operate, maintain, or conduct an outdoor festival without first obtaining a license to operate or conduct such festival. Such license is not transferable or removable to another place. (Ord. 344, eff. 4/15/70, prior Section 61401, 61407, 61408)

6.08.030 Application Format

Application for a license to conduct an outdoor festival shall be made in writing to the Board of Supervisors accompanied by a non-refundable application fee of one hundred dollars ($100) and filed with the County Sheriff and shall contain the following information:

(a) The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the application is made by a corporation, the application shall be signed by the president and attested to by the secretary thereof and shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application.

(b) The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor activity. The applicant shall submit proof of ownership of said premises or the written consent of all owners thereof for the proposed use.

(c) The date or dates and the hours during which the festival is to be conducted.

(d) An estimate of the maximum number of spectators, participants and other persons expected to attend the outdoor festival for each day it is conducted.

(e) A detailed explanation of the applicant's program and plans to provide security protection, water supply, food supply, sanitation facilities, medical facilities and services, vehicle parking space, vehicle access and on site traffic control, and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises, and for camping or similar facilities, applicant's plans to provide for numbers of spectators in excess of the estimate, and provisions for cleanup of the premises and removal of rubbish after the event has concluded.

(f) A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of alcoholic and drug consumption. (Ord. 344, eff. 4/15/70, prior Section 61401)

6.08.040 Application Filed 60 Days Prior to Festival

License application shall be filed wit the Sheriff at least sixty (60) days prior to the time indicated for the commencement of the planned activity. The Sheriff shall review and submit such application to the Board of Supervisors and no license shall be issued until he is authorized to do so by order of the Board of Supervisors. (Ord. 344, eff. 4/15/70, prior Section 61401)

6.08.050 Hearing Date Set By Board

Upon receipt of a complete application and the application fee, the Sheriff shall request the Board of Supervisors to set a time and date for a public hearing and the Board shall set the application for a public hearing at a regular meeting of the Board, not less than fifteen (15) nor more than thirty (30) days thereafter, and shall give not less than ten (10) days written notice thereof to the applicant. The Clerk of the Board shall give notice of the hearing and copies of the application to the Sheriff, the County Health Officer, the Director of Public Works and the District Attorney, who shall investigate the matter and report in writing to the Board not later than the time set for the hearing, with appropriate recommendations concerning the activity. (Ord. 344, eff. 4/15/70, prior Section 61402)

6.08.060 Conditional or Unconditional License

The Board of Supervisors shall consider the documentary and testimonial evidence of witnesses presented at said hearing, including all reports of investigation and shall thereafter grant the license without conditions or with conditions which must be met, including security required from the applicant as a guarantee that the conditions will be met, before a license is granted. (Ord. 344, eff. 4/15/70, prior Section 61403)

6.08.070 Conditions to be Met/Proof to Sheriff

If conditions are imposed by the Board, the applicant shall furnish or cause to be furnished to the Sheriff proof that all conditions have been met, and the required security has been given before the license may be issued. (Ord. 344, eff. 4/15/70, prior Section 61403)

6.08.080 Security Required

Security required by the Board of Supervisors may include the posting of an indemnity bond and/or a performance bond in favor of the County in connection with the operation of a public outdoor festival as defined in this chapter. Such bond or bonds shall be prepared by a corporate bonding company authorized to do business in the State of California by the Department of Insurance, in an amount determined by the Board of Supervisors. Said bond or bonds shall indemnify the County of Sierra, its agents, officers, employees and the Board of Supervisors against any and all loss, injury and damage of any nature whatsoever arising out of, or in any way connected with, the outdoor festival and shall indemnify against loss, injury and damage to both person and property. (Ord. 344, eff. 4/15/70, prior Section 61403)

6.08.090 Corporate Surety Bond

The Board of Supervisors may also require that the applicant provide a corporate surety bond prepared by a corporate bonding company authorized to do business in the State of California, indemnifying the County of Sierra and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage or other waste from, in and around the premises. Such bond shall be in an amount determined by the Board of Supervisors as in its discretion will adequately provide for such indemnification. (Ord. 344, eff. 4/15/70, prior Section 61403)

6.08.100 Fee Per Day

(Repealed Ord. 800, eff. 12/17/92)

6.08.110 License Fee Exemptions

A neighborhood or community benefit organization, organized for charitable, religious or eleemosynary purposes, shall be exempt from paying the application and license fees provided for in this chapter provided the net proceeds from any such activity does not inure to the benefit of any private person. (Ord. 344, eff. 4/15/70, prior Section 61405)

6.08.120 Board May Revoke License

The Board of Supervisors shall have the right to revoke any license issued pursuant to this chapter after a public hearing held after oral or written notice is given to the licensee at least 24 hours prior to such hearing. (Ord. 344, eff. 4/15/70, prior Section 61406)

6.08.130 Reasons For Revocation

A license may be revoked for any of the following reasons:

(a) The licensee fails, neglects or refuses to fulfill any of the conditions imposed upon the granting of a license.

(b) The licensee permits the outdoor festival to be conducted in a disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug.

(c) The licensee violates or attempts to violate any law of the state and provision of this chapter or any ordinance of the County of Sierra.

(d) That the licensee has previously made a false, misleading or fraudulent statement of material fact in the application for license, or in any other document required pursuant to this chapter. (Ord. 344, eff. 4/15/70, prior Section 61406)

6.08.140 Distribution of Revocation Notices

Written notice of such revocation shall be forwarded by the Clerk of the Board to the District Attorney, the Sheriff and the permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the Board of Supervisors. (Ord. 344, eff. 4/15/70, prior Section 61406)

6.08.150 Suspension of Festival

The Sheriff may suspend operation and close any outdoor festival prior to the expiration of the license granted under the provisions of this chapter, in the event of the occurrence of a riot, major disorder or serious breach of the peace when in his opinion it becomes necessary to prevent injury to person or persons and/or damage to property. (Ord. 344, eff. 4/15/70, prior Section 61406)

CHAPTER 6.12 CABLE TELEVISION

(History: Prior Ordinance 397, 483, 512, 747, prior Section 85117)

6.12.010 Cable Television Franchises

Upon application to the Clerk/Recorder of the County of Sierra, and payment of the appropriate fees, any person, corporation, partnership or joint venture may operate a cable television system for a period of fifteen (15) years from the date a franchise is issued in the unincorporated area of the County of Sierra. The right to operate a cable television system shall be evidenced by a resolution granting a non-exclusive franchise in accordance with the provisions of this Article. (Ord. 747, eff. 8/17/89 prior 6.12.010)

6.12.020 Application Fees

As a condition precedent to submitting any application for a franchise or franchise renewal, the franchisee shall pay to the County such application fees or fee deposits as are adopted or approved by the Board of Supervisors to cover reasonable costs of processing said application. The cost of the application process, in excess of any fee deposit, may be billed to the applicant, the payment of which may be made a condition of application approval.

In applying to transfer from a previously awarded franchise to a franchise under this ordinance, an applicant shall not be entitled to a refund for any fees previously paid in connection with the issuance of the prior franchise. (Ord. 788, eff. 7/18/92)

6.12.030 Service Area

Applicant shall submit with its application a map of the service area to which it proposes to provide cable television. The Board of Supervisors shall review the proposed service area and reserves the right to increase or decrease the proposed service area. The Board of Supervisors shall have the absolute right to define the area to be served prior to granting the franchise. No service area shall thereafter be decreased without the consent of the Board of Supervisors. Provision of cable television service within the designated service area shall not be required until the density requirements of Section 6.12.240 are met. (Ord. 747, eff. 8/17/89 prior 483)

6.12.040 Application and Award

The Clerk/Recorder of the County of Sierra shall be the responsible administrator of the application process. Applicant shall file with the Clerk/Recorder an application setting forth the proposed system to be constructed and operated by it. The application shall contain all information requested by the Clerk/Recorder. When all of the necessary information has been submitted, the application shall be referred to the Board of Supervisors for approval. The Clerk/Recorder may require full description of the technical aspects of the system or may obtain consent from the applicant to abide by and conform to the technical specifications and system specifications recommended or required by other federal or state regulatory agencies. (Ord. 788, eff. 7/18/92)

6.12.045 Administration of Franchises

Following award of a franchise under this Chapter, the continuing administration of such franchise shall be the responsibility of that Department Manager or Managers as set forth by resolution by the Board of Supervisors. (Ord. 788, eff. 7/18/92)

6.12.050 Conditions of Operation

All cable television operators must comply with the following conditions:

(a) The payment to the County of Sierra of an amount equal to five percent (5%) per annum of the gross revenue.

1. Gross revenue is defined as any and all compensation and other consideration in any form whatever received directly or indirectly by a franchisee from [1] subscribers or users in payment for television or FM radio signals, reception or service received within the unincorporated area of the County, whether said signals, reception or service is included within the term "basic subscriber service" or if an additional or premium charge is collected for said signals, reception or services, [2] any fees or income received by franchisee for carrying advertising or commercial messages over the CATV facilities, and [3] from any other subscriber for utilization of or connection to the CATV system of franchisee. Notwithstanding the above, gross annual receipts or gross revenue shall not include any taxes on services furnished by the franchisee and imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the franchisee for such governmental unit.

2. Said fees shall be paid to the Auditor quarterly not later than August 1, November 1, February 1 and May 1 for the preceding three-month period ending, respectively, June 30, September 30, December 31, and March 31. Not later than sixty (60) days following the close of the fiscal year of the franchisee, each franchisee shall file with the Auditor a written statement by a certified public accountant which identifies in detail the sources and amounts of gross revenues received by the franchisee during the fiscal year. Any fee which is not paid when due shall incur a late charge of ten percent (10%). In addition, if fees (including any late charges) remain unpaid in excess of 30 days past the due date, then the franchise may be terminated in accordance with the provisions of this Ordinance.

3. No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim which the County of Sierra may have for further or additional sums payable under the provisions of this section.

(b) The provision of adequate property damage and public liability insurance which amount shall be the sum of $1,000,000 but which amount shall, at County's sole discretion, be subject to periodic revision. County will provide notice of any insurance increase and an opportunity to be heard to the franchisee. Operators shall maintain a certificate of insurance on file at all times during the operation of any cable television system naming the County as an additional insured. Said certificate of insurance shall be in a form approved by the Office of the County Counsel and shall be filed with the Clerk/Recorder within 30 days of the granting of the franchise. Notice of cancellation or non-renewal shall be provided to County by the insurance carrier 30 days in advance of such cancellation or non-renewal.

(c) The franchisee shall, within thirty (30) days of the granting of the franchise, post and maintain a corporate surety bond or other adequate surety, in a form acceptable to the County Counsel. Such bond shall be in an amount acceptable to the Board of Supervisors at the time of issuance of the franchise but in no event less than $10,000. Said bond is subject to increase during the term of the franchise at such time as the Board of Supervisors in its sole discretion determines that the amount set is inadequate security. In considering any such bond increase, the Board of Supervisors shall take into account the reasonable estimate of the actual cost of repair or replacement of all county property affected by the grant of Franchise hereunder in the event of abandonment of the Franchise by the Franchise.

Such surety shall remain in effect during the entire term of such franchise and thereafter until the franchisee shall have satisfied in full any and all obligations to the County which arise out of or pertain to said franchise. Said bond shall automatically be extended should any litigation which is subject to the franchisee's duty to indemnify the County be pending upon the surety expiration date. (Ord. 747, eff. 8/17/89 prior 483)

6.12.060 General Characteristics of Franchise Issued

Any franchise issued pursuant to the provisions of this Article, shall:

(a) Be for the purpose of utilizing the streets for the installation of cables, wires, lines, and other facilities in order to operate a cable television system.

(b) Not authorize or be deemed to either expressly or impliedly permit the franchisee, except with the consent of the owners, to provide cable television service to, or install antennae, cables, wires, lines, towers, waveguides, other conductors, converters, or any other equipment or facilities upon private property, including, but not limited to, apartment complexes, condominiums, mobile home parks and residential subdivision developments with private roads. (Ord. 747, eff. 8/17/89 prior 483)

6.12.070 Conditions of Street Occupancy

All transmission and distribution structures, poles, other lines, and equipment installed or erected by the franchisee pursuant to the terms hereof shall be so located so as to cause a minimum of interference with the proper use of public ways including all easements and with the rights and reasonable convenience of property owners who own property that adjoins any of said public ways. Franchisee shall obtain encroachment permits in accordance with the requirements of the Sierra County Ordinances. All encroachments shall be subject to proof of easements to be supplied by Franchisee and to compliance with the encroachment requirements of any affected public or private entity, other than the County of Sierra. (Ord. 747, eff. 8/17/89 prior 483)

6.12.080 Restoration of Public Ways

If during the course of franchisee's construction, operation or maintenance of the cable system there occurs a disturbance of any public way or easement by franchisee or any other public property, franchisee shall, at its expense, replace and restore such public way or easement or any other public property to a condition reasonably comparable to the condition of the public way or easement or any other public property existing immediately prior to such disturbance.

After notice from the Department of Public Works and upon failure of the franchisee to commence, pursue or complete any work required by law or by the provisions of this ordinance, the awarding resolution or any encroachment permit to be done in any street, within the time prescribed and to the satisfaction of the Department of Public Works, the Department of Public Works may, at its option, cause such work to be done and the franchisee shall pay to the County the cost thereof and the itemized amounts reported by the Department of Public Works to the franchisee, within thirty (30) days after receipt of such itemized report. Failure to reimburse the County of Sierra for the acts set forth herein may result termination of the Franchise pursuant to the terms of this ordinance in addition to any other remedy available at law or equity. (Ord. 747, eff. 8/17/89 prior 483)

6.12.090 Relocation at Request of Franchising Authority

Upon its receipt of reasonable advance notice, not to be less than five (5) business days, the franchisee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way or easement, or remove from the public way or easement, any property of the franchisee when required by the County of Sierra's Director of Public Works by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street width, grade, or other condition, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the County of Sierra; but, the franchisee shall in all cases have the right of abandonment of its property. If public funds are available to any company using such street easement or right of way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the franchise, provided that the franchise shall have first priority to such funds if there is a public work project for which such funds may be utilized. (Ord. 747, eff. 8/17/89 prior 483)

6.12.100 Safety Requirements

The cable system and all work shall not unreasonably endanger or interfere with the safety of persons or property. (Ord. 747, eff. 8/17/89 prior 483)

6.12.110 Aerial and Underground Construction

In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the franchisee likewise shall construct, operate and maintain all of its transmission and distribution facilities underground. In those areas of the service area where the transmission or distribution facilities of the respective public utilities providing telephone communications, and electric services are both aerial and underground, franchisee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. In the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this Ordinance, franchisee shall be required to construct, operate and maintain all of its transmission and distribution facilities underground at its own expense if it is given reasonable notice and access to the public utilities facilities at the time that such are placed underground. (Ord. 747, eff. 8/17/89 prior 483)

6.12.120 Prior Award of Franchises

Any person, corporation, partnership or joint venture which has been awarded a franchise prior to the enactment of this Ordinance may continue to operate under the previously awarded franchise and all terms and conditions thereof until the expiration of the term thereof. However, any cable television system franchisee may apply to bring its operations under the regulation of this Ordinance by making a written application and by complying with all of the above terms and conditions. (Ord. 788, eff. 7/18/92)

6.12.130 Legal Requirements

The granting of a franchise shall not be construed as a waiver of compliance with other legal requirements and in particular of the land use jurisdiction of the County. Applicant shall, under all circumstances, be required to obtain all necessary approvals including, but not limited to, building permits and conditional use permits or other zoning and/or land use elements. (Ord. 747, eff. 8/17/89 prior 483)

6.12.140 Indemnification

(a) Franchisee agrees to indemnify and hold harmless the County, its officers, boards, commissions, agents or employees, from and against any liability, judgment, decree or order, causes of action, damages or demands, specifically arising out of any negligent or wrongful acts or omissions of franchisee in connection with or under the franchise or the franchise resolution; provided, that neither franchisee nor the County shall make or enter into any compromise or settlement of any claim, demand, cause of action, suit or other proceeding, without first obtaining the written

consent of the other, which consent shall not unreasonably be withheld. Nothing in this section shall be construed as indemnification of the County in violation of California Civil Code Section 2782(b).

(b) Notwithstanding the above, any franchisee electing to come under the terms of this ordinance, shall be bound by the indemnification provisions of this section together with any specific indemnification provisions contained in the resolution granting any such franchise; provided, however, that the specific indemnification provisions from any such earlier franchise will not be construed to limit the indemnification required under this ordinance. (Ord. 747, eff. 8/17/89 prior 483)

6.12.150 Possessory Interest

By accepting a franchise issued by the County, the franchisee acknowledges that notice was given to the franchisee pursuant to California Revenue and Taxation Code Section 107.6 that use or occupancy of any public property pursuant to the authorization set forth in the franchise may create a possessory interest which may be subject to the payment of property taxes levied on such interest. The franchisee shall be solely liable for, and shall pay and discharge prior to delinquency, any and all possessory interest taxes or other taxes levied against the franchisee's right of possession, occupancy or use created by the franchise. (Ord. 747, eff. 8/17/89 prior 483)

6.12.160 Transfer of Franchise

No more than 49% of Franchisee's right, title, or interest in the franchise shall be sold, transferred, assigned or otherwise encumbered without the prior consent of the County of Sierra, such consent not to be unreasonably withheld. An application for consent to transfer shall contain the same information as is required for a new franchise and transferee shall be subject to the same terms and conditions as the transferor franchise. Written acknowledgment and acceptance of the terms of this franchise and Ordinance and proof of insurance shall be submitted prior to obtaining the resolution of consent.

No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of franchisee in the franchise or cable system in order to secure indebtedness, but notice of such mortgage shall be provided to the Clerk/Recorder by the secured party taking any such hypothecation within 30 days of any such hypothecation. (Ord. 747, eff. 8/17/89 prior 483)

6.12.170 Minimum Requirements

The provisions of this Article constitute minimum standards for any cable television system installed pursuant to the provisions of this Article. Higher standards and additional requirements for any franchise issued hereunder may be established by other franchise documents applicable to each franchise by mutual agreement. (Ord. 747, eff. 8/17/89 prior 483)

6.12.180 General Capability

Unless otherwise specifically exempted in writing each cable television system shall, at minimum:

(a) Relay to subscriber terminals those broadcast signals required by the FCC.

(b) Possess channel capacity of thirty-five (35) channels.

(c) Distribute in color all television signals which it received in color.

(d) Make available by sale or lease upon request by any subscribers receiving channels showing first-run movies and special entertainment events, a key-lock device which prevents the unauthorized viewing of such channels. (Ord. 747, eff. 8/17/89 prior 483)

6.12.190 Community And Institutional Uses

The cable television system authorized under the initial franchise shall include, and the franchisee shall make available at its sole expense, at least one (1) community access channel. "Community access channel" is defined as a cable casting system for use by citizens or private non-profit organizations to broadcast programming of scientific, cultural, charitable, social, civic, political or artistic interest.

When the above channel is not in use for its primary purpose, franchisee may use it in whatever means it wishes.

During the term of the franchise, the franchisee shall, at its sole expense, also provide equipment as required in order to maintain continuing capacity for program production commensurate with the demand to use the community access channel and shall, at its sole expense, maintain all equipment and channels in good condition and repair.

The franchisee shall also provide maintenance technical assistance including but not limited to instruction in the use of this equipment.

For purposes of this section only, "community" shall include other public entities within or contiguous to the service area within Sierra County such that one access channel and related equipment may be shared amongst them. (Ord. 747, eff. 8/17/89)

6.12.200 Technical Standards

Each franchisee shall construct, install and maintain its cable television system in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, FCC technical standards and detailed standards set forth in the franchise documents. Each franchisee shall provide to the Director of Public Works, upon request, written reports of the franchisee's annual proof of performance tests conducted pursuant to FCC standards and requirements. (Ord. 747, eff. 8/17/89)

6.12.210 Privacy

The franchisee shall maintain constant vigilance with regard to possible abuses of the privacy or constitutional rights of any subscriber, programmer, or citizen resulting from any device, signal, or service associated with the system. The franchisee shall not utilize any capability of the system for acquisition of information not a normal part of a franchiser-approved service. (Ord. 747, eff. 8/17/89)

6.12.220 Permission Of Property Owner Required

No equipment owned by the franchisee shall be installed by the franchisee without first securing the written permission of the owner or occupant of any premises involved. If such permission is later revoked, the franchisee shall remove forthwith any of its equipment which is both visible and movable and promptly restore the premises to their original condition. Any such permission must be consistent with all applicable County approval of land use, building and zoning regulations. (Ord. 747, eff. 8/17/89)

6.12.230 Construction Schedule

The cable television system shall be constructed and installed within the entirety of each service area and basic service shall be made available to all dwelling units within each service area within the times set forth in the resolution awarding the franchise. Any delay which is not excused by an Act of God or other obstacles beyond franchisee's control shall be grounds for imposition of liquidated damages.

Unless otherwise exempted in writing, public access use provided for in this Article and specified in the franchise document shall be completed and available for use not later than two (2) years from the date of granting of the franchise. (Ord. 747, eff. 8/17/89)

6.12.240 Line Extensions

(a) Any franchisee shall extend service to areas which are contiguous to the designated service areas (as set forth in the Resolution awarding the franchise), whenever the density of such contiguous areas reaches a level of forty (40) units per road mile or portion thereof. Such contiguous areas shall then be considered, for all purposes and intent under this chapter, to be incorporated into the initial service areas of the franchise;

(b) Any franchisee shall extend service to all other areas whenever requested to do so by residents who are willing to pay the cost of such extension of service. Any such line extensions shall be made pursuant to written contract between franchisee and resident.

(c) Any applicant for a franchise may propose in its application line extension provisions under which greater service would be provided than prescribed above. In the event of any inconsistency between the line extension provisions prescribed above, and the express terms in other franchise documents, the provisions in the other franchise documents shall prevail if the issuing authority has found that the provisions in the other franchise documents will better serve the needs of the public and promote the public interest. (Ord. 747, eff. 8/17/89)

6.12.250 Remedies for Breach

(a) Notice of Violation: In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, it shall notify Grantee of the nature of the alleged non-compliance.

(b) Grantee's Right to Cure or Respond: Grantee shall have ten (10) days from receipt of the notice described in Section 6.12.250 (a) - Notice of Violation to (a) respond to the Franchising Authority contesting the assertion or non-compliance, or (b) to cure such default or, in the event that, by the nature of default, such default cannot be cured within the ten (10) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

(c) Public Hearing: In the event that Grantee fails to respond to the notice described in Section 6.12.250 (a) pursuant to the procedures set forth in Section 6.12.250 (b), or in the event that the alleged default is not remedied within twenty (20) days after the Grantee is notified of the alleged default pursuant to Section 6.12.250 (a), the Franchising Authority shall schedule a public meeting to investigate the default. Such public meeting shall be held at a regularly scheduled or special meeting of the Franchising Authority which meeting is scheduled at a time which is no less than twenty (20) business days therefrom. The Franchising Authority shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard. (Ord. 747, eff. 8/17/89)

6.12.25 Enforcement

In the event of default or breach, the Board of Supervisors may exercise any of the following remedies:

(a) Termination and forfeiture of the franchise in the event of a material breach or default under the terms of the franchise;

(b) Commencement of an action at law for monetary damages or equitable relief;

(c) Seek specific performance of any provision which reasonably lends itself to such remedy;

(d) Foreclose on all or any part of any security provided under this franchise, if any, including, without limitation, any bonds or other surety;

(e) Conduct repair work pursuant to Section 6.12.080 hereof and impose a lien on franchisee's assets under the franchise.

Acts of God The Grantee shall not be held in default or non-compliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating thereto, where such non-compliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control. (Ord. 747, eff. 8/17/89)

6.12.260 Removal

Upon termination of a franchise, the franchisee, at its sole expense, shall, unless relieved of the obligation by the County, remove all elements. The franchisee shall apply for permits, licenses, authorizations or other approvals and pay such fees and deposit such security as required by applicable ordinance of the County, shall conduct and complete the work of removal in compliance with all such applicable ordinances, and shall restore the streets to the same condition they were in before the work of removal commenced. The work of removal shall be completed not later than 90 days following the date of expiration of the franchise. (Ord. 747, eff. 8/17/89)

6.12.270 Audio And Video Quality

No franchisee shall permit its cable television system to interfere with television reception of persons not served by the franchisee in accordance with standards set by the Federal Communications Commission. Nor shall any system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving Sierra County. The franchises shall at all times maintain high quality transmission to all persons served by the franchisee. (Ord. 747, eff. 8/17/89)

6.12.280 Continuity of Quality

Each franchisee shall continue throughout the term of the franchise to maintain the technical standards and quality of service set forth in the franchise documents for that franchise (including but not limited to the application and awarding Resolution) and as required by the Federal Communications Commission. (Ord. 747, eff. 8/17/89)

6.12.290 Maintenance And Repair

During the term of each franchise, the franchisee shall maintain its cable television system in good condition and repair, render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. (Ord. 747, eff. 8/17/89)

6.12.300 Office - Service

Unless otherwise specifically exempted in writing, each franchisee shall maintain at least one business office and repair center within Sierra County unless specifically authorized to do otherwise in the franchise document. Capacity shall be maintained to receive and record service calls for maintenance and repairs seven (7) days per week, twenty-four (24) hours per day, including legal holidays.

The business office and repair center shall be reachable by local toll-free telephone, and the telephone number or numbers shall be listed in all directories published by the Telephone Company serving the Franchise Area containing telephone numbers within Sierra County.

Each franchisee shall promptly respond to, investigate, and resolve complaints. Necessary maintenance or repairs shall be made expeditiously, permitting as little interruption of service as possible. No direct charge shall be made to subscribers for service unless the disruption of service was a direct result of the subscriber's fault or abuse. (Ord. 747, eff. 8/17/89)

6.12.310 Service Orders

Prior to any installation or delivery of services franchisee shall obtain from all subscribers a signed written order for service. Said order (or other available materials which shall be provided to subscriber prior to the execution of any subscription order) shall describe in detail all charges for installation and services, the method of payment and schedule of payment, and any grace periods, late charges, or any other information which will effect the total amount subscriber is to be charged. (Ord. 747, eff. 8/17/89)

6.12.320 Discrimination In Service Prohibited

It shall be the right of all subscribers, subject only to reasonable terms and conditions established by a franchisee or the Board of Supervisors, to receive and continue to receive basic service. (Ord. 747, eff. 8/17/89)

6.12.330 Refunds

(a) Subscriber Termination: When a subscriber voluntarily discontinues services, franchisee shall refund the unused portion of any advance payments after deducting any charges currently due. Unused payment portions shall be the percentage of time for which subscriber has paid for service beyond the current month and will not receive it because of his discontinuation of service. Installation charges shall not be deemed to have constituted prepayment for one month of service and shall not be subject to refund unless otherwise authorized by the franchisee. This provision applies to both basic services and premium services.

If any subscriber terminates any monthly service during the first twelve (12) months of said service because of the failure of the franchisee to render the service in accordance with the standards set forth in the franchise, the franchisee shall refund an amount equal to the installation or reconnection charges multiplied by the fraction of the twelve (12) month period for which the subscriber will not be receiving service.

(b) Franchisee's Failure to Perform: The franchisee shall rebate on services ordered and payments received to the subscriber a pro rata share of its monthly charges for both basic and premium services in the event that service is disrupted for a total period of seventy-two (72) hours within one (1) month. A service disruption shall mean either a total service outage to the subscriber on all channels, or the outage of at least 25 percent of the channels to a given subscriber. Subscriber must notify franchise of any such disruption of service, and franchise has twenty-four (24) hours to correct any disruption. The subscriber shall be entitled to a rebate of its monthly charges received based upon the ratio of the total number of days of interrupted service within a month divided by the number of days in the month. (Ord. 747, eff. 8/17/89)

6.12.340 Disconnect For Cause

Franchisee may disconnect a subscriber only for cause, which shall be limited to:

(a) Payment delinquency in excess of thirty (30) days.

(b) Willful damage to or misappropriation of franchisee's property.

(c) Express refusal, for more than two (2) business days, to admit franchisee to the subscriber's premises to service franchisee's equipment.

(d) Substantial evidence of monitoring, tapping, or tampering with franchisee's system, signals, or services. (Ord. 747, eff. 8/17/89)

6.12.350 Installations

(a) Subject only to any limitations in its franchise, franchisee shall promptly provide and maintain service to all structures in the service area upon request of the lawful occupant or owner.

(b) Franchisee shall advise each subscriber that he or she has the right to require his or her installation be done over any route on his or her property, to any location within any building thereon, and in any manner he may elect, which is technically and practically feasible. Franchisee may, if he or she so elects, require that any such request may be made in writing. Franchisee may provide in its schedule of fees for an amount to cover non-standard drops. (Ord. 747, eff. 8/17/89)

6.12.360 Reporting

During the term of any franchise issued pursuant to the provisions of this Article, each franchisee shall, not less frequently than annually, file a written report with the Clerk/Recorder. The report shall be filed not later than ninety (90) calendar days after the end of the franchisee's fiscal year. The report shall include the following:

(a) A summary of the activities of the franchisee during its previous fiscal year in the development and operation of the cable television system, including a description of all services provided as of the conclusion of the fiscal year; a statement of the number of subscribers by category of services rendered as of the end of the fiscal year, and a summary of public access use;

(b) A statement of all income received by the franchisee during its previous fiscal year, including an itemization of all services provided, the rates or charges for such services, and the amount of income received attributable to each service, and all other income from whatever' sources, including an identification of each source and the amount of income attributable thereto;

(c) Financial statements for the franchisee's previous fiscal year signed by a certified public accountant, including a balance sheet and profit and loss statement; and

A franchisee shall prepare and furnish to the Board of Supervisors, at the times and in the form prescribed by the Board, such other reports with respect to its operations, affairs, transactions, or property, as the Board may deem necessary or appropriate to the performance of its functions. (Ord. 747, eff. 8/17/89)

6.12.370 Auditing And Financial Records

The books and all financial records reasonably related to enforcing the franchise shall be available for inspection by authorized representatives of County of Sierra upon reasonable notice. No later than one (1) year following the date of the granting of the franchise issued pursuant to the provisions of this Article, the County Auditor or his/her designee shall conduct an audit of the books, accounts, and financial records of the franchisee for the purpose of ascertaining whether or not the accounting system of the franchisee is sufficient to adequately identify financial information concerning the operations and activities of the franchisee to permit administration of the franchise under the provisions of this Article. Upon completion of the audit, the Auditor shall file a written report with the Clerk of the Board and shall mail copies thereof to the franchisee. The report shall contain a description of the franchisee's accounting system, and description of such changes in the accounting system, as the Auditor deems necessary to permit adequate administration of the franchise under the provisions of this Article. The franchisee shall make a reasonable effort to implement all changes in its revenue reporting system recommended by the Auditor's report.

During the term of each franchise, the County Auditor or his/her designee shall, not more frequently than once each year and not less frequently than once at the conclusion of each three-year period, conduct an audit of the books, records and accounts of the franchisee for the purpose of determining whether the franchisee has paid franchisee fees in the amounts prescribed. The audit may be conducted by the County

Auditor or by an independent certified public accounting firm retained by the Auditor, and shall be conducted at the sole expense of the County. The party conducting the audit shall prepare a written report containing its findings, and the report shall be filed with the Clerk of the Board of Supervisors and mailed to the franchisee.

Notwithstanding the foregoing, the Board may conduct such an audit at any time. The cost of such an audit so requested shall be borne by and at the sole expense of the County. The report of the audit shall be filed as prescribed above.

At any time during the term of a franchise, the Board of Supervisors may, through the County Auditor or a certified public accounting firm which it retains, and at its sole expense, conduct an audit of the books, records, and accounts of the franchisee for the purpose of identifying any information which the Board of Supervisors deems necessary to obtain for the purpose of administering the franchise under the provisions of this Article. A written report of such audit shall be filed with the Clerk of the Board of Supervisors, and mailed to the franchisee. The franchisee shall comply with any recommendations or directives set forth in such report respecting changes in its revenue reporting system. (Ord. 747, eff. 8/17/89)

6.12.380 Schedule Of Rates

All rates shall be published and nondiscriminatory, and be uniform to all persons and organizations of like classes, under similar circumstances and conditions. The published rates shall include installation and other charges for basic service, and additional services, and may include special rates for large institutions, motels, multiple family dwelling units, or any other type of subscriber. Nothing shall prohibit the reduction or waiving of charges for the purpose of attracting subscribers, nor the granting of reduced rates to nonprofit institutions, or the establishment of a graduated scale of charges and rates which vary with volume of usage, to which any person or entity included within a particular classification shall be entitled to. (Ord. 747, eff. 8/17/89)

6.12.385 Rate Regulation

To the extent permitted under the Cable Communications Policy Act (P.L. 98-549), 47 U.S.C. §521-611 and regulations promulgated thereunder, no establishment of or increase in rates charged to subscribers by a franchisee is permitted without prior written approval of the Board of Supervisors, following a noticed public hearing on any proposed rate or rate increase.

6.12.390 No Recourse Against Agencies

No franchisee shall have any recourse whatsoever against the County, or their officers, agents, or employee for any loss, costs, expense, or damage arising out of or resulting from any provision or requirement of the franchise documents or any rule, regulation, requirement, or directive promulgated thereunder, and generally consistent therewith, or because of the enforcement of any provision of the franchise document or any rule, regulation, requirement, or directive promulgated thereunder, or in the event any provision of the franchise documents or any rule, regulation, requirement, or directive promulgated thereunder is determined to be invalid. (Ord. 747, eff. 8/17/89)

6.12.400 Nonenforcement

A franchisee shall not be relieved of any obligation to comply with any of the provisions of the franchise documents or any rule, regulation, requirement, or directive promulgated thereunder by reason of any failure of the County or their officers, agents, or employees to enforce prompt compliance. (Ord. 747, eff. 8/17/89)

6.12.410 Inspection Of Property And Records

(a) At all reasonable times the franchisee shall permit examination by any duly authorized representative of the County of all franchise property located within the County. The franchisee

shall also permit any duly authorized representative of the County to examine and transcribe any and all maps and other records kept or maintained by the franchisee or under its control concerning the operations, affairs, transactions, or property of the franchisee.

(b) The franchisee shall provide at its own expense copies of its records as requested by the County. (Ord. 747, eff. 8/17/89)

6.12.420 Severability

If any provision of this Article or of any franchise granted by the County is declared or found to be illegal, unenforceable or void, the obligation created by such provision shall be eliminated without affecting any other portion of the Article or any franchise granted thereunder. All other provisions shall be enforced to the fullest extent permitted by law. (Ord. 747, eff. 8/17/89)

6.12.430 Force Majeure

In the event that the franchisee's performance of any of the terms, conditions, obligations or requirements of this ordinance is prevented or impaired due to any cause(s) beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof. (Ord. 747, eff. 8/17/89)

6.12.440 Exemption for Less Than 500 Subscribers

In the event that any franchisee serves or anticipates serving fewer than 500 customer connections, it may upon application, receive exemption from all or any portion of provisions 6.12.180, 6.12.190, 6.12.230, and 6.12.300 at the discretion of the Board of Supervisors upon a finding that the needs of the public are being or will be adequately served and public interests are being or will be adequately protected.

Eligibility to Apply for Exemption:

(a) Fewer than 500 subscribers; and

(b) The franchise complies with all applicable planning, building and zoning ordinances and all FCC rules and regulations. (Ord. 788, eff. 7/18/92)

6.12.450 Exemption for Less Than 250 Subscribers

In the event that any Cable T.V. Service ("Service") meets the following criteria, it may upon application, receive exemption from any or all of the provisions of this Ordinance at the discretion of the Board of Supervisors upon a finding that the needs of the public are being or will be adequately served and public interests are being or will be adequately protected.

Eligibility to Apply for Exemption:

(a) Fewer than 250 subscribers; and

(b) No less than one third (1/3) of the subscribers are also owners of the Service; and

(c) The Service is operated on a non-profit basis and no portion of the revenues derived from operation of the Service inures to the benefit of any owner, officer or director of the Service other than as shared by all subscribers equally; and

(d) The assets of the Service are irrevocably dedicated to non profit purposes and no portion of the assets on liquidation or sale will inure to the benefit of any owner, officer, or director of the Service on any basis differently from that of all subscribers; and

(e) Rates charged to non-owners of the Service do not exceed rates charged to owners by more than 25%.

(e) The Service complies with all applicable planning, building and zoning ordinances, and all FCC rules and regulations. (Ord. 788, eff 7/18/92)

6.12.460 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 788, eff. 7/18/92)

CHAPTER 6.13 TRANSMISSION AND DISTRIBUTION OF ELECTRICITY

6.13.010 Scope of Chapter

Ordinance Granting to Sierra Pacific Power Company, its successors and assigns, 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 Sierra Pacific Power Company in the County of Sierra, State of California, as the Grantee of said franchise may from time to time elect to use for the purpose of transmitting and distributing electricity to the public for any and all purposes.

Franchise is granted pursuant to the provisions of the Franchise Act of 1937, Chapter 2, Division 3 of the Public Utilities Code, which provisions exclusively govern the granting thereof. Whenever in this ordinance the words "Grantee" and "County" are used, they shall mean Sierra Pacific Power Company and the County of Sierra.

6.13.020 Terminology

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 Sierra Pacific Power Company in the County of Sierra, including state highways and/or freeways now or hereafter established within said County.

(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, communication circuits, appliances, attachments, appurtenances 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 Sierra County, 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.

6.13.030 Franchise Granted

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 Sierra Pacific Power Company in said County as the grantee of said franchise may from time to time elect to use, subject to Section V hereof, for the purpose of transmitting and distributing electricity to the public for any and all purposes, is hereby granted to said County to Sierra Pacific Power Company, its successors and assigns.

6.13.040 Term

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 noncompliance by the possessor thereof with its terms, or the State of California, said County, or other public or private 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 situated within the unincorporated area of said County. 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.

6.13.050 Direction 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 a good and workmanlike manner under the direction of the County Road Commissioner and shall be maintained in compliance with all valid laws and ordinances from time to time in force.

6.13.060 Relocation

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 said County, including the construction of any subway or viaduct.

6.13.070 Maintenance of Public Roads

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.

6.13.080 Ongoing Installation and Maintenance

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.

6.13.090 Payment for Franchise

Grantee shall, during the term for which this franchise is granted, pay to said County 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 derived from the sale within the limits of the County of the utility services 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.

6.13.100 Franchise Not Exclusive

This franchise shall not be exclusive. (Ord. 540, eff. 2/1/79)

CHAPTER 6.14 DRUG PARAPHERNALIA

6.14.010 Purpose

The illegal use of controlled substances within the unincorporated area of Sierra County creates serious social, medical and law enforcement problems. The illegal use of such substances by persons under 18 years of age has reached crisis dimensions. It is causing serious physical and psychological damage to the youth of this community, an impairment of educational achievement and of the efficiency of the educational system, increases in non-drug related crime, and a threat to the ability of the community to ensure future generations of responsible and productive adults - all to the detriment of the health, safety and welfare of the citizens of Sierra County.

The proliferation of the display of paraphernalia in retail stores and street vendors within the County, and the distribution of such paraphernalia intensifies and otherwise compounds the problem of illegal use of controlled substances within this community.

A ban only upon the display and distribution of drug paraphernalia to persons under 18 years of age would not be practical. The person who displays or distributes would have difficulty determining who could lawfully view or receive drug paraphernalia. The already thinly staffed law enforcement agencies would be subjected to intolerable added enforcement burdens by adding age of a person who views or receives paraphernalia as an element of a prohibition upon display and distribution. A significant number of high school students are 18 years of age or older. It would be lawful to distribute paraphernalia to some students attending the same school in which the distribution to other students would be prohibited. Permitted display and distribution to adults within the community would symbolize a public tolerance of illegal drug use, making it difficult to explain the rationale of programs directed against similar abuse by youth. The problem of illegal consumption of controlled substances by adults within this community is significant and substantial, necessitating a cessation of the encouragement to drug abuse which the display and distribution of drug paraphernalia create.

This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within Sierra County.

6.14.020 Definitions

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) "Vendor" means one who sells, displays, or offers for sale merchandise, whether or not from a fixed location and whether indoors or outdoors.

(c) "Vendor Operations means those activities involved in the business of selling, displaying, or offering for sale merchandise, other than business operations conducted from a fixed location as otherwise defined in this ordinance.

(d) "Display" means to show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

(e) "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, or a person who views or purchases merchandise in the possession or control of a Vendor.

(f) "Distribute" means to transfer ownership or a possessory interest to another, whether for consideration or as a gratuity. "Distribute" includes both sales and gifts.

(g) "Controlled substance" means those controlled substances set forth in Sections 11054, 11055, 11056, 11057 and 11058 of the California Health and Safety Code, identified as Schedules I through V inclusive, as said sections now exist or may hereafter be amended.

(h) "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 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 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 in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances intended 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 in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices intended for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers intended for use in packaging small quantities of controlled substances;

10. Containers and other objects intended for use in storing or concealing controlled substances; and

11. Objects intended for use in injecting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

    A. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads 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, such as a marijuana cigarette 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.

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 he knows 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 or the vendor operation;

10. The existence and scope of legitimate uses for the object in the community; and

11. Expert testimony concerning its use.

(i) "Person" means a natural person or any firm, partnership, association, corporation or cooperative association.

6.14.030 Display of Drug Paraphernalia

(a) Except as authorized by law, it shall be unlawful for any person to willfully maintain or operate any business or vending operation knowing, or under circumstances where one reasonably should know, that drug paraphernalia is displayed at such business or vending operation.

(b) Except as authorized by law, it shall be unlawful for any person who is the owner of a business, an employee thereof or one who works at such business or vending operation as an agent of the owner, to willfully display drug paraphernalia at such a business or vending operation.

6.14.040 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 any law of the State of California.

6.14.050 Exceptions

No provisions of this chapter shall be deemed, whether directly or indirectly, to authorize any act which is otherwise prohibited by any law of the State of California or require any act which is otherwise prohibited by any law of the State of California. Nor shall any provision of this chapter be deemed, whether directly or indirectly, to prohibit any act or acts which are prohibited by any law of the State of California.

6.14.060 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

6.14.070 Violations - Infractions

Any person who violates any provision of this chapter is guilty of an infraction, and upon conviction, is punishable by (1) a fine not exceeding fifty dollars ($50) for a first violation; (2) a fine not exceeding one hundred dollars ($100) for a second violation of this chapter within one year; (3) a fine not exceeding two hundred fifty dollars ($250) for each additional violation of this chapter within one year. A person who violates the provisions of Section 6.14.030 shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues. A person who violates the provisions of Section 6.14.040 shall be guilty of a separate offense for each item of drug paraphernalia which is distributed.

6.14.080 Revocation of Business Licenses

Notwithstanding any provision contained in this Code to the contrary, violation of the provisions of this chapter shall constitute grounds for revocation of any business license issued pursuant to the provisions of Part 6 of this Code to a business upon the premises of which the violation has occurred. The following provisions of this section shall constitute the exclusive procedures and standards for the commencement and conduct of business license revocation proceedings upon such grounds, and no other provision of this Code shall be applicable to such a revocation.

(a) Revocation proceedings shall be commenced upon the filing with the Clerk of the Board of Supervisors of a written application by the Sheriff asserting that there are grounds for revocation of a business license as a result of violation of the provisions of this chapter, and stating the circumstances of each violation which the Sheriff alleges has occurred. A copy of the application shall be mailed by the Sheriff to the holder of the business license not later than the date on which the application is filed with the Clerk of the Board of Supervisors.

(b) If, not later than fifteen (15) calendar days following the date of filing the application by the Sheriff, the Board of Supervisors does not order a hearing thereon, the application shall be deemed dismissed. Such a dismissal shall not be deemed to preclude a new application by the Sheriff alleging the same violation as a basis for revocation.

(c) Any hearing ordered by the Board of Supervisors shall be conducted by a hearing officer of the State of California Office of Administrative Hearings. The application shall be transmitted to the Office of Administrative Hearings, and the hearing shall be scheduled by and through that office, with due notice to the holder of the business license.

(d) The Sheriff shall carry the burden of proof during any such hearing. A conviction for violation of the provisions of this chapter shall not constitute a condition precedent to establishment of grounds for revocation, if proof of actual violation by a preponderance of the evidence is made.

(e) The representative of the Office of Administrative Hearings shall prepare findings of fact, conclusions of law, and a recommended decision. The decision shall be transmitted to the Clerk of the Board of Supervisors.

(f) Not later than fifteen (15) calendar days after receipt of the findings, conclusions and recommendation by the Office of Administrative Hearings, the Board of Supervisors shall commence consideration of the findings, conclusions and recommendations. The Board shall be authorized to act upon the recommendation without another hearing or receipt of further evidence or argument, or may schedule a subsequent hearing on a de novo basis or limited hearing for the purpose of receiving supplementary evidence. The Board shall be authorized to accept in whole or in part or reject in whole or in part any recommendation by the representative of the Office of Administrative Hearings, and shall be authorized to either dismiss the proceedings, permanently revoke the business license or temporarily suspend the business license during such period of time as it deems appropriate. Alternately, the Board shall be authorized to order the business license to remain in effect, but subject to such conditions in relation to proven charges, as the Board deems appropriate.

(g) The provisions of the California Administrative Procedure Act shall not be applicable to any proceeding commenced and conducted pursuant to the provisions of this chapter. Technical rules of evidence shall not be applicable to proceedings conducted hereunder, except as necessary to guarantee compliance with the requirements of procedural due process. (Ord. 632, eff. 9/7/82)

CHAPTER 6.15 FIREARMS DEALER LICENSES

6.15.010 Purpose

The Board of Supervisors finds that in order to comply this Chapter and the requirements of Part 4, Title 2, Chapter 1 of the California Penal Code §12071 et seq. ("PC"), it is necessary to require any person wishing to sell firearms within the county to obtain a special firearms dealers license from the Sierra County Sheriff's office. (Ord. 769, eff. 03/21/91)

6.15.020 Restrictions

No person shall engage in the business of selling, transferring, advertising, offering, or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person unless he has been issued a license pursuant to PC §12071, and this Chapter of the Sierra County Code. As used in this Chapter, engaging in the business of selling or transferring concealable firearms does not include the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any handgun at a gun show, swap meet or similar event. (Ord. 769, eff. 03/21/91)

6.15.030 Compliance with Statute

Any license hereunder shall at all times comply with PC §12071. (Ord. 769, eff. 03/21/91)

6.15.040 Term of License

This license shall be valid for a period not to exceed one year from the date of issue, and shall be subject those conditions required by PC §12071. (Ord. 769, eff. 03/21/91)

6.15.050 Record Check

The Sierra County Sheriff will require each applicant for a firearms dealer’s license to submit an application, obtained from their office, and fingerprint cards to be submitted to the Department of Justice for review prior to the issuance of the license. (Ord. 769, eff. 03/21/91)

6.15.060 Conditions for License Issuance

If the Sheriff finds that the applicant has a criminal record involving one or more felonies, or one or more misdemeanors which involve the use or misuse of firearms or a crime involving moral turpitude, or the applicant's conduct history falls below the standard set forth in PC §12050, the Sheriff shall not issue a license. Residency shall not be a requirement for issuance of firearms dealers license. (Ord. 769, eff. 03/21/91)

6.15.070 Revocation

Violation of this Chapter, or the conviction of any licensee of a felony, or any crime involving moral turpitude shall be grounds for revocation or non-renewal of any license issued hereunder. (Ord. 769, eff. 03/21/91)

6.15.080 Fees

Each applicant for a special business license to sell firearms will pay a fee, determined by the Sheriff's office, that adequately reimburses the Sheriffs office for the application processing costs. (Ord. 769, eff. 03/21/91)

6.15.090 Appeal

Any applicant or licensee who disputes a decision of the Sheriff in connection with this Chapter, may file an appeal to the Sierra County Uniform Appeal Committee, which appeal shall be governed by the terms of the Sierra County Uniform Appeal Procedure. (Ord. 769, eff. 03/21/91)

6.15.100 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 769, eff. 03/21/91)

CHAPTER 6.16 CARDROOM LICENSES

6.16.010 Cardroom Regulations

Any cardroom operating within the unincorporated territory of the County of Sierra shall comply with each of the following requirements:

(a) No more than two (2) cardrooms shall be allowed to operate in western Sierra County, no more than two (2) cardrooms shall be allowed to operate in eastern Sierra County and no more than three (3) card tables shall be allowed in each cardroom. The number of card tables or cardrooms may be increased only to the extent allowed in California Business and Professions Code Section 19950.1. There shall be no more than 12 cardroom tables within the County.

(b) Not more than one (1) cardroom shall be located at any one address or within any building. A cardroom shall not operate at any location for which the County zoning regulations do not authorize such use. No cardroom shall be allowed to operate without a license from the state as set forth under the Gambling Control Act.

(c) No person under the age of twenty-one (21) shall be permitted at any card table, nor shall participate in any game played thereat. This subsection does not permit greater access to cardrooms than that is set forth in the California Business and Professions Code Section 19915.5 or any successor statutes thereto.

(d) Cardrooms may operate no more than fourteen (14) hours a day, between the hours of 12 P.M. and 2 A.M., seven (7) days a week. Each cardroom shall clearly post at its location the schedule specifying its hours of operation so as to give law enforcement and patron's adequate notice of the hours of operation.

(e) Security. Each cardroom shall be responsible and liable for its patrons' safety and security in and around the cardroom. Each cardroom shall adopt and enforce a plan that is sufficient to provide for the safety and security of its patrons.

(f) Each cardroom shall limit the wagering in each game to no more than $54.00 per person per hand. The wagering limit shall be clearly posted at each gambling table where a game is offered in order to provide the patrons adequate notice of these rules. In addition, these rules shall be clearly posted as otherwise provided herein.

(g) Cardroom employees shall obtain a work permit from the state in accordance with the Gambling Control Act. (Ord. 903, eff. 07/6/00)

6.16.020 Amendment to County Ordinance No. 122

The intent of this Chapter is to regulate and license the use of cardrooms in the unincorporated areas of the County of Sierra. It is the further intent that the provisions of this Chapter shall supercede the provisions in Sierra County Ordinance No. 122 to the extent that Ordinance No. 122 regulated and required the licensing of cardrooms. (Ord. 903, eff. 07/6/00)

PART 8
HEALTH AND SANITATION

CHAPTER 8.01 – MARIJUANA CULTIVATION 1
8.01.010 Authority and Title 1
8.01.020 Findings and Purpose 1
8.01.030 Definitions 2
8.01.040 Conditions for Cultivation 3
8.01.045 Omitted 4
8.01.050 Notice to Abate Unlawful Marijuana Cultivation 5
8.01.060 Contents of Notice 5
8.01.070 Service of Notice 5
8.01.080 Administrative Review 6
8.01.090 Liability for Costs 6
8.01.100 Abatement by Owner or Occupant 7
8.10.110 Enforcement 7
8.01.120 Accounting 7
8.01.130 Notice of Hearing on Accounting; Waiver by Payment 7
8.01.140 Hearing on Accounting 8
8.01.150 Modifications 8
8.01.160 Special Assessment/Charge and Lien 8
8.01.170 Administrative Civil Penalties 8
8.01.180 Administrative Hearing Fees 11
8.01.190 Enforcement by Civil Action 11
8.01.200 Summary Abatement 12
8.01.210 No Duty to Enforce 12
8.01.220 Remedies Cumulative 12
8.01.230 Other Nuisance 12
8.01.240 Severability 12
8.01.250 Misdemeanor Penalty 12
CHAPTER 8.04 - SOLID WASTE SERVICES 1
8.04.005 General Provisions 1
8.04.010 Definitions 1
8.04.015 Findings and Purpose 4
8.04.020 Use by Sierra County Residents and Authorized Personnel 4
8.04.022 Days of Operation of Landfill and Transfer Stations 4
8.04.025 Method and Manner of Providing Solid Waste Handling Services 4
8.04.030 Rights and Duties of Licensees 5
8.04.035 Collection Permit Required 5
8.04.040 Collection Services 6
8.04.045 Containers 7
8.04.050 Owner or Responsible Party to Maintain Premises Free of Litter and Solid Waste 7
8.04.055 Unlawful Acts 8
8.04.060 Scavenging Prohibited 8
8.04.065 Disposal Sites and Authorized Solid Waste Facilities 8
8.04.070 Records 10
8.04.075 Categories 10
8.04.080 Household Hazardous Waste Collection 10
8.04.085 Right of Person and Responsible Party to Dispose of Solid Waste 10
8.04.090 Ownership of Solid Waste Placed for Collection 11
8.04.095 Ownership of Recyclables Placed for Collection 11
8.04.100 Compliance with Regulations 11
8.04.105 Bonds, Indemnification and Insurance 11
8.04.110 Collector Spills 12
8.04.115 Authority of Solid Waste Administrator 12

8.04.120 Severability 12
8.04.200 Regular Solid Waste Handling Services 12
8.04.205 Licensing of Regular Residential and Commercial Solid Waste Collection 12
8.04.210 Regular Solid Waste Handling Services 14
8.04.215 Civil Action by Authorized Recycling Contractor 16
8.04.220 Financial Reports 16
8.04.225 Authority to Levy Collection and Transfer Fees 16
8.04.230 Authority to Regulate Collection Rates 16
8.04.235 Liability for Fees 18
8.04.240 Minimum Standards for Collection Trucks 18
8.04.245 Maintenance of Collection Trucks 18
8.04.250 Identification of Collection Trucks 18
8.04.260 Noise During Compaction Process 19
8.04.265 Collector's Equipment 19
8.04.270 Containers 19
8.04.300 Unscheduled Solid Waste Handling Services 19
8.04.310 Nonexclusive Permit for Unscheduled Solid Waste Handling Services 19
8.04.320 Unscheduled Solid Waste Handling Services 19
8.04.330 Financial Reports 19
8.04.340 Operation Without a License 20
8.04.350 Minimum Standards for Containers 20
8.04.360 Maintenance of Containers 20
8.04.370 Identification of Containers 20
8.04.400 Fees For Use of County Owned and/or Operated Solid Waste Facilities 20
8.04.410 Options and Rates 20
8.04.420 Board to Adjust Fees 20
8.04.430 Receipt to be Given; Fee Schedule to be Posted 20
8.04.440 Site Monitor to Collect Fee; Protest and Appeal 21
8.04.450 Late Charges 21
8.04.500 Liquid, Toxic, and Hazardous Wastes 21
8.04.510 Liquid, Toxic and Hazardous Waste Disposal 21
8.04.600 Enforcement and Penalties 21
8.04.610 Authorization 21
8.04.615 Litter Control Officer 22
8.04.620 Citations for Nuisances 23
8.04.625 Failure to Sign Citation 23
8.04.630 Liability 23
8.04.635 Referral for Legal Action 23
8.04.640 Civil Remedies and Penalties 23
8.04.645 Criminal Actions and Penalties 24
8.04.650 Separate and Distinct Violations 24
8.04.655 Remedies Cumulative 24
8.04.660 Recovery of Costs and Fees 25
8.04.665 Suspension, Revocation, Amendment or Termination of Solid Wastes Licenses, etc. 26
8.04.700 Health and Safety Prohibitions 27
8.04.710 Shooting Prohibited 27
8.04.720 Dumping Prohibited 27
8.04.730 Solid Decaying Matter Prohibited 28
8.04.740 Prohibited Dumping 28
8.04.800 Severability 29
8.04.810 Severability 29
CHAPTER 8.05 - SOLID WASTE SYSTEM FEES AND CHARGES 30
8.05.010 Solid Waste System Charges 30
8.05.015 Charges for Individuals Using Property Within the County Under Entitlements 31
8.05.016 Charges for Property Outside of the County Using the Solid Waste System 31
8.05.020 Exemptions 32

8.05.025 Adjustments to Solid Waste Fees 32
8.05.030 Solid Waste Building Permit Fees 35
8.05.040 Gate Fees Established 36
8.05.050 Method of Calculation of Gate Fees 40
8.05.055 Waste Excluded 40
8.05.060 Identification of Source 40
8.05.070 Payment Required 42
8.05.080 Remedies 42
8.05.090 Account Billings 42
8.05.100 License/Franchise Charges 42
8.05.110 Incorporation of Validation Provisions - Statute of Limitations 43
8.05.120 Solid Waste Fees for Prior Years 44
8.05.130 Severability 44
CHAPTER 8.08 ANIMALS 45
8.08.010 Animal Control 45
8.08.020 Animal Control Center 45
8.08.030 At Large 45
8.08.040 Chief of Animal Control 45
8.08.050 Animal 45
8.08.060 County 45
8.08.070 Health Department 46
8.08.080 Health Officer 46
8.08.090 Impoundment 46
8.08.100 Kennel 46
8.08.110 Owner 46
8.08.120 Person 46
8.08.130 Vaccination 46
8.08.140 Veterinarian 46
8.08.150 Common Name 46
8.08.160 Jurisdiction 47
8.08.170 Absence of Liability 47
8.08.180 Responsibility 47
8.08.190 Dogs Killing Livestock 47
8.08.200 Rules and Regulations 47
8.08.210 Authority to Carry Firearms 48
8.08.220 Arrest Without Warrant: Citation Procedure 48
8.08.230 Authority to Use Tranquilizers 48
8.08.240 Authority to Enter Property 48
8.08.250 Authority to Pursue 48
8.08.260 Summary Action 48
8.08.270 Violations 48
8.08.280 Animals Causing Property Damage 49
8.08.290 Nuisance Dogs 50
8.08.300 Vicious or Dangerous Animals 51
8.08.310 Duty to Report Bite 52
8.08.320 Taking Up Stray Animals 52
8.08.330 Animals Subject to Impoundment 52
8.08.340 Impoundment of Livestock - Repealed 52
8.08.350 Period of Impoundment 52
8.08.360 Redemption 53
8.08.370 Disposition of Impounded Animals 53
8.08.380 Impound Fees 54
8.08.390 Quarantine 54
8.08.400 Delivery of Carcass 54
8.08.410 Vaccination 55
8.08.420 Licenses 55

8.08.430 Renewal Notices 56
8.08.440 Kenneled Dogs 56
8.08.450 Kennel Licenses 57
8.08.460 Damage to Property - Cats 58
8.08.470 Dead Animal 58
8.08.480 Unlawful Disposal Prohibited 58
8.08.490 Exceptions 58
8.08.500 Cost of Removal 58
8.08.510 Responsibility of Livestock Owner - Repealed 59
8.08.520 Status of Violations 60
8.08.530 Penalty for Violations 60
8.08.540 Severability 60
8.08.550 Damages 60
CHAPTER 8.12 FIRE PROTECTION 61
8.12.010 Smoking Prohibited 61
8.12.020 Smoking Permitted 61
8.12.030 Enforcement of Smoking Regulations 61
8.12.040 Fireworks Prohibited 61
CHAPTER 8.16 EMERGENCY ORGANIZATION 62
8.16.010 Purposes 62
8.16.020 Emergency Defined 62
8.16.030 Disaster Council Membership 62
8.16.040 Disaster Council Powers and Duties 62
8.16.050 Director and Coordinator of Emergency Services 63
8.16.060 Powers and Duties of the Director 63
8.16.070 Emergency Organization 64
8.16.080 Emergency Plan 64
8.16.090 Expenditures 64
8.16.100 Punishment of Violations 64
CHAPTER 8.17 GROUNDWATER (REPEALED) 65
CHAPTER 8.17 GROUNDWATER PROTECTION 65
8.17.010 Purpose 65
8.17.020 Covered Territory 65
8.17.030 Definitions 65
8.17.040 Mining of Groundwater Regulated 67
8.17.050 Permit Required for Extraction of Groundwater for Use Off-Parcel 67
8.17.060 Application for Permit 67
8.17.070 Public Hearing on Issuance of Permit 68
8.17.080 Issuance of Permit 68
8.17.090 Annual Review. Modification and/or Cancellation of Permit 68
8.17.100 Inspection 69
8.17.110 Violation: Criminal Penalty 69
8.17. 120 Severability 69
CHAPTER 8.18 SERVICE FEES AND CHARGES 71
8.18.010 Schedule of Fees 71
8.18.015 Late Fees, Interest Fees, and Attorneys Fees 71
8.18.020 Collection of Fees 71
CHAPTER 8.19 (REPEALED) 72
CHAPTER 8.20 PUBLIC NUISANCES - HEALTH & SAFETY 73
8.20.010 Name, Authority 73
8.20.020 Purpose 73
8.20.030 Nuisance Defined 73
8.20.040 Authorized Things Not Nuisance 73
8.20.050 Investigation 73
8.20.060 Hearing Scheduling and Notice 73
8.20.070 Hearing - Determination - Abatement Order 74

8.20.080 Abatement 74
8.20.090 Court Appeal 74
8.20.100 Costs - Certification - Interest 74
8.20.110 Costs - Special Assessment 74
8.20.120 Abatement Lien 75
8.20.130 Effect of Abatement Lien 75
8.20.140 Emergency Abatement 75
8.20.150 Designation of Officer to Summarily Abate Nuisances 75
8.20.160 Other Remedies Unimpaired 75
8.20.170 Severability 76
CHAPTER 8.30 (REPEALED) 77
CHAPTER 8.40 BLACK BEAR MANAGEMENT AND SAFETY 78
8.40.010 Name 78
8.40.020 Purpose 78
8.40.030 Definitions 78
8.40.040 Feeding Prohibited 80
8.40.050 Collection Bins 80
8.40.060 Owner to Maintain Premises 80
8.40.070 Bear-Proof Containers 80
8.40.080 Loitering; Transfer Stations 80
8.40.090 Harassment; Luring 80
8.40.100 Shooting Prohibited 81
8.40.110 Depredation Permit 81
8.40.120 Protection 81
8.40.130 Violation 81
8.40.140 Severability 81
CHAPTER 8.50 – SIERRA BROOKS WATER SYSTEM FEES 82
8.50.010 Water System Fees 82
Section 8.50.020 Water Service Connections and Improvements 83
Section 8.50.030 Water Service Policy for Multiple Parcels or Merged Parcels 84
Section 8.50.040 Water Service to Vacant Parcels or Partially Developed Parcels 84
Section 8.50.050 Reserved for Future Use 84
Section 8.50.060 Cross Connection and Backflow Prevention 84
Section 8.50.070 Reserved for Future Use 84
Section 8.50.080 Resale/Transfer of Water 84
CHAPTER 8.60 – SIERRA BROOKS WATER SYSTEM CONSERVATION REGULATIONS 85
Section 8.60.010 Water Conservation Policy for the County Service Area 5, Zone 4A Public Water System Established 85
Section 8.60.020 Water Conservation Phases 85
Section 8.60.030 Manager's Authority to Implement Phases 85
Section 8.60.040 Notification 86
Section 8.60.050 Violations and Remedy 86
Section 8.60.060 Appeals 87

PART 8
HEALTH AND SANITATION

CHAPTER 8.01 – MARIJUANA CULTIVATION

(Ord. 1055, eff. 8/21/14)

8.01.010 Authority and Title

Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Health and Safety Code section 11362.83, and Government Code sections 25845 and 53069.4, the Board of Supervisors hereby enacts this Chapter, which shall be known and may be cited as the "Sierra County Marijuana Cultivation Ordinance". (Ord. 1055, eff. 8/21/14)

8.01.020 Findings and Purpose

The Board of Supervisors of the County of Sierra hereby finds and declares the following:

(a) In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and entitled "The Compassionate Use Act of 1996").

(b) The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

(c) In 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 et seq., and referred to as the "Medical Marijuana Program") to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified state criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

(d) Health and Safety Code section 11362.83, both as originally enacted, and as amended by Assembly Bill 1300, further recognize that counties and cities may also adopt and enforce any other ordinances that are consistent with the Medical Marijuana Program.

(e) The courts in California have held that neither the Compassionate Use Act nor the Medical Marijuana Program grants anyone an unfettered right to cultivate marijuana for medical purposes or limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. Accordingly, the regulation of cultivation of medical marijuana does not conflict with either statute. (See Browne v. County of Tehama (2013) 213 Cal. App. 4th 704 and City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. (2013) 56 Cal. 4th 729.)

(f) Proposition 215 and Senate Bill 420 primarily address the criminal law, providing qualifying patients and primary caregivers with limited immunity from state criminal prosecution under certain identified statutes. Neither Proposition 215 nor Senate Bill 420, nor the Attorney General's

August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use adopted pursuant to Senate Bill 420, provides comprehensive regulation of premises used for marijuana cultivation. The unregulated cultivation of marijuana in the unincorporated area of Sierra County can adversely affect the health, safety, and well-being of the County and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.

(g) Cultivation of any amount of marijuana at locations or premises within one hundred feet of schools creates unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants.

(h) As recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

(i) It is the purpose and intent of this chapter to implement state law by providing a means for regulating the cultivation of medical marijuana in a manner that is consistent with state law and which balances the needs of medical patients and their caregivers and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Sierra. This Chapter is intended to be consistent with Proposition 215 and Senate Bill 420, and towards that end, is not intended to prohibit persons from individually, collectively, or cooperatively exercising any right otherwise granted by state law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which marijuana may be cultivated, including restrictions on the amount of marijuana that may be individually, collectively, or cooperatively cultivated in any location or premises, in order to protect the public health, safety, and welfare in Sierra County.

(j) The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this chapter, the County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Sierra County.

(k) Nothing in this ordinance shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under state or federal law. No provision of this Chapter deemed a defense or immunity to any action brought against any person by the Sierra County District Attorney, the Attorney General of State of California, or the United States of America. (Ord. 1055, eff. 8/21/14)

8.01.030 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

"Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more

marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.

"Enforcing officer" means the health officer or the sheriff, or the authorized deputies or designees of either or any person employed by the County of Sierra and appointed to the position of code enforcement officer, each of whom is independently authorized to enforce this chapter.

"Indoor" or "Indoors" means within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Sierra, that has 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 or equivalent materials.

"Legal parcel" means any parcel 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 Government Code).

"Marijuana plant" means any mature or immature marijuana plant, including without limitation, any marijuana seedling.

"Outdoor" or "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.

"Premises" shall mean a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

"Primary caregiver" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7 et seq.

"Qualified patient" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7 et seq.

"School" means 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 home school, vocational or professional institution of higher education, including a community or junior college, college, or university. (Ord. 1055, eff. 8/21/14)

8.01.040 Conditions for Cultivation

(a) The cultivation of marijuana plants, either indoors and/or outdoors, on any premises in excess of the following limits on the number of plants and conditions set forth here, is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter:

1. Each person that resides on the property in a lawfully constructed dwelling and who possess appropriate medical authorization for his or her use of marijuana may grow no more than 18 marijuana plants;

2. A person residing on the property in a lawfully constructed dwelling who as the primary caregiver for a person that possess the medical authorization for use of marijuana by a qualified patient may grow no more than 18 plants as to each such qualified patient;

3. In no event shall the number of marijuana plants being cultivated on any property exceed 72 plants.

(b) It is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter for marijuana to be grown on any premises except for the personal consumption of a qualified patient residing on the premises or, as provide above for the use of a qualified patient as to which the person residing on the premises is a primary caregiver.

(c) The cultivation of marijuana, in any amount or quantity outdoors, upon any premises located within one hundred feet of any school is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter.

1. Except as provided in subdivision (c)(2), such distance shall be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the premises upon which the school is located.

2. If the premises is twenty acres or greater in size, then such distance shall be measured in a straight line from the building in which the marijuana is cultivated, or, if the marijuana is cultivated in an outdoor area, from the fence required by subdivision (d)(3), to the boundary line of the premises upon which school is located.

(d) The cultivation of marijuana either indoors or outdoors upon any premises is hereby declared to be unlawful and a public nuisance that may be abated in accordance with this chapter, unless all of the following conditions are satisfied:

1. The person(s) cultivating marijuana on any legal parcel shall be the owner of and residing in a lawfully constructed structure on the property. However, if the person(s) cultivating the marijuana is/are not the legal owner(s) of the parcel, such person(s) shall submit a notarized letter from the legal owner(s) consenting to the cultivation of marijuana on the parcel, in which case the person(s) cultivating the marijuana must reside on the property in a lawfully constructed structure. The agency shall prescribe forms for such letters.

2. All marijuana grown outside of any building must be fully enclosed by an opaque fence at least six feet in height if the marijuana is visible from any location off of the property which contains the growing marijuana. Bushes and hedgerows, may constitute an adequate fence under this subdivision if sufficient to prevent a view of the marijuana.

3. Any outdoor area in which the marijuana is cultivated shall be set back at least ten feet from all boundaries of the premises.

   Such setback distance shall be measured in a straight line from the fence required by subdivision (d)(2), to the boundary line of the premises.

4. No lights may be used outdoors as part of the growing of marijuana. Lights used indoors shall comply with all applicable laws, including without limitation, restrictions on the use of lights or lighting that interferes with the use of any radio or other communication device.

(e) No person owning, leasing, occupying, or having charge or possession of any premises within the County shall cause, allow, suffer, or permit such premises to be used for the outdoor or indoor cultivation of marijuana plants in violation of this chapter. (Ord. 1055, eff. 8/21/14)

8.01.045 Omitted

8.01.050 Notice to Abate Unlawful Marijuana Cultivation

Whenever the enforcing officer determines that a public nuisance as described in this Chapter exists on any premises within the unincorporated area of Sierra County, he or she is authorized to notify the owner(s) and/or occupant(s) of the property, through issuance of a "Notice to Abate Unlawful Marijuana Cultivation." (Ord. 1055, eff. 8/21/14)

8.01.060 Contents of Notice

The notice set forth in Section 8.01.050 shall be in writing and shall:

(a) Identify the owner(s) of the property upon which the nuisance exists, as named in the records of the County Assessor, and identify the occupant(s), if other than the owner(s), and if known or reasonably identifiable.

(b) Describe the location of such property by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.

(c) Identify such property by reference to the assessor's parcel number.

(d) Contain a statement that unlawful marijuana cultivation exists on the premises and that it has been determined by the enforcing officer to be a public nuisance described in this chapter.

(e) Describe the unlawful marijuana cultivation that exists and the actions required to abate it.

(f) Contain a statement that the owner or occupant is required to abate the unlawful marijuana cultivation within ten calendar days after the date that said notice was served.

(g) Contain a statement that the owner or occupant may, within ten calendar days after the date that said notice was served, make a request in writing to the Clerk of the Board of Supervisors for a hearing to appeal the determination of the enforcing officer that the conditions existing constitute a public nuisance, or to show other cause why those conditions should not be abated in accordance with the provisions of this chapter.

(h) Contain a statement that, unless the owner or occupant abates the unlawful marijuana cultivation, or requests a hearing before the Board of Supervisors, within ten calendar days of the date of the service of the notice, the County will abate the nuisance. The notice shall also state that the abatement costs, including administrative costs, may be made a special charge added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

(i) State the applicable hearing fee, if such a fee has been established. (Ord. 1055, eff. 8/21/14)

8.01.070 Service of Notice

(a) The notice set forth in Section 8.01.050 shall be served by delivering it personally to the owner and to the occupant, or by mailing it by regular United States mail, together with a certificate of mailing, to the occupant of the property at the address thereof, and to any non-occupying owner at his or her address as it appears on the last equalized assessment roll, except that:

1. If the records of the 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 at his or her address as it appears in said records; or

2. In the event that, after reasonable effort, the enforcing officer is unable to serve the notice as set above, service shall be accomplished by posting a copy of the notice on the real property upon which the nuisance exists as follows: Copies of the notice shall be posted along the frontage of the subject property and at such other locations on the property reasonably likely to provide notice to the owner. In no event shall fewer than two copies of the order be posted on a property pursuant to this section.

(b) The date of service is deemed to be the date of deposit in the mail, personal delivery, or posting, as applicable. (Ord. 1055, eff. 8/21/14)

8.01.080 Administrative Review

(a) Any person upon whom an notice to abate unlawful marijuana cultivation has been served may appeal the determination of the enforcing officer that the conditions set forth in the notice constitute a public nuisance to the Board of Supervisors, or may show cause before the Board of Supervisors why those conditions should not be abated in accordance with the provisions of this chapter. Any such administrative review shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within ten calendar days after the date that said notice was served. 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. In the absence of a timely filed written request that complies fully with the requirements of this section, the findings of the enforcing officer contained in the notice shall become final and conclusive on the eleventh day following service of the notice.

(b) Upon timely receipt of a written request for hearing which complies with the requirements of this section, the Clerk of the Board of Supervisors shall set a hearing date not less than seven days nor more than thirty days from the date the request was filed. The Clerk shall send written notice of the hearing date to the requesting party, to any other parties upon whom the notice was served, and to the enforcing officer.

(c) Any hearing conducted pursuant to this chapter need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. The board of supervisors has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

(d) The Board of Supervisors may continue the administrative hearing from time to time.

(e) The Board of Supervisors shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the notice to abate unlawful marijuana cultivation. The Board of Supervisors shall issue a written decision which shall be mailed to, or personally served upon, the party requesting the hearing, any other parties upon whom the notice was served, and the enforcing officer.

(f) The decision of the Board of Supervisors shall be final and conclusive. (Ord. 1055, eff. 8/21/14)

8.01.090 Liability for Costs

(a) In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits,

suffers, or maintains the unlawful marijuana cultivation to exist shall be liable for all costs incurred by the County, including, but not limited to, administrative costs, costs incurred in conducting an administrative hearing when an order for abatement is upheld but not in a case where the order for abatement is not sustained, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter;

(b) In any action by the enforcing officer to abate unlawful marijuana cultivation under this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the County elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding. (Ord. 1055, eff. 8/21/14)

8.01.100 Abatement by Owner or Occupant

Any owner or occupant may abate the unlawful marijuana cultivation or cause it to be abated at any time prior to commencement of abatement by, or at the direction of, the enforcing officer. (Ord. 1055, eff. 8/21/14)

8.10.110 Enforcement

Whenever the enforcing officer becomes aware that an owner or occupant has failed to abate any unlawful marijuana cultivation within ten days (1) of the date of service of the notice to unlawful marijuana cultivation, unless timely appealed, or (2) of the date of the decision of the Board of Supervisors requiring such abatement, the enforcing officer may take one or more of the following actions:

(a) Enter upon the property and abate the nuisance by county personnel, or by private contractor under the direction of the enforcing officer. The enforcing officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the board of supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California; and/or

(b) Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance. (Ord. 1055, eff. 8/21/14)

8.01.120 Accounting

The enforcing officer shall keep an account of the cost of every abatement carried out and shall render a report in writing, itemized by parcel, to the Board of Supervisors showing the cost of abatement and the administrative costs for each parcel. (Ord. 1055, eff. 8/21/14)

8.01.130 Notice of Hearing on Accounting; Waiver by Payment

Upon receipt of the account of the enforcing officer, the Clerk of the Board of Supervisors shall deposit a

copy of the account pertaining to the property of each owner in the mail addressed to the owner and include therewith a notice informing the owner that, at a date and time not less than ten (10) business days after the date of mailing of the notice, the Board of Supervisors will meet to review the account and that the owner may appear at said time and be heard. The owner may waive the hearing on the accounting by paying the cost of abatement and the cost of administration to the enforcing officer prior to the time set for the hearing by the Board of Supervisors. Unless otherwise expressly stated by the owner, payment of the cost of abatement and the cost of administration prior to said hearing shall be deemed a waiver of the right thereto and an admission that said accounting is accurate and reasonable. (Ord. 1055, eff. 8/21/14)

8.01.140 Hearing on Accounting

(a) At the time fixed, the Board of Supervisors shall meet to review the report of the enforcing officer. An owner may appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance upon the land of the owner is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed.

(b) The report of the enforcing officer shall be admitted into evidence. The owner shall bear the burden of proving that the costs shown and the accounting is not accurate and reasonable.

(c) The Board of Supervisors shall also determine whether or not the owner(s) had actual knowledge of the unlawful marijuana cultivation, or could have acquired such knowledge through the exercise of reasonable diligence. If it is determined at the hearing that the owner(s) did not have actual knowledge of the unlawful marijuana cultivation, and could not have acquired such knowledge through the exercise of reasonable diligence, costs for the abatement shall not be assessed against such parcel or otherwise attempted to be collected from the owner(s) of such parcel. (Ord. 1055, eff. 8/21/14)

8.01.150 Modifications

The Board of Supervisors shall make such modifications in the accounting as it deems necessary and thereafter shall confirm the report by resolution. (Ord. 1055, eff. 8/21/14)

8.01.160 Special Assessment/Charge and Lien

Pursuant to section 25845 of the Government Code, the Board of Supervisors may order that the cost of abating nuisances pursuant to this Chapter and the administrative costs as confirmed by the Board be placed upon the County tax roll against the respective parcels of land, or placed on the unsecured roll; provided, however, that the cost of abatement and the cost of administration as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The Board of Supervisors may also cause notices of abatement lien to be recorded against the respective parcels of real property pursuant to section 25845 of the Government Code. (Ord. 1055, eff. 8/21/14)

8.01.170 Administrative Civil Penalties

(a) In addition to any other remedy prescribed in this chapter, any nuisance as described in this chapter may be subject to an administrative penalty of up to one thousand dollars per day. The administrative penalty may be imposed via the administrative process set forth in this section, as provided in Government Code Section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

(b) Acts, omissions, or conditions in violation of this chapter that continue, exist, or occur on more

than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.

(c) In the case of a continuing violation, if the violation does not create an immediate danger to health or safety, the enforcing officer or the court shall provide for a reasonable period of time, not to exceed ten days, for the person responsible for the violation to correct or otherwise remedy the violation prior to the imposition of administrative penalties.

(d) In determining the amount of the administrative penalty, the enforcing officer, or the court if the violation requires court enforcement without an administrative process, shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.

(e) The enforcing officer may commence the administrative process by issuance of a notice of violation and proposed administrative penalty, which shall state the amount of the proposed administrative penalty and the reasons therefore. The notice of violation and proposed administrative penalty may be combined with a notice to abate unlawful marijuana cultivation issued pursuant to Section 8.01.050. The notice shall be served by certified mail addressed to all of the following: (i) the owner of the property on which the violation exists, at the address shown on the last equalized assessment roll or as otherwise known to the enforcing officer; (ii) anyone known to the enforcing officer to be in possession of the property subject to the notice, at the street address of the property; and (iii) any other person known to the enforcing officer who has caused, permitted, maintained, conducted, or otherwise suffered or allowed the violation to exist. The failure to serve any person described in this subsection shall not affect the validity of service or the validity of any penalties imposed upon any other person. The notice shall inform the recipient of their right to request a hearing before the board of supervisors in accordance with this section. If such a hearing is not requested within ten days after issuance of the notice, the proposed penalty shall become final and conclusive, and the person to whom the notice was issued shall immediately make payment of the penalty amount to the County.

(f) If any person to whom the notice is issued requests a hearing before the Board of Supervisors, the person shall be notified by first class mail, postage prepaid, when the matter has been set for hearing. After the hearing, the Board may impose, modify, or disapprove, in whole or in part, by its own order, the proposed penalty set forth in the notice. The decision of the Board of Supervisors shall be final and conclusive. Any order of the Board of Supervisors shall become effective upon issuance thereof and shall be served by first class mail, postage prepaid, upon the appellant. Payment of an administrative penalty specified in the Board of Supervisors order shall be made to the County within twenty (20) days of service of the order, unless timely appealed to the superior court in accordance with Government Code section 53069.4, subdivision (b).

(g) Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.

(h) In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this section has not been satisfied in full within ninety days and has not been timely appealed to the superior court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.

1. The lien provided herein shall have no force and effect until recorded with the County recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure section 697.340, and may be extended as provided in Code of Civil Procedure sections 683.110

to 683.220, inclusive.

2. Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.

3. Prior to recording any such lien, the enforcing officer shall prepare and file with the clerk of the board of supervisors a report stating the amounts due and owing.

4. The clerk of the board of supervisors will fix a time, date, and place for the board of supervisors to consider the report and any protests or objections to it.

5. The clerk of the Board of Supervisors shall serve the owner of the property with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of owner to actually receive notice does not affect its validity.

6. Any person whose real property is subject to a lien pursuant to this section may file a written protest with the clerk of the Board of Supervisors and/or may protest orally at the board of supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.

7. At the conclusion of the hearing, the Board of Supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.

8. Within thirty (30) days following the Board of Supervisors' adoption of a resolution imposing a lien, the Clerk of the Board of Supervisors will file same as a judgment lien in the Sierra County Recorder's Office.

9. Once the County receives full payment for outstanding principal, penalties, and costs, the Clerk of the Board of Supervisors will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Sierra County Recorder's Office. This notice of satisfaction will cancel the County's lien under this section.

10. The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. The prevailing party shall be entitled to its attorney's fees and costs.

(i) Administrative penalties imposed pursuant to this section shall also constitute a personal obligation of each person who causes, permits, maintains, conducts or otherwise suffers or allows the nuisance to exist. In the event that 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.

(j) Payment of administrative penalties under this section does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the notice of violation and proposed administrative penalty. The payment of administrative penalties does not bar the County from taking any other enforcement action regarding a violation that is not corrected. (Ord. 1055, eff. 8/21/14)

8.01.180 Administrative Hearing Fees

(a) The Board of Supervisors may, by resolution, establish fees for hearings conducted under Sections 8.01.080 and 8.01.165.

(b) Failure to pay the hearing fee in a timely manner shall cause the appeal request to be automatically denied. Enforcement of the notice to abate unlawful marijuana cultivation and/or notice of violation and proposed administrative penalties, as applicable, may then proceed as if no request for hearing had been submitted.

(c) If the hearing fee is paid and the Board of Supervisors finds there is no nuisance as described in this chapter, the hearing fee shall be refunded to the person who paid the fee, without interest. (Ord. 1055, eff. 8/21/14)

8.01.190 Enforcement by Civil Action

As an alternative to the procedures set forth in Sections 8.01.050 through 8.01.080, the County may abate the violation of this chapter by the prosecution of a civil action through the office of the County Counsel, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this chapter or requiring compliance with other terms. (Ord. 1055, eff. 8/21/14)

8.01.200 Summary Abatement

Notwithstanding any other provision of this Chapter, when any unlawful marijuana cultivation constitutes an immediate threat to public health or safety, and when the procedures set forth in Sections 8.01.050 through 8.01.080 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. The enforcing officer shall make reasonable efforts to notify the persons identified in Section 8.01.070, but the formal notice and hearing procedures set forth in this chapter shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in Sections 8.01.120 through 8.01.160. Any action to summarily abate under the provisions of this Section shall require that the enforcing officer, prior to the commencement of the abatement, prepare written findings of the grounds for such action and the exigencies supporting same which shall be reviewed and approved by District Attorney, as appropriate, prior to the abatement action. (Ord. 1055, eff. 8/21/14)

8.01.210 No Duty to Enforce

Nothing in this chapter shall be construed as imposing on the enforcing officer or the County of Sierra any duty to issue an notice to abate unlawful marijuana cultivation, nor to abate any unlawful marijuana cultivation, nor to take any other action with regard to any unlawful marijuana cultivation, and neither the enforcing officer nor the County of Sierra shall be held liable for failure to issue an order to abate any unlawful marijuana cultivation, nor for failure to abate any unlawful marijuana cultivation, nor for failure to take any other action with regard to any unlawful marijuana cultivation. (Ord. 1055, eff. 8/21/14)

8.01.220 Remedies Cumulative

All remedies provided for herein are cumulative and not exclusive, and are in addition to any other remedy or penalty provided by law. Nothing in this chapter shall be deemed to authorize or permit any activity that violates any provision of state or federal law. (Ord. 1055, eff. 8/21/14)

8.01.230 Other Nuisance

Nothing in this chapter shall be construed as a limitation on the County's authority to abate any nuisance which may otherwise exist from the planting, growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building. (Ord. 1055, eff. 8/21/14)

8.01.240 Severability

If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. (Ord. 1055, eff. 8/21/14)

8.01.250 Misdemeanor Penalty

Any person violating any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 1055, eff. 8/21/14)

CHAPTER 8.04 - SOLID WASTE SERVICES

(History: Prior Ordinances 162, 231, 277, 345, 347, 351, 454, 794)

8.04.005 General Provisions

8.04.010 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth in this Section, and words and phrases not ascribed a meaning herein shall be interpreted consistent with the definitions set forth in Public Resources Code, commencing with Section 40100, the Health and Safety Code commencing with Section 25110, and Title 14 California Code of Regulations commencing with Section 17225, as these Sections may be amended from time to time:

"Act" means the California Integrated Waste Management Act of 1989, and all regulations adopted under that legislation, as they may be amended from time to time.

"Agricultural solid waste" means waste resulting from the production and processing of farm or agricultural products, including, but not limited to manures, bedding straw, prunings and crop residues.

"Authorized Solid Waste Facility" means any site, facility, location, or premises permitted by law to be used for the processing and/or disposal of solid waste, including but not limited to, a solid waste transfer or processing station, a landfill, a composting facility, a transformation facility, or a disposal facility.

"Authorized recycling contractor" means a collector authorized by license, permit or contract by the County to collect and transport recyclables in the unincorporated area of the County.

"Board" means the Sierra County Board of Supervisors.

“Citizens Solid Waste Committee” means that Committee established and appointed by the Board to make findings and recommendations to the Board on solid waste handling issues within the County.

"Collection" or "collect" means the act of collecting solid waste for transportation to an authorized solid waste facility by any person, firm or entity who is not the generator of the solid waste and may include the separate collection of recyclables and/or compostables.

"Collector" means the County, another local agency, a person, persons or other entity authorized by the County by license, contract, or permit to provide solid waste handling services within the unincorporated area of the County.

"Commercial bin" means a bin provided by a collector, usually two (2) cubic yards or greater capacity, for the deposit of solid waste for collection at commercial or multifamily residential premises.

"Commercial premises" means all premises in the County other than residential premises, including but not limited to premises owned and operated by governmental entities and not for profit corporations, where solid waste is generated or accumulated.

"Compostables" means solid waste which is subject to being converted to compost, and which is source separated from the solid waste stream or separated at a centralized facility, and includes vegetable, yard, paper, and wood wastes which are not hazardous waste.

"Container" means any bin, vessel, can, or receptacle approved by the Solid Waste and Utilities Division to be used for collecting solid wastes for removal, whether owned by the collector, property owner or tenant.

"County" means the unincorporated area of the County of Sierra.

"Department" means the Department of Public Works of the County of Sierra.

"Designated recycling collection location" means the place where the Board of Supervisors has designated an authorized recycling contractor to pick up recyclables and will customarily be the curbside of residential premises and the service alley of commercial premises.

"Director" means the Director of the Department of Public Works or any person in the Department authorized by the Director or the Board to act in his or her capacity.

"Disposal site" means the place, location, tract of land, transfer station, area, or premises in use, intended to be used, or which has been used for the landfill of solid wastes. "Disposal site" includes solid waste landfill, as defined in Public Resources Code Section 40195.1.

"Environmental Health Officer" means the health officer of Sierra County.

"Farm" or "Ranch" means property that is devoted primarily to commercial agricultural purposes, including but not limited to the feeding and raising of livestock or poultry.

"Green waste" means tree trimmings, grass cuttings, dead plants, leaves, branches, dead trees, and bedding straw.

"Gross revenues" shall have the meaning as defined in the license or contract between the County and a collector, or as otherwise determined by the Board.

“Landfill” means the County Solid Waste facility located one mile east of the City of Loyalton on Garbage Pit Road, Sierra County, California.

"License" means the right and privilege pursuant to a duly executed written agreement, license or permit to collect and transport to a permitted transfer station, landfill or other authorized recycling, mulching or composting facility as determined by the County, all solid waste kept, generated and/or accumulated within the County, or a designated portion thereof, and may include the separate collection of recyclables, mulching and/or compostables.

"Licensee" means a person who possesses a right granted by the County to collect, haul, and/or transport solid waste in the County, and includes any continuing rights which are recognized by the Board or by a court as pre-existing the adoption of this Chapter and which cannot be wholly extinguished by the adoption of this Chapter.

"Litter" means solid waste which is dumped, thrown, deposited or left on or about any street, highway, alley, road, right of way, park or other public place, or any lake, stream, watercourse, or other body of water, or private property.

"Person" means every natural person residing in Sierra County and any firm, partnership, association or corporation with an established place of business within Sierra County. (Ord 1048, eff. 10/21/13)

"Place" or "premises" means every dwelling house, dwelling unit, apartment house or multiple dwelling unit, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, office building, department store, manufacturing, processing, or assembling shop or plant, and every other place or premises where any person resides, or any business is carried on or conducted within the County or any other site within the County upon which solid waste is produced or accumulates.

"Putrescible solid waste" means waste that is capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions, and includes but is not limited to, materials such as food wastes, offal and dead animals.

"Recyclables" means solid waste, which is subject to recycling as determined by the Solid Waste and Utilities Division.

"Regular solid waste handling services" means those services for the prearranged and scheduled collection of solid waste provided by a collector who has an exclusive license or contract with the County and may include the collection and transportation of recyclables.

"Residential" means single family residences and multifamily residences, including apartments and condominiums, but does not include hotels or motels.

"Responsible party" means every owner, tenant, lessee, occupant or other person responsible for the day-to-day operation or otherwise in charge of any residential, commercial or other premises in Sierra County, including the proprietor or manager of any commercial premises. (Ord. 1048, eff. 10/21/13)

"Roll-off Container" means a container which is designed to be loaded and unloaded from a truck, supported on casters, used to collect and transport solid waste from residential or commercial premises, and approved by the Solid Waste and Utilities Division.

"Single family residential" means single-family residences and any other residences that do not require commercial bin services.

"Site Monitor" means a county employee or an employee of a private contractor designated by the Solid Waste Administrator to determine and collect fees at a County owned and/or operated solid waste facility.

"Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, papers, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other discarded solid and semisolid wastes. As used herein, solid waste does not include medical waste, hazardous waste, low-level radioactive waste or sewer sludge, whether combustible or noncombustible or any other toxic or hazardous substance which federal and/or state law prohibit from disposal in landfills such as that operated by the County of Sierra. Depending upon the context in which it is used, solid waste may include recyclables.

“Solid Waste Administrator” is the Director of Public Works.

"Solid Waste Enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation, regularly engaged in the business of providing solid waste handling services.

“Solid Waste Enterprise Fund” means the County fund maintained by the Auditor on a segregated basis from all other County revenues and appropriations for the sole purpose of reflecting the revenue and expenses and operating the Sierra County Solid Waste System.

“Solid Waste Fee Administrator” means the Sierra County public official designated with the authority to administer the Solid Waste Benefit Assessment Fee system and other solid waste fees as provided by this Chapter.

"Solid Waste Handling Service" means the collection, transportation, storage, transfer, or processing of solid wastes.

"Source separated" means the separation, at the place of generation, production, or disposal, of solid wastes for separate collection, processing, recycling, reuse, recovery or disposal into those categories as established by the Act or the Board of Supervisors, including but not limited to the categories of glass, plastic, aluminum, paper, liquid waste, hazardous waste, white goods, tires, putrescibles, wood waste, and agricultural waste.

“Transfer Site” means any one or all of the facilities owned or leased by the County for the collection of solid wastes, which are subsequently transported to the Landfill.

"Truck" means any truck, trailer, semi-trailer, conveyance, or vehicle approved by the County Solid Waste and Utilities Division used to collect, hold, or transport solid waste, including recyclables and/or compostables upon and along the streets, roads, and highways of the County.

"Unscheduled solid waste handling services" means those services that are not regular solid waste handling services and which are provided by a collector who has been granted a permit by the County.

"Wood waste" means solid waste consisting of wood pieces or particles which are generated from the manufacturing or production of wood products, harvesting, processing or storage of raw wood materials, or construction and demolition activities.

"Zone" means a geographic territory established by the County pursuant to the provisions of this Chapter for the collection, disposal, regulation, and control of solid waste.

(Ord. 880, eff. 03/04/99; 844)

8.04.015 Findings and Purpose

Solid Waste Handling Services, including the collection, transportation, storage, transfer, and processing of solid wastes, recyclables and compostables are so closely intertwined with the protection of the health, safety and welfare of the residents of Sierra County that the Board of Supervisors finds that such solid waste handling services provided by private solid waste enterprises require government regulation and monitoring. The Board further finds it is in the public interest to foster and encourage solid waste enterprises so that, at all times, there will continue to be competent enterprises willing and financially able to furnish needed solid waste handling services. The purpose of this Chapter is to insure that solid waste handling services are continuously provided to the public in a safe, adequate, reliable and efficient manner. (Ord. 844, eff. 10/1/96)

8.04.020 Use by Sierra County Residents and Authorized Personnel

The facilities of the Solid Waste Program, including the transfer stations and sanitary landfill site are for the use of persons residing in and business located on property within Sierra County, parties contracting with Sierra County for the use of the Solid Waste Program, and specifically authorized personnel subject to the provisions of this Chapter and the posted regulations of the Public Works Department not inconsistent herewith. (Ord. 1048, eff. 10/21/13; prior 844)

8.04.022 Days of Operation of Landfill and Transfer Stations

The Board of Supervisors shall establish and may from time to time amend the hours and days of public access to the County landfill and transfer stations by adoption of a resolution of the Board. Until changed by the Board by adoption of a resolution, the landfill and transfer stations shall be open on _____. Notwithstanding the foregoing, the landfill and transfer stations shall be closed on all County holidays and Easter Sunday. (Ord. 1048, eff. 10/21/13)

8.04.025 Method and Manner of Providing Solid Waste Handling Services

(a) The Board reserves the right to establish the method and manner and all other aspects by which Solid Waste Handling Services are provided within the unincorporated areas of the County, including but not limited to, the hours, days and frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location, and extent of providing solid waste handling services.

(b) It is the intention of the County to assure the provision of solid waste handling services within the unincorporated area of the County in accordance with this Chapter, and with such rules, regulations and specifications for solid waste handling services as may be adopted by the Board, the provisions of any resolution of the Board of Supervisors, any condition and term of any collection contract, permit or license granted by the County to a collector pursuant to this Chapter, and all other applicable laws.

(c) A license to collect, transport and/or dispose of solid waste shall be granted on such terms and conditions as the Board shall establish in its sole discretion. In issuing any license, the County reserves the right to designate where the solid waste shall be taken for disposal and this right shall be deemed to be a condition to all licenses for solid waste services within the County, whether or not expressly set forth therein.

(d) The collector authorized by any license may be required to assist the County in performing designated tasks in connection with solid waste generation studies, waste stream audits, preparation of state mandated documents and to implement measures and record keeping to achieve the County's integrated solid waste management goals as mandated by the Act. Such assistance shall be deemed to be required as a provision of the granting of any license whether or not expressly stated in any such document.

(e) All collectors shall keep records of the solid waste collected by them in the County of Sierra showing the amount of solid waste collected (in terms of the weight and/or volume in cubic yards) for each business and each parcel of real property serviced by the Collector, in a manner that readily identifies the amount of solid waste collected from each business and property within the County. Records shall be kept on a calendar year basis and shall be retained by each hauler for a minimum of three years. All records or summary information therefrom as may be requested by the County, shall be provided to the County Solid Waste Fee Administrator or such other person or office as the County may from time to time direct, on or before March 1 of each year. (Ord. 939, eff. 3/20/02, prior 880)

8.04.030 Rights and Duties of Licensees

Repealed. (Ord. 939, eff, 3/20/03, prior 880)

8.04.035 Collection Permit Required

(a) Effective, April 1, 2003, no person, firm, company, corporation or entity or agency shall collect, haul or transport solid waste which has been generated by any other person or business or taken from the property or business of any other person, nor shall they provide solid waste handling services within the unincorporated areas of the County without possession of a valid solid waste license issued by the County.

(b) The April 1, 2003 deadline shall be extended to June 30, 2003 as to any company, which has filed an application with the County, pursuant to the provisions of Section 8.04.205(b) of this Code.

(c) A solid waste collection license shall not be required for any person or business engaged in the following activities, which persons or business shall be registered and approved by the County:

1. Transports large appliances (including but not limited to refrigerators, freezers, washing machines, dryers and similar sized appliances) not otherwise the property of the business, to the County landfill, as part of its contracted service when selling new or used

appliances. Any such transportation and the disposal of large appliances at the County landfill shall otherwise comply with all requirements of law;

2. Is a licensed contractor working on a job on property within the County of Sierra for which a building permit has been issued and transports only construction debris from said property to be disposed of at the County landfill;

3. Is engaged in a business relating to landscaping or property maintenance and removes and transports from the property green waste to be disposed of at the County landfill.

(d) Any person or business engaging in the transportation and disposal of any of the items under subsection (c) shall keep records of all such activities and shall pay a special waste gate fee for the disposal of such items at the landfill, as may from time to time be established or modified by the Board of Supervisors. Any such person or business shall comply with the indemnification and insurance requirements contained in Section 8.04.105 (a) & (b) and shall be deemed to be a licensed collector for purposes of that Section. Prior to transporting any wastes as described under subsection (c), any such business shall register with the County Solid Waste Fee Administrator, on a form to be provided by the County. Registration shall be accompanied by the payment of a fee as may from time to time be established by the adoption of a resolution of the Board of Supervisors. (Ord. 943 eff. 7/17/002, prior 939, 880)

8.04.040 Collection Services

(a) Real property which is developed or otherwise used or occupied exclusively for a residence or residences for one but not more than four family units or residences (including single family residences, duplexes, triplexes or fourplexes, or combination thereof with guest houses or granny houses not to exceed four units, all of which is collectively referred to in this Chapter as "residential properties") and properties as to which an unpatented mining claim has an active plan of operation issued by the United States Forest Service shall not be required to subscribe to a solid waste collection service provided by a solid waste collector or company licensed by the County. Such residential properties may, in conformance with the provisions of this Chapter, source separate and deposit their household or business solid wastes directly in the Transfer Stations or Landfill. In the event that they desire to utilize a solid waste collection service, they may privately subscribe or contract with any County licensed solid waste collector.

(b) All real property, excepting residential properties as defined in subparagraph (a) above and properties as to which an unpatented mining claim has an active plan of operation issued by the United States Forest Service, which is developed and/or used in a manner that customarily generates, creates or disposes of solid waste (which other real property is referred to herein as "non-residential properties") shall, subscribe to a solid waste collection service provided by a solid waste collector or company licensed by the County, if such service is available. All such real property use a solid waste collection service to dispose of the refuse from the property, except that the property owner or business or tenant thereon may self-haul material to the County landfill or transfer stations, the following items of special wastes (as set out in Section 8.05.040 of this Code). No property owner or business or entity shall be prosecuted for failure to comply with the requirement for mandatory service, without the County first determining the availability of service from a licensed collector and the issuance of a written notice by the County to the property owner, business or entity regarding the availability of the service and the requirement for mandatory collection (subscription) to such service. Thirty days following any such notice, failure to subscribe to a licensed collection service shall constitute a violation of the provisions of this Section.

A collector who is licensed to provide solid waste handling services shall be required to provide such service to all residents, businesses, entities and property owners within the authorized

collection area, in a nondiscriminatory manner and in conformity with the rates and charges as may from time to time be approved by the Board. (Ord. 1053, eff. 8/7/14, prior 958, 939, 880)

8.04.045 Containers

(a) It is the duty of every responsible party who contracts for solid waste collection service to keep solid waste collection containers in good condition and in a suitable place readily accessible to the collector for removing and emptying the same. Excepting placement at the curbside pickup site on scheduled collection day(s), such containers shall be maintained on the responsible party's property out of public view and not placed within the limits of any street, public right-of-way or other public place in the County or in such a place or manner as to constitute a nuisance.

(b) No container shall be placed adjacent to a street or public right-of-way for collection service more than twenty-four (24) hours prior to the normal collection time, and shall be removed from said location within twelve (12) hours after collection.

(c) Unless otherwise authorized by this Chapter or by the terms of a license issued by the County, in areas where the responsible party supplies the containers, no container shall exceed 32 (thirty-two) gallons gross capacity or 60 (sixty) pounds when filled. Liquid, toxic, or hazardous waste shall not be disposed of in any container. Liquid, toxic or hazardous waste shall only be disposed of in compliance with Section 500 of this Chapter.

(d) Every responsible party shall deposit all solid waste generated on the premises in containers or commercial bins with covers that fit tightly to keep flies and other insects out and as otherwise approved by the Solid Waste Administrator and/or the collector.

(e) All persons occupying multifamily residences must mark their containers so that the ownership thereof will be known.

(f) The collector shall maintain in good repair and replace, as necessary, any containers and commercial bins furnished to customers.

(g) Unless otherwise expressly authorized by this Chapter or by the terms of a license or contract between the County and collector, no person shall place in a commercial bin any liquid, toxic or hazardous waste, or any object which weighs more than one hundred-fifty (150) pounds or which prevents the closing of its cover, or a load in excess of five hundred (500) pounds per cubic yard.

(h) All commercial bins must display "NO LIQUID, TOXIC OR HAZARDOUS WASTE" in letters at least 4" high, or a comparable display approved by the Solid Waste Administrator, clearly visible to any user. The required warning hereunder must be maintained in a legible condition at all times.

(i) Notwithstanding any language to the contrary in this Chapter, the County reserves the right and authority to determine and impose appropriate terms and conditions upon collectors of regular residential and commercial solid waste in order to facilitate the implementation of solid waste collection services throughout all or portions of the unincorporated area of the County. (Ord. 880, eff. 03/04/99; 844)

8.04.050 Owner or Responsible Party to Maintain Premises Free of Litter and Solid Waste

The owner and any other responsible party in control of any commercial or residential premises shall at all times maintain the premises free of litter and solid waste, provided however, that this Section shall not prohibit the storage of litter and solid waste in authorized containers or commercial bins. (Ord. 844, eff. 10/1/96)

8.04.055 Unlawful Acts

It shall be unlawful for any person to:

(a) Place solid waste in, or otherwise use the containers of another person, without the permission of such other person.

(b) Remove any solid waste from any container, or move the container from the location in which it was placed for storage or collection, without prior approval of the responsible party. This Subsection shall not apply to the generator of the solid waste or the authorized collector.

(c) Place or keep any solid waste on any premises except in containers as provided in this Chapter; nor shall any person deposit any solid waste in any County sewer or plumbing fixture or pipe connected thereto, except through a mechanical device which shreds and grinds putrescible solid waste, the operation of which is incidental to the occupancy of any residence or business.

(d) Except as permitted by this Chapter, residential or commercial solid waste shall not be placed in any receptacle or container located in any public place owned or maintained by the County or by any other public agency without the express written consent of the public agency.

(e) Throw or deposit litter on any open or vacant property, or private property within the County except that the owner or person in control of private property may maintain containers, commercial bins or roll-off boxes as provided in this Chapter.

(f) Place, or allowed to be placed, any animal carcass in a container.

(g) Bury any solid waste on any property within the County of Sierra. This Subsection shall not apply to the operation of any duly license or permitted landfill.

(h) Collect, transport and/or dispose of solid waste within the County of Sierra for commercial purposes or for any remuneration without first securing a license for such activity from the County of Sierra. (Ord. 880, eff. 03/04/99; 844)

(i) Notwithstanding the foregoing, this Section is not intended to authorize the disposal of solid waste generated on one property at or through the waste collected or disposed of from any other property. It is the intent of this Chapter (8.04) and of Chapter 8.05 that all properties within Sierra County on which solid waste is generated or collected from, pay for the use of or right to use of the County Solid Waste system for waste generated from or reasonably expected to be generated from such properties. (Ord. 1048, eff. 10/21/13)

8.04.060 Scavenging Prohibited

(a) No person shall prowl through, search, sort, sift or examine any solid waste deposited at a County owned and/or operated solid waste facility or remove from such solid waste facility any solid waste deposited therein without specific written authorization from the Solid Waste Administrator.

(b) A collector authorized to engage in regular solid waste handling services pursuant to this Chapter shall be required to transport, process and dispose of the solid waste pursuant to the requirements of this Chapter and any other applicable laws and the terms and conditions of the license. (Ord. 880, eff. 03/04/99; 844)

8.04.065 Disposal Sites and Authorized Solid Waste Facilities

(a) The County may, but shall not be required to provide disposal site(s) for the disposal of solid waste. The Board may, by resolution or ordinance, establish regulations governing the use of any disposal site and the schedule of fees to be paid by persons using the disposal site.

(b) The operation of an authorized solid waste facility shall be governed by the provisions of the Act, the corresponding regulations adopted in Title 14 California Code of Regulations, the provisions of this Chapter, and all other applicable provisions of law.

(c) Nothing in this Section shall be construed to preempt, limit or affect in any way the authority of the Board to regulate solid waste facilities consistent with all other applicable provisions of law.

(d) The hours of operation of the County's Solid Waste Facilities, shall be as established by the Board of Supervisors. Upon the adoption of this ordinance the hours shall be as set forth below, provided however, that the Board may change the hours of operation for any of the facilities through the adoption of a resolution.

PUBLIC ACCESS HOURS FOR SOLID WASTE DISPOSAL

County Solid Waste Transfer Stations, located in Alleghany Ramshorm, Sattley and Sierra City, shall be open to receive solid wastes eighteen (18) hours per week on Saturday, Sunday and Monday - 10:00 A.M. to 4:00 P.M.

The Landfill Site, located on Garbage Pit Road, Loyalton, shall be open to receive solid wastes twenty-four (24) hours per week on Friday, Saturday, Sunday and Monday - 10:00 A.M. to 4:00 P.M.

(Ord. 880, eff. 03/04/99; 844)

8.04.070 Records

All collectors shall keep and maintain such operating records as is prudent in keeping with good business practices. In addition all collectors shall keep and maintain such records as the Solid Waste Administrator may require or as required by a Board-issued permit, license or contract to ascertain the extent of compliance with this Chapter and shall, if requested by the Solid Waste Administrator, submit periodic reports of such operation. All such records shall be available to the County during the term of the license and for 4 (four) years following the termination of any such license for review, copying and audit, by County employees or by its independent agents, during normal business hours. (Ord. 880, eff. 03/04/99; 844)

8.04.075 Categories

The Board may determine and establish solid waste handling categories, including but not limited to, residential, single family residential, multifamily residential, commercial, County government, industrial, special, or household hazardous waste, and may make or impose collection requirements and fees which vary among such categories. (Ord. 844, eff. 10/1/96)

8.04.080 Household Hazardous Waste Collection

The Board may award, with or without competitive bidding, one or more separate exclusive or nonexclusive contracts or licenses for household hazardous waste collection from residential properties. The contract or license shall be granted on such terms and conditions, including fees and method of collection, as the Board shall establish in its sole discretion. (Ord. 880, eff. 03/04/99; 844)

8.04.085 Right of Person and Responsible Party to Dispose of Solid Waste

(a) Every person and responsible party shall have the right to dispose of his or her own solid waste only at an authorized solid waste facility.

(b) Material that is suitable for recycling or composting as determined by the County may be disposed of at approved recycling or composting facilities. Solid waste shall not be deposited, left, dumped, dropped, placed or otherwise disposed of upon any street, alley, waterway, roadside, canyon or other unauthorized location within the County**.** No person or responsible party shall dispose of the solid waste from their property or business in any public bins provided for the convenience of the general public, including without limitation refuse bins placed on public streets, public rights of way, public parks, public campgrounds or other public facilities and at the Bassetts public convenience area (at the intersection of Gold Lake Road and State Highway 49). In transporting solid waste any such person shall take any and all necessary and reasonable steps to guarantee that solid waste is not scattered or spilled at any point between the place of collection and the place of

disposal, including but not limited to securely tying and covering the load, and shall cause the cleanup of any solid waste spilled or scattered during collection or transport. (Ord. 1048, eff. 10/21/13; prior 844)

8.04.090 Ownership of Solid Waste Placed for Collection

Upon placement of appropriate solid waste in a transfer site, landfill, container or commercial bin for regular solid waste handling services, the solid waste shall become the property of the County, which ownership may be assigned in whole or in part by the County to a third party pursuant to duly authorized written agreement. (Ord. 844, eff. 10/1/96)

8.04.095 Ownership of Recyclables Placed for Collection

Upon placement of recyclables by a responsible party at a designated recycling collection location for collection by an authorized recycling contractor, the recyclables shall become the property of the County, which ownership may be assigned by the County to a collector or other third party pursuant to a duly authorized written agreement. Nothing in this Section shall limit the right of a person, organization or other entity to donate or sell source separated recyclables generated by such person, organization, or entity. (Ord. 844, eff. 10/1/96)

8.04.100 Compliance with Regulations

Any collector authorized by this Chapter to provide solid waste handling services shall collect, haul and dispose of all such solid waste and household hazardous waste in strict compliance with all Federal, State, and County health laws, ordinances, rules and regulations, and under the supervision and to the satisfaction of the Solid Waste Administrator and the Board. (Ord. 844, eff. 10/1/96)

8.04.105 Bonds, Indemnification and Insurance

(a) Each collector providing solid waste handling services shall appear and defend, indemnify and save the County, its officers, employees and agents harmless of and from all claims, demands, actions, or causes of action of every kind and description resulting directly or indirectly, arising out of, or in any way connected with activities of the collector or its employees, agents and subcontractors, or arising or resulting from the failure of collector or its employees, agents and subcontractors to comply in all respects with the provisions and requirements of this Chapter, and all applicable laws. If the County is required to provide its own defense against any such action or suit, the collector shall reimburse the County for all attorney's fees and other costs incurred by the County. The County shall have the right to select its own counsel for such defense.

(b) Each collector providing solid waste handling services shall obtain and keep in force during the term of the license, contract, or permit single limit or equivalent public liability insurance for bodily injury or death and property damage arising or resulting from the operations of the collector, its employees, agents and subcontractors in conducting services covered by such license, permit or contract in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) and workers compensation insurance covering all employees of the holder. Copies of such policies, or certificates evidencing such policies, shall be approved by the County Counsel and filed with the County Risk Manager, and the County shall be named thereon as an additional insured. All policies shall contain provisions requiring a 60-day notice to be given to the County prior to cancellation, modification or reduction of limits or failure to renew such insurance, whether by the insurer or the insured, and whether by non-payment of insurance, false certification or otherwise. No license shall be granted under the provisions of this Chapter, nor shall any such license be

valid after issuance, unless there is at all times in full force and effect such described liability insurance.

(c) Each collector providing solid waste handling services shall obtain and keep in force during the term of the license, contract, or permit, environmental liability insurance covering damages for the pollution, contamination, remediation and any injury or death and property damage arising or resulting from the operations of the collector and any acts or omissions by the collector, its employees, agents and subcontractors, in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) and workers compensation insurance covering all employees of the holder. Any such policy of insurance shall not have a deductible in excess of $1,000. Copies of such policies, or certificates evidencing such policies, shall be approved by the County Counsel and filed with the County Risk Manager, and the County shall be named thereon as an additional insured. All policies shall contain provisions requiring a 60-day notice to be given to the County prior to cancellation, modification or reduction of limits or failure to renew such insurance, whether by the insurer or the insured, and whether by non-payment of insurance, false certification or otherwise. No license shall be granted under the provisions of this Chapter, nor shall any such license be valid after issuance, unless there is at all times in full force and effect such described liability insurance. (Ord. 880, eff. 03/04/99; 844)

8.04.110 Collector Spills

A collector transporting solid waste for appropriate disposal shall take all necessary and reasonable steps to ensure that solid waste is not scattered or spilled at any point between the place of collection and the place of disposal, and shall clean up any solid waste scattered or spilled during collection or transport. The collector shall immediately report any spills or scattered material to the County Director of Environmental Health so that appropriate reporting obligations under state law may be satisfied. (Ord. 844, eff. 10/1/96)

8.04.115 Authority of Solid Waste Administrator

The Solid Waste Administrator is authorized to make all necessary and reasonable rules and regulations, subject to the approval of the Board of Supervisors, regarding all aspects of solid waste handling services as necessary for the effective and reasonable administration and enforcement of this Chapter and all applicable laws. (Ord. 844, eff. 10/1/96)

8.04.120 Severability

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. 939, eff. 3/20/03)

Sections 8.04.125 - 8.04.195 not used

8.04.200 Regular Solid Waste Handling Services

8.04.205 Licensing of Regular Residential and Commercial Solid Waste Collection

(a) The Board hereby finds and declares that it is necessary for the protection of the public health, safety, and welfare to make available through private sector providers residential and commercial solid waste handling services, which may include the collection and transportation of recyclables,

by means of exclusive or non-exclusive license, within the unincorporated area of the County. The Board further finds it necessary and appropriate to limit the number of collectors authorized to provide residential and commercial solid waste collection service within the unincorporated area of Sierra County.

(b) Except as provided for in Section 8.04.035 (c), all solid waste handling services shall be provided by a collector under a license issued by the County which shall be subject to the terms and conditions contained therein and the other requirements set out in this Chapter. Solid waste handling services may include the collection and transportation of recyclables.

(c) Applicants for a license to provide solid waste handling services shall file with the Solid Waste Fee Administrator and pay such application fees as may from time to time be established by the Board by resolution, a verified application in writing on a form furnished by the Solid Waste Fee Administrator which shall give the following information.

1. Full name of applicant;

2. Permanent home and business address of the applicant;

3. Trade and firm name;

4. If a joint venture, partnership or limited partnership, the names of all joint venturers or general partners, their percentage of participation and permanent addresses. If a corporation, the names and permanent business addresses of all of the directors and officers, and if a corporation with out of-the-county headquarters, the name and permanent address of the local manager;

5. Facts showing applicant has arranged for the disposal of all solid waste collected or transported at an authorized solid waste facility of the applicant's choosing where the same may be legally accepted and disposed;

6. The location of the authorized solid waste facility;

7. Facts showing that the applicant is qualified to render efficient unscheduled solid waste handling services;

8. A list of all collection equipment and such other facts showing that the applicant owns or has under his or her control, in good mechanical condition, sufficient equipment to adequately conduct unscheduled solid waste handling services;

9. Other facts or information as the Solid Waste Fee Administrator may require.

(d) Upon receipt of a complete application the Solid Waste Fee Administrator shall schedule a public hearing before the Board of Supervisors at which time the Board shall entertain public input on the question of the issuance of a license to the applicant. Notice of the hearing shall be by publication in the newspaper within 15 days of the date of the hearing and by mail to the applicant. From the information presented, the Board shall, in its sole discretion, decide if it is in the public interest to issue a license for solid waste collection services in the County or for any portion of the County. Any license issued by the Board shall be valid for a period of no more than three years. The issuance of a license by the Board shall not constitute the granting of any contractual right, property interest or vested right to engage in solid waste collection in Sierra County and any license shall be subject to review and revocation by the Board based on the Board’s determination that it is no longer in the public interest to license the collector to provide solid waste collection services. In issuing any license the Board reserves the absolute right to enact new and/or modify any existing ordinance or other provisions pertaining to solid waste services and collection; and the cost of compliance by any collector shall not be a county charge or legal responsibility.

The Board may charge fees for the issuance of a solid waste collection license as the Board may deem appropriate to offset the cost to the County in the issuance of the license and the administration and operation of the solid waste system.

(e) A collector issued a license to provide collection and transportation of recyclables may also be designated as an authorized recycling contractor

1. In the event the Board does not include the collection and transportation of recyclables in any license, the Board may, by resolution, determine whether such recycling services shall be provided, and whether the services are to be provided by means of exclusive, semi-exclusive or nonexclusive license either with or without competitive bidding.

2. Nothing in this Section is intended to revoke, modify, amend, or affect any right or duty of any person who has a valid license issued by the Board, to collect and transport recyclables in the County.

(f) No person, other than an authorized recycling contractor, shall remove recyclables, which have been placed at a designated recycling collection location. Any and each such collection in violation hereof shall constitute a separate and distinct offense punishable in accordance with this Chapter.

1. Nothing in this Chapter shall limit the right of a person, organization or other entity to donate or sell source separated recyclables generated by such person, organization, or entity.

2. Nothing in this Chapter shall limit the right of a business or other commercial enterprise which maintains its own recycling operation to transport recyclables generated by such business or commercial enterprise to the location of such recycling operation, or to sell its recyclables to a third party who may then transport same from the business.

(g) A collector providing solid waste handling services shall comply with the requirements of Section 8.04.105 at all times during the term of the license or contract.

(h) All fees received by the County pursuant to this Section shall be deposited to the Solid Waste Enterprise Fund or to such other fund as the Board may designate.

(i) Notwithstanding any language to the contrary in this Section, the Board may authorize another collector or any other solid waste enterprise to provide emergency solid waste handling services for a period not to exceed 180 (one hundred-eighty) days when a when the Director determines there is a danger to the public health, safety, or welfare. (Ord. 939, eff. 3/20/03, prior 880)

8.04.210 Regular Solid Waste Handling Services

For a reasonable and appropriate fee, collectors shall, if requested, provide to all residents and business within their authorized service areas, regular solid waste handling services as follows:

(a) Solid waste shall be collected from regular residential and commercial premises not less frequently than once a week.

(b) Solid waste shall be collected from commercial premises which involve food preparation not less frequently than once a week.

(c) Subject to the limitations of Subsections (a) and (b), the Board shall have sole authority to determine the frequency of collection of solid waste created, produced, or brought upon

commercial, residential, or multifamily residential premises, and the size and number of bins required.

(d) Except as provided under Subsection (e) herein, residential collection shall be made only between the hours of 6:00 a.m. and 6:00 p.m. of any day, Monday through Saturday, except that collection at commercial premises may begin at 5:00 a.m. on any day. An earlier or later collection time may be authorized only upon prior written approval of the Solid Waste Administrator which shall include requirements for the collector to notify the affected customers prior to implementing the change.

(e) In order to prevent problems of traffic, noise, wear and tear on the highway, or other problems having the potential to adversely affect health, safety, or the environment which may develop in any specific area as a result of solid waste collection, the Board or its designee may regulate the routes, intervals, delivery points, and times for collection by collectors operating within the unincorporated area of the County. (Ord. 880, eff. 03/04/99; 844)

8.04.215 Civil Action by Authorized Recycling Contractor

Nothing in this Chapter shall be deemed to limit the right of an authorized recycling contractor to bring a civil action against any person who violates Section 8.04.225 of this Code, nor shall a conviction for such violation exempt any person from a civil action brought by an authorized recycling contractor. (Ord. 844, eff. 10/1/96)

8.04.220 Financial Reports

The County may require, and upon request by the County, a collector shall provide such financial records and reports to the County as pertain to the collector's business and operation in Sierra County, which records and reports shall include information concerning the total costs and profitability of the solid waste operations when the collector uses all or a portion of its equipment, administrative facilities and or overhead for operation in Sierra County and any other jurisdiction. The County Auditor shall have the right to conduct an audit of collector's books and records pertaining to collector's Sierra County solid waste operations upon a 10-day prior written notice to collector. (Ord. 880, eff. 03/04/99; 844)

8.04.225 Authority to Levy Collection and Transfer Fees

(a) Pursuant to the provisions of the Act and applicable provisions of State law, including but not limited to Government Code Section 25830 et. seq., the County may levy fees upon collectors, persons, responsible parties, and real property within the County that benefit from the solid waste disposal system in the County, for solid waste handling services, including but not limited to solid waste collection and transfer, and the collection and transfer of recyclables and/or compostables. Such fees may include charges for the costs of preparing, adopting and implementing source reduction and recycling elements and integrated waste management plans and for providing solid waste disposal sites. The County may determine to collect all or part of such charges on the tax roll, or by such other means as the Board may elect.

(b) Notwithstanding any other provision to the contrary, the Board may waive any applicable fees for authorized recycling contractors and collectors of compostables.

(c) The County may charge a fee as established by the Board of Supervisors for the receipt of solid waste at the transfer stations and/or the Landfill which is not "source separated".

(d) The County may charge a fee for solid waste with origin into the solid waste stream from outside the County, which fee may include a component or components for infrastructure costs which are otherwise borne by County real property owners and holders of possessory interest through Solid Waste Benefit Assessments not paid by out-of-county residents.

(e) All fees received pursuant to this Section shall be deposited to the Solid Waste Enterprise Fund. (Ord. 844, eff. 10/1/96)

8.04.230 Authority to Regulate Collection Rates

(a) In issuing licenses for solid waste handling services, the County expressly reserves the right to approve and to limit the rates for collection and disposal, which may include establishment of categories, such as single family, residential, multifamily residential and various commercial rate categories. The County's rate regulation authority may be exercised at the time of the issuance of a license and/or at any time thereafter that the Board determines that due to the lack of appropriate

competition, rate regulation is necessary for the protection of the residents and business within the County.

(b) In the event that the Solid Waste Administrator believes that there is a reasonable basis to believe that the rates should be regulated, the Administrator shall report same to the Board and upon the Board's election, the Board shall notify the collector of the time and date at which time the Board shall conduct a hearing to consider whether the collector's rates should be regulated. Any proceedings under this Subsection shall not occur any more frequently than once a year.

1. In establishing rates or in considering rate increases or decreases, the Board must find that the rates will be just, fair, reasonable and sufficient to provide proper service to the public. The Board may consider the rates charged by other persons performing the same or similar services in similar areas, and may, where justified, allow for disparity of costs of providing services in the locality served. No collector may charge rates for any service in excess of those specifically approved by the Board. A collector is free to charge rates less than what are authorized by the Board, provided that such charges are applied uniformly within the service area.

2. Factors to be considered shall include the investment in facilities; the services of management; local wage scales; the concentration of customers in the zone serviced; methods of storage, collection, transportation and disposal; the length of haul to disposal facilities; the cost of disposal; a reasonable return to the owner of the business; the future service demands of the area or site which must be anticipated in equipment, facilities, personnel or lands; extra charges for special collections or collections on days when service is not normally provided on a route; extra charges where the type or character of solid waste requires special handling or service; and other pertinent factors as the Board may deem necessary to protect the public health, interest, and welfare. In determining the reasonableness of the rate of return of the collector the Board is expressly authorized to and shall consider the nature of solid waste collection and whether the collector is operating with or without competition and whether there is a monopoly or quasi-monopoly for the collector.

3. The Solid Waste Administrator or the Solid Waste Fee Administrator may make or may be required by the Board to make an investigation of any proposed rate increases or decreases. Upon completion of this investigation, the Solid Waste Fee Administrator shall make recommendations to the Board regarding the proposed rate.

4. After considering the recommendation of the Solid Waste Administrator, the Board may establish uniform rates throughout the County or may establish uniform rates within areas based on the length of haul or other factors which may, in the opinion of the Board, justify establishment of rate differentials.

(c) No collector subject to rate regulation hereunder shall give any rate preference to any person, locality or type of solid waste stored, collected, transported or deposited; nor shall any collector deny any person service for any reason other than for failure to pay for the service, or for the continued failure of the person to comply with the provisions of this Chapter regarding the use of appropriate containers.

(d) Nothing in this Section is intended to prevent the reasonable establishment of uniform classes of rates based upon length of haul, type of solid waste stored, collected, transported or deposited, or the number, type and location of customers served, or upon other factors as long as such rates are reasonably based upon costs of the particular service and are approved by the Board.

(e) If the County acts so as to regulate solid waste collection rates, the affected licensee shall thereafter be entitled to request an amendment to the rates, not more frequently than once per year. Any request by a collector for an amendment to the solid waste rates shall be submitted by the collector, if at all, on or before July 1st of each year. Notwithstanding anything to the contrary, the maximum amount that the rates may be raised in any single year may not exceed ten percent.

(f) Rates to be charged for unscheduled service shall be arranged with the customer and shall not be subject to regulation by the County. Notwithstanding the foregoing, the County reserves the right to regulate rates if Board finds that the rates are, using the criteria set out above regarding rates for regular service, excessive. The Board shall notify any collector of its intent to consider regulation of unscheduled rates and shall conduct a public hearing thereon prior to regulating unscheduled service rates.

(g) Neither the County nor any of its officers or employees shall be liable for or in any way responsible for the payments of any service rates or charges due the collector for performing services for any person or entity other than the County. (Ord. 880, eff. 03/04/99; 844)

8.04.235 Liability for Fees

(a) Every person or responsible party receiving services of an authorized collector for solid waste handling services shall be liable for all fees and charges for such collection. If such collection fees and charges (and any applicable interest or penalties) are not paid as required, the responsible party and the owner of the premises each shall be jointly and severally liable for their payment.

(b) All charges or fees for service by an authorized collector shall be uniform for the same services as fixed and approved by the Board of Supervisors, except as otherwise provided in this Chapter. Any person or responsible party contending that he or she has been required to pay an unauthorized charge for any service may file a written complaint with the Solid Waste Fee Administrator, setting forth the facts of such alleged unauthorized charge. The Solid Waste Fee Administrator shall then notify the collector of such complaint and shall investigate the matter of the complaint and conduct a hearing, if necessary, to determine whether the allegations of the complaint are true. The decision of the Solid Waste Fee Administrator may be appealed pursuant to the Sierra County Solid Waste Fee Administration Appeals System. (Ord. 844, eff. 10/1/96)

8.04.240 Minimum Standards for Collection Trucks

Any trucks used for the collection or transportation of solid waste shall be leakproof and equipped with a close-fitting cover or other mechanism which shall be affixed in a manner that will prevent spilling, dropping, or blowing of any solid waste upon the public right-of-way during collection or transportation. Any such trucks shall comply with the regulations as set forth in the State Vehicle Code and this Chapter. Where applicable, the County may require such trucks to accommodate source separated solid wastes. (Ord. 844, eff. 10/1/96)

8.04.245 Maintenance of Collection Trucks

All trucks used for collection or transportation of solid waste shall be maintained in a clean and sanitary condition, neatly and uniformly painted, shall carry a shovel, broom, and fire extinguisher, and shall be washed, cleaned, and disinfected both on the inside and outside at least weekly, or more frequently if necessary to protect public health. The outside of all such trucks shall be kept free from solid waste at all times. (Ord. 844, eff. 10/1/96)

8.04.250 Identification of Collection Trucks

Each collector shall ensure that each truck used for collection or transportation of solid waste shall have the collector's or owner's name, telephone number, and truck number printed on each side of all trucks in letters and numbers not less than three inches high. (Ord. 844, eff. 10/1/96)

8.04.260 Noise During Compaction Process

The noise level for the collection trucks during the stationary compaction process shall not exceed seventy-five (75) decibels at a distance of twenty-five (25) feet from the collection truck and at an elevation of five (5) feet from the horizontal base place of such trucks. (Ord. 844, eff. 10/1/96)

8.04.265 Collector's Equipment

Each collector shall provide sufficient collection equipment in accordance with the terms of the franchise or contract with the County authorizing such collector to provide solid waste handling services. Failure to provide sufficient collection equipment shall provide an express basis for the revocation or termination of any permit, license franchise or contract for solid waste handling services. (Ord. 844, eff. 10/1/96)

8.04.270 Containers

(a) All containers provided by solid waste collectors shall be leakproof and transported in a manner that will prevent spilling, dropping, or blowing of any solid waste upon the public right-of-way during collection or transportation and otherwise comply with the provisions of Section 8.04.045. All containers shall be marked pursuant to the safety standards as established by ANSI (American National Standard Institute) for containers that are placed in public access areas as such standards may be amended time to time. (Ord. 939, eff. 3/20/03, prior 844)

(b) All containers used for the provision of unscheduled solid waste handling services shall be maintained in a clean and sanitary condition, neatly and uniformly painted and cleaned as frequently as necessary to protect public health. The outside of all such containers shall be kept free from solid waste at all times. (Ord. 939, eff. 3/20/03, prior 844)

(c) All containers shall have the collector's or owner's name, telephone number, and bin number printed on each side of the container in letters and numbers not less than three inches high. (Ord. 939, eff. 3/20/03, prior 844)

8.04.300 Unscheduled Solid Waste Handling Services

Repealed (Ord. 939, eff. 3/20/03)

8.04.310 Nonexclusive Permit for Unscheduled Solid Waste Handling Services

Repealed (Ord. 939, eff. 3/20/03)

8.04.320 Unscheduled Solid Waste Handling Services

Repealed (Ord. 939, eff. 3/20/03)

8.04.330 Financial Reports

In the event that the County determines that it is necessary to regulate the rates that are charges by any collector, in accordance with the authority of Section 8.04.230, then the accounting of a collector shall be conducted as an independent entity, and the assets, liabilities, revenues, expenses and net worth shall not be combined, consolidated or in any way incorporated with those of any other operation. A collector may be

required to provide the County Auditor an annual notarized statement of the collector's manager, or other responsible officer of the collector, showing in detail the gross revenues arising from operations pursuant to the license for the previous year. Nothing in this section shall be construed to require a collector to establish a separate legal business entity in order to comply with the accounting requirements of this section. (Ord. 880, eff. 03/04/99; 844)

8.04.340 Operation Without a License

Repealed (Ord. 939, eff. 3/20/03)

8.04.350 Minimum Standards for Containers

Repealed (Ord. 939, eff. 3/20/03)

8.04.360 Maintenance of Containers

Repealed (Ord. 939, eff. 3/20/03)

8.04.370 Identification of Containers

Repealed (Ord. 939, eff. 3/20/03)

Sections 8.04.380-8.04.390 not used.

8.04.400 Fees For Use of County Owned and/or Operated Solid Waste Facilities

8.04.410 Options and Rates

The County retains the option in all cases (except as otherwise provided herein) to charge a fee for use of County owned and/or operated solid waste facilities on either a yardage or tonnage basis, or both, as shall be prescribed from time to time in writing by the Solid Waste Fee Administrator so as to recover the cost to the County in disposing of the material or items. Car bodies, stumps, large trees, lumber, concrete and any other type of material which by its inherent nature creates unusual disposal problems and non source separated solid waste shall be charged by the yardage or tonnage rates as the Solid Waste Administrator shall designate. (Ord. 844, eff. 10/1/96)

8.04.420 Board to Adjust Fees

Notwithstanding any other provision in County ordinances to the contrary, the Board of Supervisors may by resolution change, adjust or otherwise alter the prices and fees and alter any regulations listed in this article as the Board may deem necessary. (Ord. 844, eff. 10/1/96)

8.04.430 Receipt to be Given; Fee Schedule to be Posted

All persons when using County owned and/or operated solid waste facilities shall pay a fee as established in this article. Upon payment of fees, the person paying same shall be furnished a receipt therefore. Fee rates shall be conspicuously posted at all such solid waste facilities. (Ord. 844, eff. 10/1/96)

8.04.440 Site Monitor to Collect Fee; Protest and Appeal

It shall be the duty of the Site Monitor on duty to designate the fee to be charged in accordance with this Chapter.

(a) Should a person allege the fee charged is not the correct posted fee, such person may pay the fee under protest. The Site Monitor shall designate the location where the solid waste should be unloaded and shall then attempt to contact the Solid Waste Fee Administrator or his or her authorized representative. The Solid Waste Fee Administrator or his or her designee shall appraise the load and fee charged, and this decision on the fee shall be final except by appeal, as provided in Subsection (b) hereof.

(b) Any person who is dissatisfied with the decision or ruling of the Solid Waste Fee Administrator under this section may appeal the decision pursuant to the Sierra County Uniform Appeals Procedure. (Ord. 844, eff. 10/1/96)

8.04.450 Late Charges

Any person or collector who has established a charge account with the County for payment of fees required of this Section, shall be assessed a finance charge on all delinquent accounts of 1.5% (one and one-half percent) per month or 18% (eighteen percent) per year. An account shall be delinquent if not paid in full within thirty days from its designated due date. (Ord. 844, eff. 10/1/96)

Sections 8.04.460-8.04.490 not used.

8.04.500 Liquid, Toxic, and Hazardous Wastes

8.04.510 Liquid, Toxic and Hazardous Waste Disposal

Liquid, toxic or hazardous wastes shall only be disposed of by a duly County-licensed waste disposal service. Any person disposing of any such waste in violation of any provision of this ordinance shall be liable to the County and/or to any other person or entity for the cost incurred in the disposal and/or clean up resulting from the illegal disposal of the waste. (Ord. 844, eff. 10/1/96)

Sections 8.04.520-8.04.590 not used.

8.04.600 Enforcement and Penalties

8.04.610 Authorization

The Solid Waste Administrator is hereby authorized to investigate all reported or apparent violations of any of the provisions of this chapter. If a violation is determined to exist, the Solid Waste Administrator is hereby authorized to enforce and secure compliance with the provisions of this chapter. The Solid Waste Administrator may request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of these duties. (Ord. 844, eff. 10/1/96)

8.04.615 Litter Control Officer

Pursuant to California Penal Code Section 830.12, there is hereby created the position of Litter Control Officer, which position shall be filled as specified in Section 8.04.615 below, by one or more individual as the Board of Supervisors may from time to time appoint by Resolution.

(a) Authority. The authority of duly appointed Litter Control Officers shall be as specified in Penal Code 830.12 to issue citations involving violations of this Chapter and laws pertaining to littering, and abandoned vehicles.

(b) Eligibility for Appointment. To be eligible for appointment to the position of Litter Control Officer, an individual shall be:

1. Approved by the Sierra County Sheriff and the Director of Public Works at the latter's' sole discretion respectively;

2. Have satisfactorily completed an approximately 24 hour course of study as specified by the Sierra County Sheriff drawn in whole or in part from the law enforcement curriculum provided in Penal Code §832.

(c) Appointment. Applicants for the position of Litter Control Officer who meet the eligibility requirements set forth in 8.04.615 (b) above shall become Litter Control Officers upon appointment by the Board of Supervisors and shall serve in that capacity at the will and pleasure of the Board of Supervisors.

d) Implementation. The further implementation of the Litter Control Program shall be as set forth by administrative regulation of the Sierra County Department of Public Works, the Sierra County Sheriff and/or resolution of the Board of Supervisors. (Ord. 844, eff. 10/1/96)

8.04.620 Citations for Nuisances

A Litter Control Officer shall have the authority to issue citations to persons violating the provisions of this Chapter. The citation shall state a time and date and place at which the person shall appear in court in order to answer the charges stated in the citation. (Ord. 844, eff. 10/1/96)

8.04.625 Failure to Sign Citation

Notwithstanding the provisions of California Penal Code Section 853.5, the Litter Control Officer shall not attempt to take anyone into custody for refusing to sign a citation. In such cases, the Litter Control Officer shall seek the issuance of an arrest warrant from the appropriate court for any such person. Upon the issuance of an arrest warrant, the Litter Control Officer shall present the warrant to the Sheriff, who shall serve same and shall take the violator into custody. (Ord. 844, eff. 10/1/96)

8.04.630 Liability

The Solid Waste Administrator, Litter Control Officer or any other person acting under authorization of the Solid Waste Administrator, if acting in good faith and within the course and scope of his or her employment, shall not thereby be liable personally, and shall be relieved from all personal liability for any damage that may accrue to persons or property as the result of or by reason of any act or omission occurring in the good faith discharge of such duties. Any suit brought against the Solid Waste Administrator and/or Litter Control Officer or his or her agents or employees because of such act or omission performed in good faith in the enforcement of any provision of this article, shall be defended by the County of Sierra. (Ord. 844, eff. 10/1/96)

8.04.635 Referral for Legal Action

If unable to otherwise enforce the terms of this chapter, the Solid Waste Administrator shall refer the matter to the District Attorney and/or the County Counsel of the County of Sierra for appropriate legal action.

(a) Any activity which is in violation of the provisions of this chapter, and any use of any lands, building or premises conducted, operated or maintained in violation of the provisions of this chapter, shall be and the same is hereby declared to be unlawful and a public nuisance.

(b) Whenever, in the judgment of the Solid Waste Administrator, any person, firm or corporation is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, and at the request of the Solid Waste Administrator, the District Attorney or County Counsel of the County may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the Department that such person, firm or corporation has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other order may be granted. (Ord. 844, eff. 10/1/96)

8.04.640 Civil Remedies and Penalties

(a) Any person, whether acting as principal, agent, employee, or otherwise who willfully and/or persistently violates any provision of this chapter, shall be liable for civil penalties not to exceed FIVE THOUSAND DOLLARS ($5,000) for each day the violation continues to exist. (b) Any person, whether as principal agent, employee, or otherwise, who willfully and/or persistently

violates any provision of this chapter, shall further be liable to the County of Sierra, to any other public entity and/or to any third party who is directly damaged as the result of any violation, for the cost incurred and the damages suffered as a result of such violations.

(b) In determining the amount of the civil penalties to impose, the court shall consider all relevant circumstances, including but not limited to revenue or other monetary expenses or losses suffered by the County, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and the net worth of the violator, whether corporate or individual, and any corrective action taken by the defendant.

(c) Any person who disposes of any toxic or hazardous material or any solid waste that is inappropriate for disposal of in the County's landfill or through the County's solid waste disposal system, shall be liable to the County and/or to any other party or entity who issues any injury or expense, including but not limited to the cost of clean up. (Ord. 844, eff. 10/1/96)

8.04.645 Criminal Actions and Penalties

(a) Except where other penalties are provided for by law for the illegal disposal of hazardous and/or toxic materials any person, firm or corporation, whether as principal, agent, employee or otherwise, who violates any provision of this chapter, shall be guilty of an infraction and upon conviction thereof, shall be punished by (1) a fine not exceeding ONE HUNDRED DOLLARS ($100.00) for a first violation; (2) a fine not exceeding TWO HUNDRED DOLLARS ($200.00) for a second violation of the same provision within one year; and (3) a fine not exceeding FIVE HUNDRED DOLLARS ($500.00) for each additional violation of the same provision within one year.

(b) Any such infraction may, at the discretion of the District Attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this chapter within the twelve-month period immediately preceding the commission of the offense, or has been convicted of three or more violations of any of the provisions of this chapter within the twenty-four-month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor, the punishment shall be a fine of not less than FIVE HUNDRED DOLLARS ($500.00), nor more than ONE THOUSAND DOLLARS ($1,000) or imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt, or by the court where guilt is established by pleas of guilty, or nolo contendere, or by trial by the court sitting without a jury, the punishment shall be a fine of no less than ONE THOUSAND DOLLARS ($1,000.00), nor more than TWENTY-FIVE THOUSAND DOLLARS ($25,000.00), or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. (Ord. 844, eff. 10/1/96)

8.04.650 Separate and Distinct Violations

It shall be deemed a separate and distinct offense for each and every day during which any violation of the provisions of this chapter is committed, continued or permitted by any person, firm or corporation. (Ord. 844, eff. 10/1/96)

8.04.655 Remedies Cumulative

The remedies provided for herein shall be cumulative to each other and to the remedies or penalties available under all other laws of this state. (Ord. 844, eff. 10/1/96)

8.04.660 Recovery of Costs and Fees

(a) This section establishes procedures for the recovery of administrative costs, including staff and attorney time, expended to enforce the provisions of this chapter by any of the procedures set forth in this article. The intent of this section is to recoup administrative costs reasonably related to enforcement.

(b) The Solid Waste Administrator and all Litter Control Officers shall maintain records of all administrative costs incurred associated with the processing of violations and enforcement of this chapter and shall recover such costs from the property owner as provided herein. Staff time, including attorney time, shall be calculated at an hourly rate as established and revised from time to time by the Board of Supervisors by Resolution.

(c) Upon investigation and a determination that a violation of any of the provisions of this chapter is found to exist, the Solid Waste Administrator or any person authorized by the Solid Waste Administrator shall notify by mail the record owner or responsible party having possession or control of the subject property, as the case may be, of the existence of the violation, the Solid Waste Administrator's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on objections thereto. The notice shall be in substantially the following form:

N O T I C E

The Solid Waste Administrator has determined that conditions exist at the property located at:

which violate Section(s) of the County Code.

Description of Violation(s):

Notice is hereby given that at the conclusion of the case, you will receive a "Summary of Administrative Costs" associated with processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors.

The hourly rate presently in effect is $ per hour for staff time and $ per hour for attorney time.

You will have the right to object to these charges by filing a Request for Hearing with the Solid Waste Administrator within ten (10) days after service of the Summary of Charges.

Dated: Solid Waste Administrator

By:

(d) At the conclusion of the case, the Solid Waste Administrator shall send a Summary of Costs associated with enforcement to the owner and/or person having possession or control of the subject property, by certified mail. Said summary shall include a notice in substantially the following form:

N O T I C E

If you object to these charges, you must file a Request for Hearing on the enclosed form within ten days of the date of this Notice. If you fail to timely request a hearing, your right to object will be waived and you will be liable to the County for these charges, to be recovered in a civil action in the name of the County in any court of competent jurisdiction within the County.

Dated: Solid Waste Administrator

By:

(e) In the event that no Request for Hearing is timely filed, or after a hearing the Solid Waste Administrator affirms the validity of the costs, the property owner or person in control and possession shall be liable to the County in the amount stated in the Summary or any lesser amount as determined by the Solid Waste Administrator. These costs shall be recoverable in a civil action in the name of the County and thereafter shall become a lien against your real and personal property.

(f) Any property owner or other person having possession and control thereof, who receives a Summary of Costs under this section shall have the right to a hearing before the Solid Waste Administrator on his objections to the proposed costs in accordance with the procedures set forth herein.

1. A Request for Hearing shall be filed with the Solid Waste Administrator within ten (10) days of the service by mail of the Solid Waste Administrator's Summary of Costs on a form provided by the Solid Waste Administrator.

2. Within thirty (30) days of the filing of the Request, and on ten (10) days written notice to the owner, the Solid Waste Administrator shall hold a hearing on the owner's objections and determine the validity thereof.

3. In determining the validity of the costs, the Solid Waste Administrator shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to the following: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner moved promptly to correct the violation; and the degree of cooperation provided by the owner.

4. The Solid Waste Administrator's decision shall be appealable pursuant to the Sierra County Solid Waste Appeals Procedure.

(g) Whenever the Board of Supervisors deems it appropriate to do so, the Board may appoint such other official or person to conduct the hearings provided for by this Chapter in lieu of having the Solid Waste Administrator conduct same. (Ord. 844, eff. 10/1/96)

8.04.665 Suspension, Revocation, Amendment or Termination of Solid Wastes Licenses, etc.

In addition to any other remedy or power reserved to the County under the provisions of this Chapter, the County may suspend, revoke, amend or terminate a solid waste license, permit, or contract for noncompliance with the provisions of this Chapter, or any other action by the collector which adversely affects or could adversely affect the public health and welfare in accordance with the following procedures:

(a) The County Health Officer and/or Solid Waste Administrator shall submit a report concerning any violations to the Board of Supervisors with a request for a hearing. Upon receipt of any such

report the Board shall hold a public hearing on whether the license, permit, or contract should be revoked and/or the bond or bonds of the collector forfeited.

The public hearing shall be held after at least thirty (30) days' written notice to the collector setting forth the charges of the Health Officer and/or the Solid Waste Administrator and setting forth the time and place of such public hearing and the reason for such public hearing. The Board, at such public hearing, after hearing and receiving all evidence and testimony relevant and material on each issue offered at such public hearing, shall determine whether the collector has violated subsections (a), (b), and/or (c) of this section and shall make appropriate findings supporting such a determination. The Board may require the collector to provide such records or other documentation that is deemed to be relevant and may require the collector and any employees or other persons to testify, and may, if deemed necessary, issue subpoena for such purposes. At the conclusion of the hearing the Board may terminate the permit, license, or contract and forfeit any bond or bonds provided thereunder. The decision of the Board in this matter shall be final, unless appealed to a court in accordance with the provisions of California Code of Civil Procedure Sections 1094.5 et seq., within 30 days of the conclusion of the Board's decision.

(b) In the event the collector shall at any time during the term of permit, license, or contract become insolvent or if proceedings in bankruptcy shall be instituted by or against the collector, or if the collector shall be adjudged bankrupt or insolvent by any court, or a receiver or trustee in bankruptcy or a receiver of any property of the collector shall be appointed in any suit or proceeding brought by or against the collector, or if the collector shall make an assignment for the benefit of creditors, then the Board shall hold a public hearing on whether the license, permit or contract and all rights and privileges of the collector thereunder should be revoked and/or the bond or bonds of the collector forfeited.

(c) A collector shall not assign or transfer his or her interest in any permit, license, or contract to any other person without the express approval of the Board by a resolution duly adopted by the Board. Any effort to make an assignment without obtaining the prior approval of the Board shall terminate all the rights of the collector. For the purposes of determining an assignment under such permit, license, or contract, any changes in more than fifty percent (50%) of stock ownership in corporations, changes in general partnerships or general partners in limited partnerships or percentage of participation therein, or transfer of more than fifty percent (50%) interest in the operating company, whether voluntary or involuntary, shall constitute an assignment. In the event of an allegation of an attempt of any collector to assign any rights under such permit, license, or contract without the permission of the Board, the Board shall hold a public hearing on whether the permit, license, or contract and all rights and privileges of the collector thereunder should be revoked and/or the bond or bonds of the collector forfeited. (Ord. 880, eff. 03/04/99; 844)

Sections 8.04.670-8.04-695 not used.

8.04.700 Health and Safety Prohibitions

8.04.710 Shooting Prohibited

It is unlawful and punishable as a misdemeanor for any person to discharge any firearm from, on, in or into any transfer station or the sanitary landfill site. (Ord. 844, eff. 10/1/96)

8.04.720 Dumping Prohibited

The dumping of any metal, refuse, household garbage, brush or other forms of solid waste shall be prohibited at the "Old First Divide Public Metals Dump" located in a portion of the West ½ of Section 24, Township 20 North, Range 11 East, M.D.B. and M. (Ord. 844, eff. 10/1/96)

8.04.730 Solid Decaying Matter Prohibited

It shall be unlawful for any person, firm, corporation or entity to dump, place, deposit, leave, dispose of, or otherwise cause to be placed or disposed of, any solid decaying matter of any kind upon or along any public highway, street, thoroughfare or right-of-way thereof, or upon any lane, alley, park, campsite, public ground or into any stream, lake, reservoir or other watercourse or the banks thereof. (Ord. 844, eff. 10/1/96)

8.04.740 Prohibited Dumping

(a) It shall be unlawful for any person, firm, corporation or entity to deposit at any County Solid Waste Transfer Station the following materials:

1. Group 1 wastes or hazardous wastes as defined by state law.
2. Liquid wastes, including petroleum products, dewatered sewage or water treatment sludge, or septage.
3. Automobiles, automobile bodies, automobile frames, engines or engine blocks.
4. Animal bodies or portions thereof except for dogs, cats or other small animals on an individual basis.
5. Hot ashes or burning material.
6. Wood waste from sawmill operations in quantities exceeding four (4) cubic yards.
7. Construction or demolition debris, tree stumps or limbs.
8. Any material or substance determined to be inappropriate by the Site Monitor.

(b) It shall be unlawful for any person, firm, corporation or entity to deposit at any County Solid Waste Land Fill Site any of the following:

1. Group 1 wastes or hazardous wastes as defined by State Law.
2. Liquid wastes, including petroleum products, dewatered sewage or water treatment sludge or septage.
3. Animal bodies or portions thereof except for dogs, cats or other small animals on an individual basis.
4. Hot ashes or burning material.
5. Any material or substance determined to be inappropriate by the Site Monitor.

(c) All lawful solid waste accepted at the respective County Solid Waste Transfer Stations shall be deposited within the metal container-bins provided within the fenced perimeter of each transfer station. It shall be unlawful for any person to deposit, leave, dispose, dump or otherwise place any solid waste or refuse of any kind whatsoever outside of the metal container bins located at the Alleghany, Ramshorn, Sierra City and Sattley Transfer Stations. (Ord. 844, eff. 10/1/96)

Sections 8.04.050-8.04.090 not used.

8.04.800 Severability

8.04.810 Severability

If any section, subsection, clause, or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this chapter. The Board hereby declares that it would have adopted this chapter, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. (Ord. 844, eff. 10/1/96)

CHAPTER 8.05 - SOLID WASTE SYSTEM FEES AND CHARGES

8.05.010 Solid Waste System Charges

(a) Pursuant to the provisions of Section 6 of Article XIII D of the California Constitution, Government Code Section 25830 and/or Health and Safety Code Section 5470 et. seq., the Board of Supervisors is authorized to establish a schedule of fees for solid waste services provided by the County to the residents, businesses, property owners and any others that may benefit from the use of the County solid waste disposal system or the immediate availability of such system for use by their properties. Revenue from the fees may be used only for the acquisition, operation, and maintenance of county waste disposal sites and disposal services. The Board is hereby authorized to establish such schedule of fees annually and may do so by enactment of either a resolution or an ordinance. It is the intent of this ordinance to authorize the continued use of the solid waste fees, and to authorize and direct that the actual schedule of fees for each year be established annually by the Board of Supervisors by the adoption of a resolution of the Board, based on the most recent waste generation information obtained by the County that fairly reflects the anticipated waste generation arising from each parcel, enterprise or activity.

(b) Annually, on or before the first day of July of each calendar year, the Board of Supervisors may elect to continue or to adjust the fees for solid waste disposal based upon the refuse generation factors as established in a resolution to be adopted by the Board of Supervisors. Solid waste fees shall be imposed on the owners of property for the estimated use of the solid waste system by the property or the immediate availability of the solid waste system for use by the property. As used herein "immediate availability" or "immediately available" shall mean that the property is developed with a structure or otherwise used, the customary nature of which is that the use of the structure or the customary use of the property would normally generate solid waste or create a need to dispose of solid waste from the property and as to which, the County solid waste system is available to the property owner for his or her use. The election of a property owner not to use his or her real property for any period of time does not negate the fact that the County solid waste system being available for the property owner's use. (Immediate availability shall be interpreted consisted with the court ruling in Paland v. Brooktrails Township Community Services Dist. Bd. of Directors, 176 Cal.App.4th 158.) In the event that the Board does not adjust the solid waste fees from the preceding year, the fees shall be deemed to remain at the level (amount) set forth in the preceding year.

(c) In each fiscal year all real property, enterprises, entities or persons within the County that use the County solid waste system and all real property, which the County reasonably determines is developed or otherwise used in a manner, the nature of which development, structure or use would typically be expected to generate solid waste from the property and as to which the solid waste system is immediately available to the property to accept any waste or refuse generated therefrom, shall pay a solid waste fee based upon the volume of refuse generation from the property or estimated to or reasonably occur from the property based on the nature of the permitted use of the property, which generation factors shall be established in the most recently adopted resolution of the Board of Supervisors.

(d) The fees may be billed, and collected on a monthly or yearly basis. Alternatively, the fees may be billed and collected by the County Tax Collector as part of the regular county tax billing system 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. (Ord. 1048, eff. 10/21/13; prior 1022, 934, 918, 908)

8.05.015 Charges for Individuals Using Property Within the County Under Entitlements

Individuals who hold entitlements (including but not limited to grazing permits) and who otherwise do not pay a solid waste fee for real property within Sierra County may, notwithstanding any provision in this Code to the contrary, be allowed to use the County Solid Waste System (System) for disposal of their household refuse subject to compliance with the following provisions:

(a) Annually, persons or entities holding current permits or other entitlements for the use of property in Sierra County, may make application to the County Solid Waste Fee Administrator, on a form to be provided by the Administrator, for a right to use the Sierra County Solid Waste system during each fiscal year (July 1 to June 30) or for any part thereof. The application shall list to the satisfaction of the Fee Administrator the specific property or properties that will generate the municipal solid waste (household refuse) that is to be disposed of through the Sierra County system.

(b) Only municipal solid waste from dwelling units (including without limitation travel trailers) shall be allowed to be disposed of through the Sierra County Solid Waste System. Household hazardous waste, green waste, or refuse from agricultural, commercial or industrial operations on the property are expressly prohibited from being disposed of through the System.

(c) The property owners shall be assessed by the Solid Waste Fee Administrator and pay in advance for the fiscal year, a solid waste fee based on the number of dwelling units on the property at the residential rate then in existence for properties within the County. The solid waste fee shall not be discounted or reduced based on use of the system for less than the full fiscal year.

1. Upon approval of and payment of the fees by a property owner who is authorized to use the solid waste system under the provisions of this Section, the Solid Waste Fee Administrator shall provide written notification to the Public Works Department, as the operators of the Solid Waste System, of the authorization for use and the Public Works staff shall thereafter provide access to the landfill for such person(s) – but only for the disposal or customary residential waste - both in terms of the quantity and type of waste.

(Ord. 1048, eff. 10/21/13)

8.05.016 Charges for Property Outside of the County Using the Solid Waste System

Notwithstanding any provision in this Code to the contrary, the Board has determined that certain properties that may be within both Sierra and Plumas County may be allowed to use the County Solid Waste System (System) for disposal of their household refuse subject to compliance with the following provisions:

(a) Annually, the owners of properties described above, may, make application to the County Solid Waste Fee Administrator, on a form to be provided by the Administrator, for a right to use the Sierra County Solid Waste system during each fiscal year (July 1 to June 30) or for any part thereof. The application shall list to the satisfaction of the Fee Administrator the specific property or properties that will generate the municipal solid waste (household refuse) that is to be disposed of through the Sierra County system.

(b) Only municipal solid waste from residences shall be allowed to be disposed of through the Sierra County Solid Waste System. Household hazardous waste, green waste, or refuse from agricultural, commercial or industrial operations on the property are expressly prohibited from being disposed of through the System.

(c) The property owners shall be assessed by the Solid Waste Fee Administrator and pay, in advance, for the fiscal year a solid waste fee based on the number of dwelling units on the property at the residential rate then in existence for properties within the County. The solid waste fee shall not be discounted or reduced based on use of the system for less than the full fiscal year.

(d) Upon approval of and payment of the fees by a property owner who is authorized to use the solid waste system under the provisions of this Section, the Solid Waste Fee Administrator shall provide written notification to the Public Works Department, as the operators of the Solid Waste System, of the authorization for use and the Public Works staff shall thereafter provide access to the landfill for such person(s) – but only for the disposal or customary residential waste - both in terms of the quantity and type of waste.

(e) Owners of property as described above may be allowed to dispose of refuses in addition to the customary residential waste, from agricultural, commercial or industrial operations on the property, by contracting for hauling service of such waste from a solid waste haulers as otherwise authorized by this Code.

(Ord. 1048, eff. 10/21/13)

8.05.020 Exemptions

Parcels within the following described tax rate areas or which are identified below, are determined to be properties as to which no service are provided and no fee imposed and accordingly exempt from the solid waste system improved solid waste fees levied pursuant to Section 8.05.010, above:

REFUSE GENERATION FACTOR

	IN RESIDENTIAL EQUIVALENT
Tax Rate Area 052-008, North & West of Canyon Creek	0
Tax Rate Area 052-015	0
Tax Rate Area 052-026	0
Tax Rate Area 052-035	0
Tax Rate Area 000-511	0
All real property located East of Township 21 North, Range 17 East, Sections 2, 11, 14, 23, 26, 35	0
Assessor's Parcel Number 023-070-011-0	0

(Ord. 1048, eff. 9/169/13; prior 1022, 958, 934, 918, 908)

8.05.025 Adjustments to Solid Waste Fees

(a) Any solid waste fee shall be adjusted where, upon application filed by the property owner or upon discovery by the Solid Waste Fee Administrator it is established that:

1. As to single family residences, the property was erroneously classified (i.e., shown as some other type of use), or the solid waste system is not immediately available for use by the subject property.

2. As to mobile home parks and multi-family residential properties, the total number of units that are available for occupancy during the year (or any portion of the year) has been erroneously calculated,

3. As to all other uses or classes of property, the estimate, based on the information available as of April 1st of the preceding year, of the amount of refuse that is reasonably expected to be generated therefrom during the entire fiscal year (July 1 to June 30), has been erroneously calculated,

(b) The following procedures shall apply with regard to any request for adjustment:

1. Any property owner, business owner or other person or entity responsible for paying for the cost of solid waste disposal, may seek an adjustment of solid waste fee as to his or her property, enterprise or activity, on or before December 1st of the fiscal year in which the solid waste fee was imposed, by filing an application for adjustment (which shall constitute an appeal) with the Solid Waste Fee Administrator on the form to be provided by the County for that purpose. The application shall be executed under penalty of perjury but shall not require any filing fee, unless a filing fee is otherwise enacted by resolution of the Board of Supervisors. The application shall include information sufficient to identify the property, the type(s) and number of structures, the enterprise or activity and the nature of the use or uses occurring on the property. If the property contains multiple residential units, the applicant shall state the number of units that are or may be located on the property during the year. In addition, for all non-residential properties for which an application for adjustment is filed, the application shall state the amount of refuse that the property (or business) owner or other person or entity responsible for the solid waste generation and/or disposal, reasonably anticipated, based on the information available as of April 1st of the preceding year, to be generated during the ensuing fiscal year, together with a detailed explanation of the method and basis for calculating the projected refuse generation for the property, enterprise or activity and shall include all supporting documentation.

2. Upon receipt of any such application, the Solid Waste Fee Administrator shall promptly review same to determine whether the appropriate solid waste fee was imposed in accordance with the provisions of this Chapter and any implementing resolutions. The Solid Waste Fee Administrator shall be authorized to approve any adjustment upon a determination that the adjustment is in keeping with the provisions of this Chapter.

3. The Solid Waste Fee Administrator shall also be directed to make adjustments to solid waste fees billed to any property owner, enterprise or person conducting an activity thereon, where it is determined that the such owner, enterprise, person or entity has been undercharged for its actual or reasonably estimated use of the County Solid Waste System upon discovery of facts warranting an adjustment. Any correction of the solid waste fee to increase the solid waste fee shall be made on or before June 30, of the current fiscal year.

4. If the Solid Waste Fee Administrator adjusts the solid waste fee for any property, enterprise, or person or entity conducting an activity, which generates solid waste, so as to lower or raise the solid waste fee, he/she shall authorize a refund of the amount, which the Solid Waste Fee Administrator determines represents the overcharge. Any such refund shall be paid out by the Auditor only (1) upon certification by the Solid Waste Fee Administrator that he/she has verified that the full amount of the solid waste fee has previously been paid, or (2) if the solid waste fee has not been paid in full, then upon written request by the property owner or other responsible person, the Auditor shall issue a warrant representing the amount of the refund which shall be made payable to the Tax Collector and which shall be tendered by the Auditor to the Tax Collector only at the time the property owner or other responsible person tenders payment in full of the solid waste fees. Any such certification by the Solid Waste Fee Administrator shall identify the property (by Assessor's parcel number), or other location generating the solid waste, together with the property owner, enterprise or activity (and responsible person), the solid waste fee as imposed, the corrected amount and the amount to be refunded.

5. If the Solid Waste Fee Administrator adjusts the solid waste fee so as to raise the solid waste fee, a supplemental bill shall be issued by the Solid Waste Fee Administrator for any increase in the solid waste fee.

6. If an application for adjustment is denied by the Solid Waste Fee Administrator, the property or business owner or other person or entity responsible for payment of the solid waste fee may, within sixty (60) days of the mailing of written notification of the Solid Waste Fee Administrator's decision, file an appeal with the Board of Supervisors for further review on the application for adjustment. The application for review by the Board of Supervisors shall be on a form to be provided by the County Clerk, as the Clerk of the Board of Supervisors. The appeal shall be accompanied by a written statement of facts fully and fairly describing the basis for the appeal (demonstrating the misapplication of the solid waste fee to the property) and by copies of all relevant documents in support of the appeal. There shall be no charge for the filing of the appeal. The Board of Supervisors shall hear all such appeals, or the Board may establish such other hearing body or officer, as it deems appropriate to hear and decide appeals filed under the provisions of this Section. All references herein to the Board of Supervisors as the appeal body shall be deemed to mean such other hearing body or officer as the Board may subsequently establish.

7. Upon receipt of an application for review by the Board of Supervisors, the Clerk of the Board shall endeavor to schedule an appeal hearing within one hundred and twenty (120) days from the receipt of the application. The Clerk shall provide the applicant mailed notice no later than ten (10) calendar days in advance of the hearing date. A copy of the notice shall be promptly transmitted to the Solid Waste Fee Administrator. (Ord. 958, eff. 6/17/04, prior 937, 934)

8. At the appeal hearing the applicant may be allowed no more than thirty (30) minutes to present his or her evidence concerning the waste generation occurring on the subject real property of from the subject enterprise or activity. The Solid Waste Fee Administrator shall have a representative present to provide a statement of the reasons for the Solid Waste Fee Administrator's decision regarding the adjustment request. Based upon the information submitted with the appeal application and received at the hearing, the Board shall determine the reasonable estimate of the refuse generation therefrom in order to impose the appropriate solid waste fees in accordance with the provisions of this Chapter and the latest adopted resolution imposing solid waste fees (solid waste fees) for the present fiscal year.

9. The Board shall announce its decision at the conclusion of the hearing or within twenty-one (21) days thereafter. If the Board does not orally announce its decision at the conclusion of the hearing, upon its subsequent announcement it shall direct the County Clerk to promptly mail written notice of the Board's decision to the applicant. If the Board orally announces its decision at the conclusion of the hearing, the Clerk will not be required to provide the applicant with written notification of the Board's decision.

   If the Board adjusts the solid waste fee for any property, enterprise, or person or entity conducting an activity, which generates solid waste, so as to lower or raise the solid waste fee, the Board shall authorize a change in the amount of the solid waste fee. If the Board adjusts the solid waste fee so as to lower the fee, the Board shall authorize a refund of the amount that the Board determines represents the overcharge. No refund shall be made until the solid waste fee is paid in full. Any such refund shall be paid out by the Auditor only upon certification by the Solid Waste Fee Administrator that the full amount of the solid waste fee has been paid. The certification shall also identify the property (by Assessor's Parcel Number) or the location generating the solid waste, together with the property owner, enterprise or activity (and responsible person), the solid waste fee as

imposed, the correct amount of the fee and the amount to be refunded. Upon certification, the Auditor shall issue a warrant representing the amount of the refund.

If the Board adjusts the solid waste fee so as to raise the solid waste fee, a separate bill shall be issued by the Solid Waste Fee Administrator for any increase in the solid waste fee. (This shall be a separate bill and shall not be a supplemental property tax bill.) (Ord 958, eff. 6/17/04, prior 937, 934)

10. Any suit to attack, set aside, void or annul any decision of the Board of Supervisors regarding the classification, use, size of buildings or actual refuse generation of property for the purpose of solid waste fees shall be filed in the Sierra County Superior Court within thirty (30) days of the Board's oral pronouncement of its decision or, if no oral decision is rendered at the hearing, within thirty (30) days of the date of the mailing of the notification of the Board's decision. Any such suit shall be brought pursuant to the provisions of California Code of Civil Procedure Section 1094.5. (Ord. 1022, eff. 7/15/10; prior 958, 934)

8.05.030 Solid Waste Building Permit Fees

A fee for solid waste disposal shall be assessed at the time of the issuance of a building and/or demolition permit for any construction in Sierra County. The solid waste fee shall be based on the type of construction permit that is being issued or by the type of activity contemplated through the issuance of the building or demolition permit. Fees shall be based on the following table:

	LOOSE CUBIC YARDS GENERATED	COST AT $9.60* PER LOOSE CUBIC YARD
ACTIVITES SUBJECT TO COUNTY CONSTRUCTION PERMITS		
Construction of Residence:		
a. Up to 600 square feet	7.5	$72.00
b. 601 to 1200 square feet	15.0	$144.00
c. 1201 to 2000 square feet	22.5	$216.00
d. 2001+ square feet	30.0	$288.00
Construction of Garage/Carport	3.0	$28.80
Construction of Light Commercial:		
a. Up to 600 square feet	7.5	$72.00
b. 601 to 1200 square feet	15.0	$144.00
c. 1201 to 2000 square feet	22.5	$216.00
d. 2001+ square feet	30.0	$288.00
Construction of Multi-Residential	30.0	$288.00/unit
Construction of Industrial Complex	As per building plans	$9.60/loose cubic yard
Miscellaneous Construction/Demolition	As per building plans	$9.60/loose cubic yard
Construction of Building Addition	3.0	$28.80
Construction of Woodstove/Furnace or Air Conditioning/Mechanical Unit	1.0	$9.60
Construction of Miscellaneous Plumbing or Electrical Improvements	1.0	$9.60

Construction of Remodeling:		
a. Small Remodeling Project	1.0	$9.60
b. All other Remodeling Projects without demolition	3.0	$28.80

*This cost/fee shall adjust periodically to the fee per loose cubic yard set by the Board of Supervisors pursuant to Section 8.04.420

(Ord. 942 eff. 6/19/2003, prior 879, 868)

8.05.040 Gate Fees Established

Disposal fees (as a form of user fees) for the use of the Sierra County landfill and/or for any convenience (transfer) station provided by the County are hereby established and shall be effective as of July 1, 1997.

(a) Gate Fees

1. Property Paying Parcel Charges

Except for special wastes and wood wastes, any person, firm or entity that brings refuse to the Sierra County landfill or to any County transfer station, the origin of which is from a residential property, as defined in Section 8.04.040(a) and which property has paid a parcel charge pursuant to the provisions of Section 8.05.010, and which refuse is properly source separated as defined in Section 8.04.010 of this Code and which refuse does not exceed the average waste generation from residents based on seventeen (17) loose cubic yards per year, shall not pay a gate fee,. Any exception as to the amount or types of waste coming from any such properties shall be subject to payment of the gate fees established hereunder. (Ord. 1048, eff. 10/21/13; prior 949, 879, 859, 852)

2. Waste from Other Sources

Waste from any source other than included in subsection A, above, shall pay a gate fee for the disposal of solid wastes in accordance with the actual costs incurred by the County (including costs associated with the long term environmental and potential remediation of wastes), as may from time to time be established by the Board of Supervisors through the latest adopted resolution.

3. Transfer Station Surcharge.

A surcharge for use of County transfer stations shall be charged for registered waste haulers transporting and disposing of items under subsections 8.04.035 (c)(ii) or (c)(iii) of this Code at any County transfer station. Notwithstanding any other provision of this Code, a person or business registered with the County under the provisions of subsection 8.04.035(d), may deliver no more than three (3) loads per day, of the waste as described under 8.04.035 (c)(ii) or (c)(iii) of this Code, to any County transfer station in lieu of delivery to the landfill, if the waste is transported to the transfer stations in a vehicle or trailer whose cargo area is 96 cubic feet or less (i.e. an 8 ft. by 4 ft bed with side rails not greater than 3 ft in height), upon payment of a surcharge in the amount of $1.70 per cubic yard, or such other amount as may from time to time be reasonably be established by the Board of Supervisors by Resolution. This subsection shall not apply to the delivery of greenwaste or unprocessed wood that is otherwise free of debris or dirt. (Ord. 949 eff. 11/20/03, prior 879, 859, 852)

(b) Special Waste

Fees shall be paid to the County for the disposal of the following types of special wastes when deposited with the County for disposal, as shown herein or as may be established by resolution of the Board of Supervisors.

Wastes		Status	Fee
Tires			
	16.5 inch or less w/o rim	Accepted with fee	$ 2.50
	Larger than 16.5 inch w/o rim	Accepted with fee	5.00
	Loader, Backhoe, Grader, Etc w/o rim	Accepted with fee	15.00
	Tire with Rim Add the Following	Accepted with fee	5.00
Vehicles (Landfill only)			
	Standard Vehicle-Light Truck	Accepted with fee	25.00
	Large Truck-Heavy Equipment	Accepted with fee	50.00
	Travel Trailer	Accepted with fee	RE/Yard
	Mobilehome	Accepted with fee	RE/Yard
	Camper-Camper Shell	Accepted with fee	25.00
Wood Wastes			
	Stumps (Landfill only)	Accepted with fee	10.00
	Brush, Tree Limbs (Landfill only)	Accepted with fee	RE/Yard
	Yard Clippings, Leaves, Organics	Accepted with fee	RE/Yard
	Unprocessed Dimension Lumber	Accepted with fee	RE/Yard
Construction Demolition			
	Asphalt (Landfill only)	Accepted with fee	RE/Yard[1]
	Concrete (Landfill only)	Accepted with fee	RE/Yard
	Rock, Dirt (clean) (Landfill only)		N/C
	Wood (Processed and Clean)	Accepted with fee	RE/Yard
	Wood (Mixed with Gypsum, etc.)	Accepted with fee	RE/Yard
	Miscellaneous Demolition	Accepted with fee	RE/Yard
Appliances			
	White Goods (Washer, Dryer, Refrig.)	Accepted with fee	10.0[2]

[1] RE/Yard = "Residential Equivalent/Yard", which at the time of adoption of this Ordinance is $11.00. The Residential Equivalent is set by the Sierra Board of Supervisors, and may from time to time be changed, by adoption of a resolution.

[2] Refrigerators and freezers will not be accepted unless doors have been removed. If Freon has not been properly removed from a refrigerator or freezer, a $30.00 Freon Removal Fee will be assessed at time of disposal or the County may refuse to accept the appliance for disposal.

Wastes		Status	Fee
	Large Appliances (non-white goods)	Accepted with fee	15.00
	Mattresses - (does not include small chaise lounge pads)	Accepted with fee	5.00
	Sofas, Beds, Furniture	Accepted with fee	RE/Yard
	Small Appliances (mowers, microwaves)	Accepted with fee	5.00
Glass/Metal/Plastic			
	Brown, Clear, Green Glass		N/C
	Plastic Containers		N/C
	CRV and Non-CRV Containers		N/C
	Metal Drums (5 gallon and larger)	Accepted with fee	RE/Yard
	Wire/Fencing	Accepted with fee	RE/Yard
	Piping, Tubing	Accepted with fee	RE/Yard
	Metal Roofing	Accepted with fee	RE/Yard
Paper Goods			
	Newspaper & cardboard - baled		N/C
	Newspaper & cardboard - unbaled		RE/Yard
Miscellaneous			
	Fire Demolition	Accepted with fee	RE/Yard
	Refuse from Special Events	Accepted with fee	RE/Yard
	Non-Separated	Accepted with fee	RE/Yard
	Loose Waste (Non-Separated)	Accepted with fee	RE/Yard
	Loose Household Waste (Separated)		N/C
	Sharps Disposal	Accepted with fee	Contract
	Waste Generated Out of County	Accepted with fee	$24/Yard
	Motor Oils		N/c[3]
	Auto Batteries		N/C

(c) Handling of Special Wastes

The following categories of special wastes require specific regulations as set forth below. No

[3] N/C = "no charge".

specified solid waste will be accepted at the County Solid Waste Sites without compliance with the following:

	Category	Regulation
3.1	Vehicles	All fluids must be removed from vehicle and vehicle engine before deposit at any solid waste site. All Freon must be removed, as evidenced by a certificate from a certified Freon removal facility, or the payment of a $30 fee
3.2	Small appliances	All fluids must be removed from small appliances before deposit at any solid waste site
3.3	Refrigerator/freezer Air Conditioner	All doors must be removed. All Freon must be removed, as evidenced by a certificate from a certified Freon removal facility, or the payment of a $30 fee.

(Ord. 879, eff. 03/04/99; 859, 852)

8.05.050 Method of Calculation of Gate Fees

The volume of refuse brought to the County landfill and/or to any transfer station shall be estimated by the attendant or such other staff as may be available, based upon a conversion of 27 cubic feet to a cubic yard. The following criteria shall be used to estimate volumes of refuse:

32 gallon trash containers equal approximately 1/7 cubic yd. = $1.00

50 gallon trash containers equal approximately 1/5 cubic yd. = $1.50

Pickup trucks (large or small bed) and utility trailers (6 x 8 foot bed) equal approximately 1.5 cubic yd.= $8.00 (Ord. No. 852, eff. 7/17/97)

8.05.055 Waste Excluded

The following wastes are expressly excluded from the Sierra County landfill, any transfer or disposal site and may not otherwise be disposed of in Sierra County in a manner contrary to state and/or federal law:

Explosives, radioactive material, medical wastes, municipal sludge, industrial sludge, asbestos, animal carcasses, industrial ash, hazardous wastes of any type. In addition, the County reserves the right refuse to accept for disposal any refuse or waste that is considered inappropriate for disposal and to that end, the landfill operators, attendants and transfer station attendants may inspect any load of waste to determine if it is appropriate for disposal in the Sierra County solid waste system. (Ord. 879, eff. 03/04/99)

8.05.060 Identification of Source

Any person delivering any refuse or material (including but not limited to recyclable materials) to the landfill or to any transfer station in the County, the source of which is from property that has not been assessed a solid waste parcel charge pursuant to the provisions of Section 8.05.010 of this ordinance, shall be required to announce the source of the refuse and material. Any person, firm or entity that fails to comply with the provisions of this subparagraph shall be guilty of a misdemeanor and shall be subject to the criminal penalties as provided for by law. In addition, any such person, firm or entity failing to comply

herewith shall be subject to payment of an administrative penalty in the amount of $100 per violation. (Ord. No. 852, eff. 7/17/97)

8.05.070 Payment Required

Unless otherwise expressly authorized herein, no person, company or entity shall dispose of refuse at the County landfill or any transfer station without paying the fees as set out herein. Payment shall be in cash or by check (no second party checks shall be accepted) in accordance with policies as may be established by the County Treasurer-Tax Collector and/or County Auditor. Violation of the provisions of this subsection shall constitute a misdemeanor. (Ord. No. 852, eff. 7/17/97)

8.05.080 Remedies

In the event that any person or entity fails to pay the appropriate fee, the Director of the Public Works shall be and is hereby directed to bill such person or entity for the difference between the appropriate fee (for all use of the facility under the terms of this Section) and the fee which was actually paid and such delinquent fee shall be immediately due and owing. If any such fee is delinquent for more than 30 days, the Director shall take such legal steps as are required to enforce the obligation for payment. An administrative fee of 10% of the delinquent amount, with a minimum of $10, shall be assessed for any such collection. (Ord. No. 852, eff. 7/17/97)

8.05.090 Account Billings

Any business or entity which is located within the County and which is a regular user of the facility may request to be placed on an account billing system for payment of fees. The Director of the Department of Public Works shall establish such an account billing system with the approval of the County Auditor. The account billing system shall require that payments are made on a monthly basis and shall be due within 30 days after the end of the billing period (i.e., July payments shall be due by August 31st). As a condition precedent to a business being placed on such an account billing system, the business or entity shall deposit security with the County in an amount equal to 30 days' use of the facility, as determined by the Director. Security may be in the form of a cash deposit. Failure to promptly pay any billing by the County or to maintain adequate security shall result in the immediate revocation of the account billing for any business or entity. The requirement to post security shall be waived as to any franchised waste hauler where the terms of the performance bond posted by the hauler as part of its franchise agreement is amended to reflect that the bond (in the amount required by the franchise agreement) will also serve as security pursuant to this Section. The requirement to post security shall also be waived as to any public agency where the agency acknowledges in writing to the County that it will agree to timely pay the fees as imposed by this Section upon the presentation of a bill or other request for payment by the County. In the event of the failure of any such business or entity to pay the fees within the 30 days after the end of the billing period, the Director of the Department of Public Works shall promptly submit a written demand for payment to the party. If the fees (as billed and due) are not paid within 15 days from the date of any such demand, the Director of the Department of Public Works shall take any such delinquencies from the security and thereafter place any such party on a cash only basis for use of the landfill. (Ord. No. 852, eff. 7/17/97)

8.05.100 License/Franchise Charges

(a) Notwithstanding any other provision of County ordinance to the contrary or any contrary provision in the license issued by the County pertaining to a refuse disposal company authorized to provide solid waste disposal service in Sierra County, any such licensed hauler ("hauler") shall, to the extent that the County has regulated the rates to be charged for the collection and disposal of solid waste, be allowed to adjust the rates charged to their residential and commercial customers, within the unincorporated territory of the County, so as to pass on to their customers any increase or decrease in the fees at the landfill and/or at any transfer stations provided by the County, without securing the separate approval of the Board of Supervisors through a rate review application and hearing. Within fifteen (15) days of the date of adoption of any decrease in the

fees charged by the County, any such franchised or licensed hauler shall change their rates to pass on to their customers the full amount of any such decrease, beginning on the first day that any such reduction was in effect. In the event that a licensed hauler adjusts its rates (or is required hereunder to adjust its rates due to a reduction in the fees charged by the County), the hauler shall notify the County by sending a written statement setting forth the amount of the rate adjustment, together with full and proper justification and documentation for same (clearly showing how the rate adjustment was calculated), to the Clerk of the Board of Supervisors and to the Director of the Department of Public Works. This notification shall be presented to the County no less than ten (10) days prior to the effective date of any such increase in the hauler's rate and no later than fifteen (15) days after the County reduces rates charged to the hauler (thereby requiring a decrease in the hauler's rates to its customers). Following receipt of any such notification, and upon the recommendation of the Director of the Department of Public Works, or upon its own initiative, the Board may, but shall not be required to, schedule a public hearing to review the new rates of the hauler. The Board's action in determining to set a public hearing shall be at the Board's sole discretion. The public hearing shall be scheduled no sooner than fifteen (15) days following the mailing of notification thereof to the hauler by the Clerk of the Board. At the time that the Board elects to call such a public hearing, the Board may direct the immediate suspension of the rate increase, in whole or in part, if the Director attests to the Board that the rate increase is either unwarranted or is in excess of that permitted by this subsection (as to any class of customers). The hauler shall attend any such hearing and shall within ten (10) days of the hearing provide to the Clerk of the Board of Supervisors and to the Department of Sanitation all relevant evidence used to calculate the rate increase or decrease. At the conclusion of the public hearing the Board may approve, disapprove, or modify any such rate increase or decrease, which action shall be binding on the hauler. If the Board sustains the rate increase, either in whole or in part, and the Board had previously ordered the suspension of any increase, the Board may allow the increase to be retroactive to the date that it was originally to go into effect. If the Board disapproves or modifies the rate adjustment, it shall order the hauler to refund any payments made to it by its customers that are above the amounts of the adjustments as approved by the Board. Within thirty (30) days of the date of the Board's decision, the hauler shall make full refunds as directed by the Board, or in any event, necessary to prevent the hauler from being unjustly enriched through the collection of fees or charges that were not commensurate with the fees paid to the County by the hauler.

(b) It is the intent of the Board of Supervisors in the adoption of this subparagraph to allow the licensed haulers to be treated fairly and equitably by the County by allowing the haulers to promptly pass on to their customers the fees which the haulers have to pay to the County for refuse (waste) disposal, and nothing herein is intended to allow or provide any such hauler with any increase in income or profitability. (Ord. No. 879, eff. 03/04/99, 852)

8.05.110 Incorporation of Validation Provisions - Statute of Limitations

The provisions contained in California Code of Civil Procedure Sections 860-870 shall be applicable to the adoption of solid waste fees pursuant to the provisions of this Chapter and as to any resolution adopted by the Board of Supervisors establishing or amending the solid waste fees for any year. It is the express intent of the Board of Supervisors in adopting this Chapter that any legal action contesting the validity of this Chapter, any Fee Resolution adopted pursuant to this Chapter or any other provision of State Law, or contesting the validity of any fee or charge, shall be filed within sixty (60) days from the date of the adoption of this Chapter if contesting the validity of this Chapter or any portion thereof, or within sixty (60) days from the date of the adoption of any resolution establishing or changing the fees charged for use of the solid waste system if challenging any such fee(s).

In the event that a court should decide that the validation provisions are not applicable to the adoption of this Chapter or as to any Resolution or fee established under this Chapter, the Board hereby separately declares its intent to and does hereby establish a statute of limitation in which a legal action, suit or proceeding may be initiated in court in which to attack, set aside, void or otherwise annul this Chapter or any portion or provision hereof, or any Resolution establishing or changing the solid waste fees. Any such action shall be initiated and filed in the appropriate court within sixty (60) days of the date of the adoption

of the Ordinance enacting, amending, or revising this Chapter or any provision therein, or within (sixty) 60 days from the date of the adoption of any Resolution establishing or changing the fees charged for use of the solid waste system, otherwise any such suit shall be barred.

As used herein, the "date of the adoption" of any Resolution shall mean the date of the vote by the Sierra County Board of Supervisors to adopt any such Resolution. (Ord. No. 958, eff. 6/17/04, prior 934, 879, 852)

8.05.120 Solid Waste Fees for Prior Years

The adoption, amendment or revision of the provisions of this Chapter to authorize or to impose and to extend solid waste charges for any fiscal year, shall not be construed to repeal or invalidate the imposition and levy of any such charge for any prior year. (Ord. 958, eff. 06/17/04, prior 934, 918, 908)

8.05.130 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 Sierra 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 provision of the Sierra County Code existing within the limits of Sierra 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. 958, eff. 06/17/04, prior 934, 918, 908)

CHAPTER 8.08 ANIMALS

(History: Prior Ordinance 678)

8.08.010 Animal Control

"Animal Control" means that section of the County government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals existing within the unincorporated territories of the County and incorporated areas thereof which may, from time to time, contract with the County for such services. (Ord. 757, eff. 04/19/90)

8.08.020 Animal Control Center

"Animal Control Center" means the facilities provided by the County for impounding of animals, either directly or on contract. (Ord. 757, eff. 04/19/90)

8.08.030 At Large

"At large" means an animal off the premises of its owner and not under restraint by leash, or not under control and in the immediate presence of the owner. "At large", as applied to dogs, shall also mean any dog on any road or street, whether publicly or privately maintained, and not under restraint by leash, and not under the control and in the immediate presence of the owner. A privately maintained road or street shall not include any such road or street serving two or less residences or businesses. For animals other than dogs, it shall also mean any unattended animal not confined by an adequate fence or restrained by a tether. An adequate fence is any fence which is good, strong, substantial, and sufficient to prevent the ingress and egress of the unattended animal. Further, any fence which is intended to restrict the ingress or egress of any particular animal which has the capacity to go over, under, or through any fence in question, is not a good and substantial fence unless its design and capacity is sufficient to prevent ingress and egress by the particular animal or animal in question. Livestock, including cattle, sheep, horses and those animals excluded under the definition of "Animal" in Part 8, Chapter 08, Section 050, infra, are not included in this definition of "At large" animals. (Ord. 767, eff. 03/21/91, prior 757)

8.08.040 Chief of Animal Control

"Chief of Animal Control" means the person designated by the County Director of Health to serve such capacity. (Ord. 757, eff. 04/19/90)

8.08.050 Animal

"Animal", for the purposes of this Chapter, shall mean dogs or any domesticated animal of the canine family. "Animal" does not include species of animals commonly kept or raised in Sierra County as "farm animals," including cattle, sheep, horses, goats and swine. (Ord. 767, eff. 03/21/91, prior 757)

8.08.060 County

"County" means, unless otherwise specified, the County of Sierra. (Ord. 757, eff. 04/19/90)

8.08.070 Health Department

"Health Department" means the Health Department of the County. (Ord. 757, eff. 04/19/90)

8.08.080 Health Officer

"Health Officer" means the Health Officer of the County and any Health Department employee or other person duly authorized by the Health Officer to act on his behalf. (Ord. 757, eff. 04/19/90)

8.08.090 Impoundment

"Impoundment" means the taking up and confining of an animal under the authority of the Chief of Animal Control in a manner consistent with recognized standards of humane treatment. (Ord. 757, eff. 04/19/90)

8.08.100 Kennel

"Kennel" means any enclosure, premises, building, structure, lot or area in or on which five (5) or more dogs of at least four (4) months of age are kept, harbored or maintained, for commercial or noncommercial purposes. (Ord. 757, eff. 04/19/90)

8.08.110 Owner

"Owner" means a person who possesses, has title to or an interest in, harbors, or has control, custody or possession of an animal. The verb form of "to own" includes all these shades of meaning. (Ord. 757, eff. 04/19/90)

8.08.120 Person

"Person" means fictional entities such as corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings. (Ord. 757, eff. 04/19/90)

8.08.130 Vaccination

"Vaccination" means the inoculation of a dog or other animal with a vaccine approved by and in the manner prescribed by the State Department of Public Health. (Ord. 757, eff. 04/19/90)

8.08.140 Veterinarian

"Veterinarian" means a person licensed by the State of California to practice veterinary medicine. (Ord. 757, eff. 04/19/90)

8.08.150 Common Name

This chapter shall be known as, and may be cited and referred to as the "Animal Control Law". (Ord. 757, eff. 04/19/90)

8.08.160 Jurisdiction

Animal Control shall be under the direction and supervision of the Director of Health. (Ord. 757, eff. 04/19/90)

8.08.170 Absence of Liability

No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this ordinance. (Ord. 757, eff. 04/19/90)

8.08.180 Responsibility

The Director of Health shall be responsible for administrating this Chapter and shall have the authority to appoint a Chief of Animal Control. If no such appointment is made, the Director of Health shall be the Chief of Animal Control. The Chief of Animal Control is responsible for:

(a) the enforcement of this law, and

(b) all laws of the State of California pertaining to the control of dogs and other animals and the humane treatment of animals, and

(c) his duties shall include, but not be limited to the administration of any contract or contracts providing the following services or to administer the following services directly:

1. To administer the Animal Control Center and keep such records as may be required by the Board of Supervisors.

2. To take up and impound animals which are in violation of this chapter.

3. To remove and dispose of the carcass of any animal found on any public highway, street, alley and other public place.

4. To quarantine animals and to cooperate with the County Health Officer.

5. To administer licensing programs as provided for herein.

6. To administer rabies clinics.

(Ord. 757, eff. 04/19/90)

8.08.190 Dogs Killing Livestock

The Chief of Animal Control, the Sheriff, or any Deputy Sheriff may kill or authorize the killing of any dog found in the act of killing, wounding or persistently pursuing or worrying livestock or poultry on land or premises which are not owned or possessed by the owner of the dog. (Ord. 757, eff. 04/19/90)

8.08.200 Rules and Regulations

The Chief of Animal Control may formulate rules and regulations in conformity with, and for the purposes of carrying out the intent of this chapter and compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license or permit provided. (Ord. 757, eff. 04/19/90)

8.08.210 Authority to Carry Firearms

The Chief of Animal Control and such animal control officers as he may specifically designate in writing are authorized to carry firearms when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the State of California. (Ord. 757, eff. 04/19/90)

8.08.220 Arrest Without Warrant: Citation Procedure

(a) Any public officer or employee charged with the responsibility for enforcement of the provisions of this chapter may arrest a person with or without a Warrant whenever he has reasonable cause to believe that the person to be arrested has committed a Misdemeanor in his presence which is in violation of this chapter.

(b) In any case in which a person arrested, pursuant to Subsection (a) above, does not demand to be taken before a Magistrate, such public officer or employee making the arrest shall prepare a written Notice to Appear and release the person on his promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of the Penal Code. The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written Notice to Appear pursuant to this authority. (Ord. 757, eff. 04/19/90)

8.08.230 Authority to Use Tranquilizers

In performance of his duties the Chief of Animal Control shall have the authority to employ the use of the tranquilizer gun and all animal control devices in common use within the State. (Ord. 757, eff. 04/19/90)

8.08.240 Authority to Enter Property

The Chief of Animal Control may, in the performance of his duties, enter upon any property pursuant to law to ascertain if any of the provisions of this Ordinance are being violated. (Ord. 757, eff. 04/19/90)

8.08.250 Authority to Pursue

In the performance of his duties, the Chief of Animal Control shall have the authority, when in pursuit of an animal which is in violation of a provision of this Chapter, to go on the property of the owner or that of a third person for the purpose of impounding the animal, provided that in the course of such pursuit he shall exercise reasonable care to avoid causing damage to the property. (Ord. 757, eff. 04/19/90)

8.08.260 Summary Action

Notwithstanding any other provisions of this Chapter, if, in the judgment of the Chief of Animal Control, with the concurrence of the Director of Health, an animal found to be at large is unfit, and of no further use, dangerous, injured, or ill or should be destroyed, the Chief of Animal Control may, at any time, in an humane manner, destroy such animal. (Ord. 757, eff. 04/19/90)

8.08.270 Violations

It shall be unlawful for the owner of any animal to violate any of the provisions of this Chapter hereinbefore or hereinafter set out, or to commit any of the following acts, to wit:

(a) To allow any animal to run at large.

(b) To allow any animal to trespass upon public property or upon any private property without the consent of the owner of the property.

(c) If unauthorized, to remove from any dog any collar or harness or other device to which a license tag is attached, for the current year, or to remove such license tag therefrom.

(d) To attach to, or keep upon, or cause or permit to be attached to or kept upon any dog any license tag provided by this Chapter, except a tag issued for such dog under the provisions of this Chapter, or to attach to or keep upon, or cause or permit to be attached to or kept upon any dog, or to make or to cause or permit to be made, or to have in possession, any counterfeit or imitation of any tag provided for by this Chapter.

(e) To possess any unlicensed dog in the County, or to maintain, conduct or operate, or to cause or permit to be maintained or operated in the County, any unlicensed dog kennel.

(f) To interfere with, oppose or resist the Chief of Animal Control while he is engaged in the performance of any act authorized by this Chapter.

(g) To allow any female dog to run at large while in heat or breeding condition or to allow such female to remain accessible to other dogs running at large while said female is in heat or breeding condition.

(h) To permit any dog to trespass on any farm where livestock or domestic fowl are kept.

(i) To abandon any animal in Sierra County.

(j) To possess any dog over four (4) months of age which does not have a current vaccination for rabies as evidenced by an official certificate thereof, except as otherwise provided in this Ordinance.

(k) To allow any animal to go without adequate food, water, shelter or proper care.

(l) To allow any dog known to be dangerous or vicious to run at large upon any street or other public place within the County.

(m) To own or possess any "Pit Bull" or "fighting dog" which is not confined within an adequate fenced area or other physical enclosure to prevent egress by such animal at all times such animal is not in the direct presence and control of the owner. (Ord. 757, eff. 04/19/90)

8.08.280 Animals Causing Property Damage

If any person has any loss or damage to property, livestock or poultry which is caused by animals, the person may file a complaint in writing with the Chief of Animal Control. Such complaint shall state when and where the damage occurred, how much damage was done and, if known, the name of the person who owns the animal(s) or the custodian in charge. The Chief of Animal Control shall investigate the complaint and if he finds such conditions to exist, he may issue an order to conform requiring said owner or custodian to abate such conditions within a reasonable length of time. Failure of the owner or custodian to abate such condition shall constitute the maintenance of a Public Nuisance. (Ord. 757, eff. 04/19/90)

8.08.290 Nuisance Dogs

(a) It shall be unlawful for any person to own, possess, harbor, control, or keep on any premises any dog that barks or howls so continuously or incessantly as to unreasonably disturb the peace and tranquility of the neighborhood. However, the provisions of this section shall not apply to any commercial dog kennel permitted by zoning law where located. The Animal Control Department is responsible for enforcement of the provisions of this section.

(b) For purposes of this section, evidence that the dog has barked or howled for an aggregate period of twenty (20) minutes out of one hour shall be sufficient for conviction, provided, however, that any barking or howling provoked by a loose running dog or other animal, or nearby pedestrians shall not be included in such aggregate time. Provocation in the forms listed herein must occur within 100 feet of the barking or howling dog to be sufficient.

(c) For purposes of this section, evidence that two or more dogs are provoking each other to bark, shall be sufficient for conviction under this section, so long as the barking continues for an aggregate twenty (20) minutes out of one hour, regardless of which dog commenced the barking. In such instance, owners of each dog involved shall be subject to citation.

Proof that any individual dog barked for an aggregate twenty (20) minutes out of an hour shall not be required if it is shown that the barking of the two or more dogs was continuous sequentially or in concert for a twenty (20) minute period.

(d) Upon receipt of any complaint based on continuous or incessant barking or howling, an animal control officer shall investigate and take a report from any complaining witness.

(e) Upon evaluation of the report, if in the opinion of the animal control officer a valid complaint exists, the officer shall contact the owner of the animal complained about and advise the owner of the existence of the complaint, and instruct the owner to abate the nuisance.

(f) If the animal control officer is unable to contact the owner personally, he shall leave posted on the premises in a conspicuous location a notice to contact Animal Control within five (5) days regarding the complaint.

(g) If a second complaint is received within a six (6) month period after the giving of such notice and warning regarding a dog barking or howling incessantly and continuously, whether or not the owner has responded to Animal Control as set forth in (f) above, the animal control officer shall investigate the second complaint and take a report from any complaining witness.

(h) Upon evaluation of the report, if in the opinion of the animal control officer the dog is creating a nuisance by barking or howling incessantly or continuously, the animal control officer shall issue a citation to the owner of said animal for a violation of this section. Unless the violation is a third repeat offense as defined in Section 8.08.290(j) below, such violation shall be an infraction. Personal appearance before the court shall be mandatory. Forfeiture of bail shall not constitute a resolution of a violation of this section.

(i) If the animal control officer receives a third complaint regarding the same animal within one year from the first complaint, he shall repeat the process set forth in (g) and (h).

(j) If the owner of the animal, at the time of the issuance of any citation, has been convicted of a violation of this section or has pled no contest to such violation on two occasions within the previous year regarding the same animal, the violation of this section may be charged as a misdemeanor.

(k) If the animal control officer receives a complaint after one year or more has elapsed since the most recent prior complaint, the officer shall issue a warning and continue pursuant to Section (e) through (i).

(l) The penalty for conviction of an infraction based on this section shall be a fine of up to One Hundred Dollars ($100.00).

(m) The penalty for conviction of a misdemeanor based on this section shall be up to six (6) months in jail and/or a fine of up to Five Hundred Dollars ($500.00), and the owner shall be required to either remove the dog from the premises or have the dog surgically debarked.

(n) Nothing in this section shall be construed to prevent any party from bringing a civil action to abate the nuisance. (Ord. 757, eff. 04/19/90)

8.08.300 Vicious or Dangerous Animals

(a) "Vicious or dangerous animal" shall mean any domesticated animal which shows a propensity to attack, bite, scratch, or harass people or other animals without provocation.

(b) The owner of any animal that has bitten or attacked any human being or has killed, attacked, or caused damage to any other animal, shall have the duty to take such reasonable steps as are necessary to prevent his animal from biting or attacking another human being or from killing, attacking, or causing damage to any other animal.

(c) The Chief of Animal Control, as to such vicious or dangerous animal, is empowered to:

1. Notify the owner of such animal that such owner is required thereafter at all times to keep such animal in a secure enclosure or provide such other adequate secure restraint as may be specified; or

2. Notify the owner of such animal that reasonable cause exists, and a concise statement of reasons therefore, to believe that such animal will continue in the future to be a menace to the safety of human beings or to other animals and that a hearing will be conducted by the Board of Supervisors, or Hearing Officer selected by the Board, to determine whether such animal should be destroyed.

(d) Should a hearing be ordered for an animal pursuant to Section 8.08.300(c) the animal shall be impounded at the discretion of the Chief of Animal Control until after the hearing occurs and a decision is rendered. The Chief of Animal Control may as an alternative, require the owner of the animal to post a cash bond in the amount up to Five Hundred Dollars ($500.00) or other security acceptable to County Counsel, which cash bond or other security shall be forfeited in the event the animal is not delivered into the custody of the Chief of Animal Control if such is ordered after consideration of all the evidence at the hearing.

1. Notification of such hearing shall be given by personal service of written notification on such owner not less than ten (10) calendar days prior to the hearing.

2. Such hearing shall be held not longer than forty-five (45) days after the animal is taken into custody, or forty-five (45) days after the incident if the animal is not in custody.

3. At such hearing, the owner shall have the right to testify, to be represented by counsel, to present witnesses on his own behalf, to cross-examine all other witnesses, and present oral and written documents and evidence on the issue.

4. At the conclusion of the hearing, the Board or Hearing Officer may make such orders as are appropriate for the protection of the public, including, but not limited to, orders that the animal be destroyed by the Chief of Animal Control at a specified date, time, and location.

(e) Failure to comply with any restraint order issued under Section 8.08.300 is a misdemeanor. (Ord. 757, eff. 04/19/90)

8.08.310 Duty to Report Bite

It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten a human being within Sierra County to immediately report the fact to the Health Department, the Chief of Animal Control or the Sheriff and to furnish complete information thereof. (Ord. 757, eff. 04/19/90)

8.08.320 Taking Up Stray Animals

It is the duty of any person that takes up a stray animal to notify the Chief of Animal Control within forty-eight (48) hours of taking up the animal. (Ord. 757, eff. 04/19/90)

8.08.330 Animals Subject to Impoundment

Any animal which is, to the knowledge of the Chief of Animal Control, engaged in an activity, or existing in a condition prohibited by this Chapter may be taken and impounded at the Animal Control Center or at such other place as may be approved by the Director of Health.
(Ord. 757, eff. 04/19/90)

8.08.340 Impoundment of Livestock - Repealed

Repealed. (Ord. 767, eff. 03/21/91, prior 757)

8.08.350 Period of Impoundment

(a) All impounded dogs found wearing a current dog license tag shall be kept in the Animal Control Center for a period of not less than five (5) days unless redeemed within such period. (Ord. 836, eff. 3/21/96)

(b) All impounded dogs not wearing a current dog license tag shall be kept in the Animal Control Center for a period of not less than seventy-two (72) hours unless redeemed within such period.

(c) Following the impoundment of any dog, the Chief of Animal Control shall notify the owner of any licensed dog or the owner of any unlicensed dog if known, either personally or in writing, and personally or by telephone if reasonably possible, after which said dog will be otherwise disposed of as authorized by this Chapter.

(d) Any impounded bovine animal shall be kept in the Animal Control Center for at least five (5) days unless it is redeemed within such period.

(e) Any other animal impounded, except dogs and bovine animals, shall be kept in the Animal Control Center for at least five (5) days unless it is redeemed within such period. (Ord. 836, eff. 3/21/96)

(f) Following the impoundment of any animal other than dogs, the Chief of Animal Control shall notify the owner if known, in writing or if the owner is not known, he may publish such notices and advertisements as he deems necessary for the return of such animal. Written notice to owners of licensed dogs shall be by certified mail and the Animal Control Officer shall maintain a record of all mailings for a period of not less than one (1) year.

(g) Any animal which is voluntarily surrendered to or deposited with the Animal Control Center or authorized personnel thereof by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

(h) Any cat impounded, other than under Section 8.08.300 shall be cared for by the Chief of Animal Control for not less than three (3) days after which such cat may be humanely destroyed or otherwise disposed of. (Ord. 836, eff. 3/21/96)

(i) Any impounded cat found wearing a tag adequately identifying the owner shall be held for a period of not less than five (5) days unless redeemed within such period. (Ord. 836, eff. 3/21/96, prior 757)

8.08.360 Redemption

The owner of any animal impounded may, at any time before the disposition thereof, redeem the same by offering proof of ownership, and by redeeming all proper fees and charges accrued as provided for by this Chapter provided, however, that if the animal is one which is subject to a license herein, the licensing requirements must be satisfied before the animal's release, except that an impounded dog that has not been vaccinated against rabies (or exempted therefrom by an exemption certificate as provided in this Article) may be released to an owner who has paid all fees required herein including the license fee, on condition that such owner shall:

(a) Have the dog vaccinated for rabies within ten (10) days; and

(b) Exhibit a valid certificate of vaccination to the Chief of Animal Control within ten (10) days, at which time the license will be issued. (Ord. 757, eff. 04/19/90)

8.08.370 Disposition of Impounded Animals

(a) Except as otherwise provided in this Ordinance, an impounded animal which is not redeemed within the applicable holding period specified in this Chapter may, in the discretion of the Chief of Animal Control, be sold, destroyed, or otherwise disposed of.

(b) If an animal is sold, the receipt signed by the Chief of Animal Control shall be valid title to the purchaser.

1. When any dog or cat is to be sold pursuant to this chapter, prior to the delivery of the animal, there shall be deposited by the purchaser with Animal Control, a spaying or neutering deposit which shall be designated for the veterinarian of the purchaser's choice, for the partial payment of the spaying or neutering operation. The amount of the deposit shall be designated by the Chief of Animal Control. The purchaser shall be responsible for any additional costs of the spaying or neutering operation over and above the deposit. Upon receipt from the veterinarian that a spaying or neutering operation has been performed, the deposit will be forwarded to the veterinarian. In the event that the purchaser fails to have the animal spayed or neutered within the six-month period following its purchase, the spaying and neutering deposit will be forfeited and shall become the property of the County subject to inter-County controlled obligation, if any.

a. Notwithstanding any other provisions of this Chapter to the contrary, an impounded animal, which is determined by the Chief of Animal Control to be unfit and of no further use, dangerous, injured or ill, may be destroyed or otherwise disposed of as ordered by the Chief of Animal Control upon the concurrence of the Administrator of Health and Medical Services. (Ord. 757, eff. 04/19/90)

8.08.380 Impound Fees

(a) An impound fee for every impounded animal and/or livestock shall be charged and collected when claimed and before released in an amount set forth in a Resolution establishing such fees ("the Animal Control Fee Resolution"), a copy of which shall be maintained with this Chapter.

(b) When extraordinary care or expense is incurred, the actual cost will be charged. In the case of animals other than dogs, this includes, but is not limited to, transportation, custody, boarding, and advertising expense.

(c) A redemption fee shall be charged and collected in an amount set forth in the Animal Control Fee Resolution.

(d) For taking into custody any dog, cat, or livestock at the request of the owner thereof, either at the Animal Shelter or the owner's residence, a fee in an amount set forth in the Animal Control Fee Resolution shall be charged and collected.

1. In the case of animals other than dogs, when the Chief of Animal Control causes an animal at large to be returned to the property of the owner of the animal, a fee amounting to time, mileage, and extraordinary expense may be charged. (Ord. 757, eff. 04/19/90)

8.08.390 Quarantine

(a) The Chief of Animal Control shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the Health Officer and pertinent State laws and regulations. If the place of quarantine designated by the Health Officer is the owner's residence, than a fee in an amount set forth in the Animal Control Fee Resolution shall be charged and collected.

1. Known rabid animals.

2. Suspected rabid animals.

3. Animals that have bitten or otherwise exposed a human to rabies.

4. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

(b) It shall be unlawful for the owner or keeper of an animal to violate any of other conditions of isolation or quarantine prescribed by the Health Officer. (Ord. 757, eff. 04/19/90)

8.08.400 Delivery of Carcass

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of Animal Control shall obtain and turn over to the Health Officer the carcass of said animal or an adequate specimen thereof. (Ord. 757, eff. 04/19/90)

8.08.410 Vaccination

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 vaccination shall be administered by a veterinarian or as provided through county recognized vaccination clinics.

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 Health Officer within five (5) days of such examination; and

(c) The Health Officer concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

Every veterinarian, after vaccinating a dog for rabies, shall issue a certificate and furnish one copy of the certificate to the owner of the dog and one copy to the Chief of Animal Control. The Certificate shall be in the form prescribed by the Chief of Animal Control. (Ord. 757, eff. 04/19/90)

8.08.420 Licenses

The dog licenses and kennel licenses required by this Chapter shall be issued upon the payment of the fees herein fixed for a period of twelve (12) months commencing upon the date of application and upon the showing of a valid certificate of rabies vaccination. Such dog licenses shall expire on the anniversary date of the rabies certificate, but in no case shall a dog license be valid past the expiration date of the rabies certificate.

(a) Every dog over four (4) months of age shall be subject to an annual license fee in the amount set forth in the Animal Control Fee Resolution.

(b) Any person failing to procure a dog license prior to the expiration date of a previously issued dog license shall pay the amount set forth in the Animal Control Fee Resolution as a penalty for such failure.

(c) Any person failing to procure a dog license within thirty (30) days after the dog becomes four (4) months of age shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.

(d) Any person failing to procure a dog license within thirty (30) days of bringing such dog into the County shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.

(e) The Chief of Animal Control shall procure and issue serial numbered license tags stamped with the name of the County. Such tags shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this Chapter, and such license tag will be permanently issued for each dog and shall remain with that dog.

(f) Every dog shall be provided by the owner with a suitable collar or other device to which a dog license tag shall be attached.

(g) A fee shall not be levied for any dog license issued for an assistance dog or any dog owned by a senior citizen over the age of sixty-five (65) years. As used in this chapter, "assistance dogs" are dogs specially trained as guide dogs, signal dogs, or service dogs as defined in Food and Agricultural Code Section 30850.

The County Health Department as the administrator of the County dog licensing programs establish procedures for and shall issue separate identification tags for "assistance dogs". Any person making an application for an assistance dog identification tag shall execute a affidavit as required by subsection (b) of Section 30850 of the Food and Agricultural Code. The assistance dog identification tags shall comply with the requirements of Food and Agricultural Code Section 30852.

Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to the Sierra County Animal Control-Licensing Department.

The foregoing shall not exempt any animal from the requirement of maintaining a current rabies vaccination. (Ord 938, eff. 1/2/03, prior 757)

(h) In the event a license tag is lost from the body of any dog for which the same was issued, the owner shall, within ten (10) days thereafter, procure another and new license for such dog, for which he/she shall pay a fee as set forth in the Animal Control Fee Resolution. As often as any license is lost, the same shall be replaced in the same manner as hereinabove provided, within the same license year.

(i) The Chief of Animal Control may authorize veterinarians to sell dog licenses pursuant to this Chapter. Such veterinarians shall be reimbursed the amount as set forth in the Animal Control Fee Resolution for each license sold.

(j) At the request of an owner and upon showing of a valid certificate of rabies vaccination, a license for a cat may be issued and an annual fee in an amount as set forth in the Animal Control Fee Resolution shall be charged and collected.

(k) The Chief of Animal Control shall charge and collect an application and annual permit fee in addition to regular license fees for any vicious or dangerous animal as defined in Section 8.08.300 in amounts as set forth in the Animal Control Fee Resolution.

(l) Any person failing to procure a permit for a vicious or dangerous animal prior to the expiration date of a previously issued permit shall pay an amount as set forth in the Animal Control Fee Resolution as a penalty for such failure. (Ord. 757, eff. 04/19/90)

8.08.430 Renewal Notices

At least thirty (30) days prior to the expiration date of a dog license or a kennel license, the Chief of Animal Control shall mail a renewal notice to the owner of a dog or the owner of a kennel. The foregoing notwithstanding, it shall be the duty and obligation of any owner to maintain current licensing on all dogs and all kennels and the failure to receive notice of renewal, for any reason, shall not constitute a defense or waiver of any provision of this Chapter. (Ord. 757, eff. 04/19/90)

8.08.440 Kenneled Dogs

Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to non-kennel dogs except for the individual dog license requirements. (Ord. 757, eff. 04/19/90)

8.08.450 Kennel Licenses

(a) No person shall own a kennel without first applying to and receiving from the Chief of Animal Control an animal license to do so, if the zoning is proper.

The application for a license shall contain the name of the applicant, his address, the address of the proposed location of the kennel if different from the applicant's, a brief description of the housing facilities and the number and description of the dogs to be kept therein.

The fee for the issuance of a kennel license shall be due and payable by the owner on the first day of July of each year according to the fees set forth in the Animal Control Fee Resolution.

Any person failing to procure and pay for a kennel license or who fails to pay for a new kennel license prior to the expiration date of the previous license shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.

(b) The Chief of Animal control shall procure and issue serial numbered license tags stamped with the name of the County. Such tags shall only be issued in the following numbers upon the application of kennel owners who have complied with the vaccination and fee provisions of this Chapter.

Two (2) tags for kennels with five (5) to ten (10) dogs;
Four (4) tags for kennels with eleven (11) to fifteen (15) dogs;
Six (6) tags for kennels with sixteen (16) or more dogs.

Any dog which is removed from the physical location of a kennel shall have a license tag attached to its collar at all times; additional tags can be obtained for the amount as set forth in the Animal Control Fee Resolution.

(c) Upon receipt of an application for a kennel license by the Chief of Animal Control, the application shall be forwarded to the Building Inspection Section of the County Department of Public Works, the Public Health Department of the County, the Planning Department of the County, and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with County law governing their respective department.

If the applicant's kennel is in conformity with the law governing said departments, departmental approval shall be indicated on the fact of the application. If the applicant's kennel is not in conformity with the law governing said departments, the face of the application shall be marked "NOT APPROVED" and the reason for non-approval noted thereon, along with any revisions or changes in the applicant's kennel which, if made, would result in approval by the department in question.

Upon approval by said departments of an application for a license, the Chief of Animal Control shall make any investigation he deems proper. He shall approve an application if he finds all of the following:

1. Keeping the kennel at the location specified in the application will not violate any law or ordinance of this County or any law of the State of California.

2. Keeping and maintenance of the kennel will not endanger the peace, health, or safety of persons in the immediate vicinity, or in the County as a whole.

3. Premises and housing where the kennel is to be maintained are in a clean and sanitary condition, and any dog kept therein will not be subject to suffering, cruelty or abuse.

4. The applicant has not had a license provided for herein revoked within a year prior to the date of application.

5. Keeping and maintenance of the kennel does not constitute a public nuisance.

(d) Any kennel license issued pursuant to this Article may be revoked or suspended as herein provided if, after investigation, the Chief of Animal Control finds any of the following to be true:

1. The owner, his agent or employee has been convicted of any offense involving the violation of Section 597 of the Penal Code of the State of California, or any provision of this Chapter, or is in violation of the zoning, health and safety or building ordinances relating to the keeping of dogs; or

2. The owner has failed to keep and maintain the premises or housing for the kennel in a clean and sanitary condition; or

3. The owner has at the place for which the kennel license is issued, failed to provide any dog with proper food, water, shelter, or attention; or

4. The owner has violated any rules, regulations, or conditions adopted by the Chief of Animal Control as necessary to insure that the kennel will not endanger the safety of any person or property. (Ord. 757, eff. 04/19/90)

8.08.460 Damage to Property - Cats

No owner of a domestic cat shall permit or suffer the cat to damage property, public or private, real or personal, or to bite, scratch, or claw any human being or other animal that is on the property of another. (Ord. 757, eff. 04/19/90)

8.08.470 Dead Animal

Dead animal, as used herein, shall mean the body of any dead horse, mule, cow, ox, bull, or other animal which weighs fifty (50) pounds or more at the time of death. (Ord. 757, eff. 04/19/90)

8.08.480 Unlawful Disposal Prohibited

It shall be unlawful for any person owning or having under his control a dead animal to permit such dead animal to remain unburied for a period in excess of twenty-four (24) hours. (Ord. 757, eff. 04/19/90)

8.08.490 Exceptions

This Article shall not apply to any animal killed for purposes of consumption provided that the remains of such dead animal are processed in such a manner as to prevent such dead animal from spoiling. (Ord. 757, eff. 04/19/90)

8.08.500 Cost of Removal

In addition to any other penalty herein, the County shall be entitled to dispose of any dead animal coming within the prohibitions of this Chapter if such animal remains unburied for a period in excess of twenty-four (24) hours. Such costs of removal and burial shall be a lien and charge against the owner and person

in control of such animal immediately prior to its death. The County shall attempt to contact the owner of such dead animal prior to disposing of same. (Ord. 757, eff. 04/19/90)

8.08.510 Responsibility of Livestock Owner - Repealed

Repealed. (Ord. 767, eff. 03/31/91, prior 757)

8.08.520 Status of Violations

The first and second violation of this Chapter (other than Section 8.08.290 or unless specifically provided in this Chapter) shall constitute an infraction. If the owner or person in control of an animal, at the time of the issuance of any citation, has been convicted of a violation of this Chapter or has pled no contest to such violations on two occasions within the previous twelve (12) months regarding the same animal, or if there is a violation of 8.08.300(b) then the violation of this Chapter may be charged as a misdemeanor. (Ord. 757, eff. 04/19/90)

8.08.530 Penalty for Violations

The penalty for conviction of the first infraction (other than Section 8.08.530) based on a violation of this Chapter shall be a fine of Twenty Dollars ($20.00). The penalty for conviction of the second infraction within twelve (12) months regarding the same animal shall be up to One Hundred Dollars ($100.00). The penalty for conviction of a misdemeanor based on this Chapter shall be up to six (6) months in jail and/or a fine of up to Five Hundred Dollars ($500.00). (Ord. 757, eff. 04/19/90)

8.08.540 Severability

If any provision of Sections 8.08.010 - 8.08.530 is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said Section. The Board of Supervisors declares that it would have added said Section and each provision thereof irrespective of the fact that any portion thereof be declared invalid or unconstitutional. (Ord. 757, eff. 04/19/90)

8.08.550 Damages

Nothing in Sections 8.08.010 - 8.08.530 shall be deemed to change in any manner any other remedies for damages otherwise available to a landowner, livestock owner, or third parties. (Ord. 757, eff. 04/19/90)

CHAPTER 8.12 FIRE PROTECTION

8.12.010 Smoking 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 and in other areas posted against smoking between June 1, and November 1 of any year. (Ord. 124, 183A, eff. 7/1/50, prior Section 44100)

8.12.020 Smoking Permitted

Smoking is permitted as follows:

(a) In improved campgrounds.

(b) Inside motor vehicles on roads.

(c) At places of habitation.

(d) While stopped in a cleared or barren area of at least 3 feet in diameter, provided, however, that in all instances burning and glowing substances are completely extinguished before being discarded. (Ord. 124, 183A, eff. 7/1/50, prior Section 44101)

8.12.030 Enforcement of Smoking Regulations

The State Forester and all his agents duly authorized by the laws of the State of California, and all United States Forest Officers are hereby declared to be peace officers of the County for the purpose and with the right of enforcing all provisions in this chapter. (Ord. 183A, eff. 7/1/50, prior Section 44102)

8.12.040 Fireworks Prohibited

It is unlawful and punishable as a misdemeanor for any person to manufacture, sell, possess or discharge any fireworks. (Ord. 192, eff. 7/2/52, prior Section 44200)

CHAPTER 8.16 EMERGENCY ORGANIZATION

(History: Prior Ordinances 150, 184)

8.16.010 Purposes

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this County in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this County with all other public agencies, corporations, organization, and affected private persons. (Ord. 403, eff. 12/21/72, prior Section 12300)

8.16.020 Emergency Defined

"Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions including conditions resulting from war or imminent threat of war, but 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 this County, requiring the combined forces of other political subdivisions to combat. (Ord. 403, eff. 12/21/72, prior Section 12301)

8.16.030 Disaster Council Membership

The Sierra County Disaster Council is hereby created and shall consist of the following:

(a) The chairman of the Board of Supervisors, who shall be chairman.

(b) The director of emergency services, who shall be vice-chairman.

(c) The coordinator of emergency services.

(d) Such chiefs of emergency services as are provided for in a current emergency plan of this County, adopted pursuant to this chapter.

(e) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Board of Supervisors. (Ord. 403, eff. 12/21/72, prior 12302)

8.16.040 Disaster Council Powers and Duties

It shall be the duty of the Sierra County Disaster Council, and it is hereby empowered, to develop and recommend for adoption by the board of Supervisors, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairman or, in his absence from the County or inability to call such meeting, upon call of the vice chairman. (Ord. 403, eff. 12/21/72, prior Section 12303)

8.16.050 Director and Coordinator of Emergency Services

(a) The Director of Emergency Services shall be appointed by the Board of Supervisors.

(c) The Coordinator of Emergency Services shall be appointed by the Board of Supervisors upon recommendation by the Director. (Ord. 403, 560, eff. 11/20/79, prior Section 12304)

8.16.060 Powers and Duties of the Director

The Director is hereby empowered to:

(a) Request the Board of Supervisors to proclaim the existence or threatened existence of a "local emergency" if the Board of Supervisors is in session, or to issue such proclamation if the Board of Supervisors is not in session. Whenever a local emergency is proclaimed by the director, the Board of Supervisors shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(b) Recommend that the chairman of the Board of Supervisors request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.

(c) Control and direct the effort of the emergency organization of this County for the accomplishment of the purpose of this chapter.

(d) Direct cooperation between and coordination of services and staff of the emergency organization of this County; and resolve questions of authority and responsibility that may arise between them.

(e) Represent this County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein.

(f) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency." the Director is hereby empowered:

1. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Board of Supervisors.

2. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the County for the fair value thereof and, if required immediately, to commandeer the same for public use.

3. To require emergency services of any County officer or employee and, in the event of the proclamation of a "state of emergency' in the County or the existence of a "state of war emergency," to command the aid of as many citizens of this County as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers.

4. To requisition necessary personnel or material of any County department or agency.

5. To execute all of his ordinary power as Sheriff of the County, all of the special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the Board of Supervisors, all powers conferred upon him by any statute, by any agreement approved by the Board of Supervisors, and by any other lawful authority.

(g) The Director shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the Board of Supervisors.

(h) The coordinator shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this County; and shall have such other powers and duties as may be assigned by the Director. (Ord. 403, eff. 12/21/72, prior Section 12305)

8.16.070 Emergency Organization

All officers and employees of this County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 8.16.060(f)(3) of this chapter, be charged with duties incident to the protection of life and property in this County during such emergency, shall constitute the emergency organization of the County. (Ord. 403, eff. 12/21/72, prior Section 12306)

8.16.080 Emergency Plan

The Disaster Council shall be responsible for the development of the County emergency plan, which plan shall provide for the effective mobilization of all of the resources of this County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the Board of Supervisors. (Ord. 403, eff. 12/21/72, prior Section 12307)

8.16.090 Expenditures

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. 403, eff. 12/21/72, prior Section 12308)

8.16.100 Punishment of Violations

It is unlawful and punishable as a misdemeanor for any person, during a state of war emergency, state of emergency, or local emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this County, or to prevent, hinder, or delay the defense or protection hereof.

(d) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state. (Ord. 403, eff. 12/21/72, prior Section 12309)

CHAPTER 8.17 GROUNDWATER (REPEALED)

(Ord. 865, eff. 3/17/98)

CHAPTER 8.17 GROUNDWATER PROTECTION

8.17.010 Purpose

It is the purpose and intent of this Chapter to regulate the extraction and exportation of groundwater within the County of Sierra, in order to protect this important natural resource from overdraft. It is also the intent of this Chapter to preserve adequate quantities of groundwater for the use of the citizens of Sierra County as the County of origin.

8.17.020 Covered Territory

The regulations contained in this chapter shall apply to all land within the County of Sierra except for the land that is within the city limits of any incorporated city. The regulations contained in this chapter shall not apply to land within the County of Sierra that is also within the boundaries of the Sierra Valley Groundwater Management District and/or land within the boundaries of the Long Valley Groundwater Management District, if either of the respective districts has adopted an ordinance for the regulation of the extraction and export of groundwater within their respective boundaries, that is at least as restrictive as the provisions of this Chapter.

8.17.030 Definitions

The following words and phrases as used in this Part shall have the following meanings:

(a) Conjunctive Use, Conjunctive Operation: The coordinated operation of a groundwater basin and surface water supplies. One purpose in the management of the groundwater base is to allow recharge a basin during years of above-average precipitation by relying on the use of surface sources so that groundwater can be withdrawn during years of below-average precipitation, when surface supplies are less than normal. Conjunctive operation also refers to meeting the needs of an area within the County through the coordinated use of groundwater during years when surface water is not available.

(b) Domestic Water Well: A well devoted exclusively to the residential and related yard, garden and barnyard uses within the curtilage of a dwelling located on the same parcel of land as the served dwelling house or upon another parcel of land respecting which the owner of the served dwelling has a legally cognizable interest in the nature of real property. Such uses as recognized in this section do not include the growing of crops, or production of other agricultural commodities for commercial purposes.

(c) Exportation: Exportation means the transport of groundwater for use on property other than the parcel on which the well and/or spring, which is the source of the groundwater, is located, or on contiguous property thereto.

(d) Groundwater: Groundwater means all water which is below the surface of the earth which is capable of being extracted and includes, but is not limited to, water occurring in a defined pool or aquifer.

(e) Hydraulic Gradient: Hydraulic gradient means the slope of the water table.

(f) Hydrology: Hydrology means the origin, distribution, and circulation of water through precipitation, streamflow, infiltration, groundwater storage, and evaporation.

(g) Imported Water: Imported water means water transported into a watershed from a different watershed. Native water is water naturally occurring within a watershed.

(h) Mining: Mining means the extraction and exportation of groundwater by any means, including but not limited to the use of pumping or the collection of water flowing from springs, which, in contemplation of preexisting extractions of groundwater and the reasonably foreseeable beneficial uses to which groundwater from the aquifer could be made to lands overlying the aquifer within the County, exceeds the reasonably foreseeable replenishment potential of the watersheds based upon natural precipitation.

(i) Overdraft: Overdraft means the condition of a groundwater basin where the amount of water extracted exceeds the amount of water replenishing the basin over a period of time (which for purposes of this Chapter shall be an annual cycle) and includes, but is not limited to, the point at which extractions from the basin exceed its safe yield plus any temporary surplus.

(j) Percolation: Percolation means the movement of water through the soil.

(k) Permeability: Permeability means the capability of soil or other geologic formation to transmit water.

(l) Piezometric Surface: Piezometric surface means the surface to which the water in a confined aquifer will rise.

(m) Porosity: Porosity means the voids or open spaces in alluvium, other soils and/or rocks that can be filled with water.

(n) Recharge: Recharge means the flow of water into groundwater storage from precipitation, infiltration from streams, irrigation, spreading basins, and other sources of water.

(o) Safe Yield: Safe yield means the maximum quantity of water which can be withdrawn annually from a groundwater supply under a given set of conditions without causing overdraft or adverse water quality conditions or an undesirable result. The phrase "undesirable result" is intended to refer to a lowering of the groundwater levels resulting in, or tending to result in. the eventual depletion of or the substantial diminution of the supply of water. Specifically, "safe yield" shall include, but not be limited to, an amount of water which can be withdrawn without:

1. Exceeding in any calendar year the long-term mean annual available water supply of the basin (considering all sources of recharge and withdrawal);

2. Lowering water levels so as to make further drilling of water wells uneconomical;

3. Causing water pumped from the basin to deteriorate below drinking water standards;

4. Violating water fights or restrictions in pumpage in the groundwater basin as established by court adjudication or application of state or federal law;

5. Other observable environmental damage.

(p) Specific Capacity: Specific capacity means the volume of water pumped from a well in gallons per minute per foot of drawdown.

(q) Spreading Water: Spreading water means the discharging native or imported water to a permeable area for the purpose of allowing it to percolate to the zone of saturation. Spreading, artificial recharge and replenishment all refer to operations used to place water in a groundwater basin.

(r) Transmissivity: Transmissivity means the rate of flow of water through an aquifer.

(s) Usable Storage Capacity: Useable Storage Capacity means the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.

(t) Water Table: Water Table means the distance below the surface where groundwater is encountered in a well in an unconfined aquifer.

8.17.040 Mining of Groundwater Regulated

It shall be unlawful for any person (including but not limited to any natural person, firm, corporation or entity) to mine groundwater within Sierra County, or for the owner of real property to allow groundwater of any nature to be mined, where the water extracted is exported, by any means, from the County of Sierra and/or is used on other than the parcel of land upon which the extraction occurs or upon contiguous parcels of land to the parcel on which the extraction occurs, without securing a permit from the County of Sierra in accordance with the provisions of this chapter.

8.17.050 Permit Required for Extraction of Groundwater for Use Off-Parcel

It shall be unlawful to extract groundwater or for a property owner to allow such extraction on his land, for the purpose of using the water or selling the water for use, on other than the parcel of land upon which the extraction occurs, or upon contiguous parcels of land. without first obtaining a permit as provided in this chapter. The provisions of this Section and Section 8.17.040 shall not apply to the extraction of water for the purposes of supplying a "public water system", a "community water system", a "non-community water system", or "State small water system" as defined by Division 5, Part 1, Chapter 7 of the California Health and Safety Code commencing with Section 4010. serving property within the County of Sierra, or for emergency use in the fighting of fires.

8.17.060 Application for Permit

An application for a permit required in this chapter shall be filed with the Sierra County Department of Public Works, on forms provided by said Department and shall contain all information required by such Department. Concurrently, a request for environmental review thereof shall also be filed. The application for permit and request for environmental review shall be accompanied by the fee s established therefore by the County Board of Supervisors in the most recent fee resolution.

Upon receipt of the permit application, the Department shall review the application with affected County departments including, but not limited to, the Agricultural Commissioner and Planning Department. Unless the Department is already in possession of appropriate information, the Department shall require or secure, an independent analysis of the groundwater aquifer or other source of groundwater for the purpose of determining safe yield and whether the subject request will adversely affect the groundwater. The Department shall also review the application with the State Department of Water Resources and the Regional Water Quality Control Board. Upon receipt of the foregoing information, the Department shall, in accordance with CEQA, require the preparation of a proposed environmental document, which generally will be either a negative declaration or an environmental impact report. After obtaining the comments of the affected county departments and the affected state agencies. and completion of the proposed environmental document, the Department, shall file a written report incorporating the observations and recommendations, if any, of the commenting agencies and departments, together with its recommendations, with the Board of Supervisors, with a copy to the applicant.

Upon receipt of such report, the Board of Supervisors shall set a public hearing on the proposed environmental document and the issuance of the permit. Said hearing shall be noticed pursuant to

Government Code ' 6061 and said hearing may not be held within fifteen (15) days of the time that the Board of Supervisors receives the report from the Department.

8.17.070 Public Hearing on Issuance of Permit

(a) At said hearing, the Board shall first consider the proposed environmental document and determine if the document complies with the requirements of CEQA. If revisions or further information is required or a different and/or more detailed environmental document is required. the Board may require the applicant to provide such information or documents. Such action may include, but not be limited to, a request for any additional geologic studies the Board deems necessary to obtain information required for its decision. The Board shall make such orders as appropriate regarding the environmental document and shall defer hearing on the issuance of the permit until the environmental review is completed and an appropriate document is accepted and certified by the Board. The cost of the preparation of all studies and reports shall be borne by the applicant and shall be prepaid to the County. Failure to pay for the preparation of any study report or analysis required by the County shall constitute automatic grounds for the summary denial of any application.

(b) Thereafter, at the hearing on the issuance of a permit, the applicant shall be entitled to present any relevant evidence to his application. The Board shall also hear relevant evidence presented by the public and County staff The Board shall consider all effects the proposed permit would have on the affected groundwater, the affected aquifer or aquifers. including, but not limited to, the hydraulic gradient, hydrology, percolation. permeability. piezometric surface, porosity, recharge, safe yield, specific capacity, spreading water, transmissivity, usable storage capacity, water table, and zone of saturation.

8.17.080 Issuance of Permit

The permit referred to in this chapter may only be issued by the Board of Supervisors where the Board, after having reviewed the potential effects, finds and determines that the permit will not result in an overdraft, will not adversely affect transmissivity within the aquifer, will not adversely affect the water table and will not result in the mining of water. The decision of the Board of Supervisors shall be final. The Board shall impose such conditions upon the permit so as to prohibit overdraft, or any other negative impacts that the Board identifies and may impose conditions including, specifically but not limited to, a requirement for observation and/or monitoring wells, that it deems necessary for the health. safety and welfare of the people of the County of Sierra. Notwithstanding the foregoing, the Board may issue the permit if the Board finds that the applicant has provided for mitigation which will offset any adverse affect that is determined to exist.

8.17.090 Annual Review. Modification and/or Cancellation of Permit

The permit granted pursuant to this chapter shall be subject to an annual review by the County which, unless otherwise directed by the Board of Supervisors, will be conducted by County staff.

Annually, so at such other times as the County may request. each permittee shall be required to provide information and supporting documentation to the County Department of Public Works evidencing the amount of groundwater extracted from any parcel of land and from each individual well thereon, for property which includes an groundwater extraction permit issued under this Chapter. This information shall, at a minimum, be provided in the form of daily logs and shall include any operational information, including but not limited to, field reports, memorandum and other relevant information concerning the use and operation of the wells on the subject property and any contiguous property under common ownership. The Department of Public Works shall be entitled to reasonable inspection of any business records related to the extraction and/or exportation of any permitted well and property under this Chapter. The cost of any

such inspection shall be borne by the applicant. The reporting and inspection obligations set out herein shall be deemed to be conditions attached to the issuance of any permit and noncompliance may result in cancellation of a permit, any action for abatement and/or injunction relief or such other remedies and/or penalties as are provided by law for the violation of a County ordinance.

In the event the Department determines or reasonably believes that an overdraft is occurring because of the conditions then existing, the permit may be amended by order of the Department, to immediately decrease the amount of water allowed to be extracted. Said decision by the Department. may be appealed to the Board of Supervisors by the applicant and/or the property owner of the affected property (if different from the permittee).

The County reserves the right to and shall have full authority to cancel any permit whenever there is evidence that overdraft of the underlying aquifer is occurring or has occurred. A public hearing shall precede any action by the Board of Supervisors to cancel any permit and written notice thereof shall be given to the permittee and property owner of the affected property (if different from the permittee), 15 calendar days in advance of the hearing, at which time the permittee and/or property owner shall be entitled to present evidence on the question of whether an overdraft is occurring or has occurred. The sole question to be determined by the County Board of Supervisors shall be whether there is evidence of the overdraft of the underlying aquifer.

8.17.100 Inspection

As a condition to the issuance of any permit for the mining of groundwater, the property owners and applicant (if different from the property owner) shall allow Sierra County officials, employees, contractors and/or agents to enter the property where the well or wells are located and all other places. property, enclosures and structures, for the purposes of making examinations and investigations to determine whether the provision of this Chapter and any permit is being complied with.

8.17.110 Violation: Criminal Penalty

(a) Any person who violates any provision of this chapter, or the terms and/or conditions of any permit issued pursuant to this chapter, with intent to do so shall be guilty of a misdemeanor, punishable by fine not exceeding $1,000.00 per violation, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment; and any person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and for each and every separate well with which any such violation is committed, continued, or permitted; and for each such subject violation of day or well, shall be subject to the same punishment as for original offense.

(b) Violation of the provisions of this Chapter shall also constitute a public nuisance which shall be subject to abatement in accordance with the laws of this state and any County ordinances.

8.17. 120 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction. such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

This ordinance is declared to be an urgency measure necessary for the immediate preservation of the public health, safety and the general welfare of the people and property owners within the County of Sierra and shall take effect immediately upon its enactment. (Ord. 865, eff. 3/17/98, 516, 533, 551)

CHAPTER 8.18 SERVICE FEES AND CHARGES

8.18.010 Schedule of Fees

(Repealed Ord. 800, eff. 12/17/92)

8.18.015 Late Fees, Interest Fees, and Attorneys Fees

In the event that the fees payable under Section 8.18.010 are not received by the Health Department within thirty (30) calendar days of the date such fees are due, a $10 late fee shall be added and thereafter the entire unpaid balance shall accrue interest at the rate of ten percent (10%) per annum until paid in full. Should collection action be instituted, the County shall additionally be entitled to recover its costs and attorneys fees. (Ord. 758, eff. 05/03/90)

8.18.020 Collection of Fees

The County Health Department shall be responsible for collection of fees authorized under Section 8.18.010 of this Chapter. Accounting and deposit procedures shall be performed in a form approved by the County Auditor. (Ord. 758, eff. 05/03/90, prior Ord. 731)

CHAPTER 8.19 (REPEALED)

Repealed by Ordinance No. 854, eff. 9/4/97

CHAPTER 8.20 PUBLIC NUISANCES - HEALTH & SAFETY

8.20.010 Name, Authority

This Chapter shall be known as the Sierra County Health & Safety Nuisance Abatement Ordinance enacted pursuant to California Government Code 25845. (Ord. 748, eff. 07/06/89)

8.20.020 Purpose

The Board of Supervisors has determined that it is necessary for the public welfare that a procedure be established by ordinance for the identification and abatement of nuisances which constitute a risk or detriment to health and welfare. (Ord. 748, eff. 07/06/89)

8.20.030 Nuisance Defined

Notwithstanding any other provision of this Code, anything which is injurious to health, or which creates a danger to health or safety, or is offensive to the senses of the average reasonable person, or which constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, any street or highway, public park, square, navigable lake, river or stream is a nuisance. (Ord. 748, eff. 07/06/89)

8.20.040 Authorized Things Not Nuisance

Nothing which is done or maintained under the express authority of a statute or ordinance can be deemed a nuisance. (Ord. 748, eff. 07/06/89)

8.20.050 Investigation

Whenever the Sierra County Planning Department ("Planning Department") becomes aware of a nuisance, it should immediately investigate the matter. After such investigation, if the Planning Department deems that a nuisance does exist, it shall attempt to attain abatement of the nuisance voluntarily by the party(ies) maintaining the nuisance. (Ord. 748, eff. 07/06/89)

8.20.060 Hearing Scheduling and Notice

In the event a nuisance is not abated voluntarily, the Planning Department shall so advise the Sierra County Clerk/Recorder. The Clerk/Recorder shall agendize the matter for a public hearing thereon. At least ten (10) days prior to the date set for the public hearing, the Clerk/Recorder shall cause a notice of said public hearing to be advertised pursuant to Government Code 6061. At least ten (10) days prior to the public hearing, the Clerk/Recorder shall provide written notice to the party(ies) maintaining the nuisance and to those complaining of the nuisance. In addition, notice of the hearing shall be posted at or near where the nuisance exists at least ten (10) days prior to the public hearing. Notice to the party(ies) maintaining the nuisance shall be sufficient if sent to the party(ies) who are owners of the property where the nuisance exists as shown by the latest equalized assessment roll. The public hearing may be set for a specific time at any regular, continued or special meeting of the Board of Supervisors. (Ord. 748, eff. 07/06/89)

8.20.070 Hearing - Determination - Abatement Order

At the public hearing provided for in Section 8.20.060, the Board of Supervisors shall hear evidence from the Planning Department and any interested member of the public, and the party(ies) allegedly maintaining the nuisance. The issue at the hearing shall be limited to ownership of any real or personal property which may be the situs of the alleged nuisance, the party(ies) responsible for the alleged nuisance (who may be held jointly liable with the owner of the property), the condition which allegedly constitutes a nuisance, the abatement steps proposed to eliminate the alleged nuisance and matters directly related to the foregoing issues. After the conclusion of the hearing, the Board of Supervisors shall determine whether or not in fact a nuisance exists. Should the Board of Supervisors determine that a nuisance does exist, the Board may order the abatement thereof. (Ord. 748, eff. 07/06/89)

8.20.080 Abatement

Where a nuisance is ordered abated by the Board of Supervisors, the nuisance must be abated within thirty (30) days of the order of the Board of Supervisors, unless the Board of Supervisors grants additional time for the abatement. If after a period of thirty (30) days, or the extended time granted by the Board of Supervisors, the nuisance is not abated, the Planning Department shall enter upon the property in question and abate the nuisance. The Planning Department may request the assistance of the Sierra County Sheriff's Department to assist in carrying out the abatement order. In abating the nuisance, the Planning Department may utilize its own employees or may contract to have the work done. (Ord. 748, eff. 07/06/89)

8.20.090 Court Appeal

In the event the owners of the property on which the nuisance is maintained or the party(ies) responsible for the nuisance wish to appeal the decision of the Board of Supervisors, such an action must be brought in a court of competent jurisdiction within fifteen (15) days of the decision of the Board of Supervisors. (Ord. 748, eff. 07/06/89)

8.20.100 Costs - Certification - Interest

After the work is completed, the Planning Department shall determine the total cost involved in the abatement, including the Planning Department's administrative overhead, County Counsel or Special Counsel costs and Sheriff's Department costs, and shall certify that amount to the County Auditor. A copy of this certification shall be sent by the Planning Department to the owners of the property on which the nuisance had been maintained. Should such owners wish to contest the amount of the cost, the owners must file a written notice of protest with the Clerk/Recorder no later than fifteen (15) days after the date of mailing of the certification to the owner. The Board of Supervisors shall hear the contest as soon as the Board deems it feasible, but in no event later than sixty (60) days after receipt of the notice of protest. At such contest, the Board of Supervisors shall hear from the Planning Department, the County Auditor and the complaining party(ies), and the Board of Supervisors' decision on the matter shall be final. In the event the owners of the property wish to appeal the decision of the Board of Supervisors regarding the costs of abatement, such an action must be brought in a court of competent jurisdiction within fifteen (15) days of the decision of the Board of Supervisors. Interest will accrue at the rate of one-half percent per month if payment is not made within thirty (30) days of certification, unless appealed, and in such event, interest shall be waived until thirty (30) days after the Board of Supervisors' decision pursuant to Section 8.20.090. (Ord. 748, eff. 07/06/89)

8.20.110 Costs - Special Assessment

If the certified costs are not paid, the Auditor shall be responsible for the levy of a special assessment against the parcel(s) on which the nuisance was abated and for notifying the Sierra County Tax Collector of

such levy. The assessment shall be collected at the same time and in the same manner as ordinary County taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment; except, that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which a notice of abatement lien is recorded pursuant to Section 8.20.120 below, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection. (Ord. 748, eff. 07/06/89)

8.20.120 Abatement Lien

Concurrently with mailing a copy of the certification to the owner(s), the Planning Department shall, on behalf of the Board of Supervisors, cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the Board of Supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost. (Ord. 748, eff. 07/06/89)

8.20.130 Effect of Abatement Lien

Recordation of a notice of abatement lien pursuant to Section 8.20.120 has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the Board of Supervisors, or any County officer authorized by the Board of Supervisors to act on its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated. (Ord. 748, eff. 07/06/89)

8.20.140 Emergency Abatement

Nothing in this section prohibits the summary abatement of a nuisance upon order of the Board of Supervisors, or upon order of any other County officer authorized by law to summarily abate nuisances, if the Board or officer determines that the nuisance constitutes an immediate threat to public health or safety. (Ord. 748, eff. 07/06/89)

8.20.150 Designation of Officer to Summarily Abate Nuisances

The Sierra County Director of Public Works, the Sierra County Director of Health and Human Services and the Sierra County Sheriff are hereby designated by the Board of Supervisors to summarily abate nuisances if the Board of Supervisors or any of such officers determines that the nuisance constitutes an immediate threat to public health or safety. (Government Code 25845(a)) (Ord. 748, eff. 07/06/89)

8.20.160 Other Remedies Unimpaired

The procedures set out in this Chapter are not to be construed as limiting any other lawful remedy or procedure that the County or any of its departments may wish to utilize either separately or concurrently with the remedies provided in this Chapter. (Ord. 748, eff. 07/06/89)

8.20.170 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 748, eff. 07/06/89)

CHAPTER 8.30 (REPEALED)

Repealed by Ordinance No. 902, eff. 7/6/2000

CHAPTER 8.40 BLACK BEAR MANAGEMENT AND SAFETY

8.40.010 Name

This chapter shall be known as the Sierra County Black Bear Management and Safety Ordinance. (Ord. 756, eff. 04/05/90)

8.40.020 Purpose

Black bear are posing a risk to property and potentially to health and safety of the residents and visitors of Sierra County. It is the purpose of this Chapter to control and reduce those factors which cause dangerous inducements for black bear to forage in and around the populated, unincorporated residential areas of the County. Further, it is intended to reduce risk to residents from potential use of firearms in connection with bear encounters. It is not the purpose of this Chapter to interfere with those matters under the exclusive jurisdiction of the California Department of Fish and Game. (Ord. 756, eff. 04/05/90)

8.40.030 Definitions

(a) "Bear-Proof" means a container or structure which is reasonably secure against access or opening by an adult black bear. Containers shall be fitted with an overlapping tight-fitting cover. Specifically excluded from the definition of "Bear-Proof" are plastic garbage cans, plastic or paper bags, metal garbage cans made of metal less than 1/16" thick (55 gallon oil drum thickness), metal garbage cans without chained lids (or other Bear-Proof locking lids), sheds, garages or outbuildings without substantial locking doors and windows that would prevent entry by an adult bear.

(b) "Collection bins" means those metal receptacles placed at the Transfer Sites or at other locations within the County by County or commercial solid waste haulers.

(c) "Garbage" means all putrescible wastes, except sewage and body wastes, including food wastes resulting from the handling, preparation and consumption of food, and includes all such substances from all public and private establishments and residences.

(d) "Harass" means to do any act in the immediate vicinity of a bear which would reasonably tend to annoy, agitate or anger such bear. Not included within the meaning of "harass" are those actions intended or reasonably calculated to frighten bears away, including banging on metal objects or similar activity.

(e) "Loyalton Landfill" means the Sierra County solid waste disposal site located approximately two (2) miles East of Loyalton on "Garbage Pit Road", County Road #861, (sometimes referred to as "the Loyalton Landfill").

(f) Solid Waste Transfer Site(s) ("Transfer Site(s)") means the disposal sites within the County identified and located as follows:

1. Alleghany Transfer Site, located approximately three (3) miles West of Alleghany on the "Dump Road", County Road #308

2. Ramshorn Transfer Site, located approximately two (2) miles West of Goodyears Bar on the "Ramshorn Road", County Road #463.

3. Sierra City Transfer Site, located approximately one (1) mile West of Sierra City on the "Columbo Mine Road", County Road #528.

4. Sattley Transfer Site, located approximately four (4) miles North of Sattley on "Westside Road", County Road #S640. (Ord. 756, eff. 04/05/90)

8.40.040 Feeding Prohibited

It is unlawful to feed or bait bears by giving or attempting to give any substances to bears within the unincorporated areas of the County of Sierra. (Ord. 756, eff. 04/05/90)

8.40.050 Collection Bins

It is unlawful to leave any food substance or other substance that would reasonably be expected to attract bears (including, but not limited to, garbage) at or near any collection bin within the unincorporated areas of the County of Sierra unless such substance is placed into a Bear-Proof collection bin. (Ord. 756, eff. 04/05/90)

8.40.060 Owner to Maintain Premises

Within the unincorporated territory of Sierra County, the owner or person exercising physical control of any private property shall at all times maintain the premises free of garbage provided, however, that this provision shall not prohibit the storage of garbage in private Bear Proof containers for collection, or inside Bear Proof structures. (Ord. 992, eff. 10/18/07, prior 756)

8.40.070 Bear-Proof Containers

Within the boundaries of Sierra County Service Area 2, it is unlawful to place, leave, or allow to be left outside any bear-proof structure any food substance or other substance which would reasonably be expected to attract bears, including but not limited to garbage, unless such substance is placed in a sealed, Bear-Proof Container. Further, it shall be the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, club, restaurant, boardinghouse or eating place, or in possession, charge or control of any shop, place of business, or manufacturing establishment where garbage is created or accumulated, at all times to keep or cause such garbage to be kept in Bear-Proof containers or Bear-Proof structures. Each Bear-Proof container or structure shall be kept clean inside and out, so that no odor or nuisance shall exist. Covers shall not be removed except when necessary to place garbage in a Bear-Proof container or to take the same therefrom. The Bear-Proof container or structure shall not be overloaded to the extent whereby covers cannot be securely replaced, or the structure securely closed. (Ord. 756, eff. 04/05/90)

8.40.080 Loitering; Transfer Stations

It is unlawful to loiter at any Transfer Site or the Landfill. For the purpose of this Chapter, "loiter" means remaining at any Transfer Site within the County for a longer period of time than is reasonably necessary to drive into position, dump, or off-load solid waste materials into the Transfer Site storage bins, and drive off. This provision does not apply to persons present at the Transfer Sites or Landfill with specific authorization of the Sierra County Department of Public Works or the Sierra County Sheriff. (Ord. 756, eff. 04/05/90)

8.40.090 Harassment; Luring

It is unlawful to Harass bears within the County of Sierra, or to lure them into or onto any private or public property without a license duly issued by the California Department of Fish and Game. (Ord. 756, eff. 04/05/90)

8.40.100 Shooting Prohibited

It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to discharge any firearm or other deadly weapon within 150 yards of any dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith without a permit issued by the Sierra County Sheriff's Department. Such permit shall be required, irrespective of whether or not a depredation permit has been issued by the California Department of Fish and Game, or by any other agency. The 150-yard area is a "safety zone." (Ord. 756, eff. 04/05/90)

8.40.110 Depredation Permit

In the event a depredation permit is issued by the California Department of Fish and Game for use anywhere within the unincorporated areas of the County of Sierra, the person or entity to whom such permit is issued, or such person's agent, may not discharge any firearm or other projectile device pursuant to such permit without a permit duly issued by the Sierra County Sheriff's Department. If such Sheriff's permit be issued, the holder thereof may discharge a firearm or other projectile device within the "zone of safety" as defined in 8.40.100 above in exercise of such depredation permit. (Ord. 756, eff. 04/05/90)

8.40.120 Protection

No provision of this Chapter shall be construed to prohibit any person from the emergency utilization of a firearm or other projectile propelling device in self-defense from attack by a predator where there is reasonable ground to believe that the predator will cause immediate serious bodily injury to a person or the predator is in the act of injuring a domestic animal or livestock. (Ord. 756, eff. 04/05/90)

8.40.130 Violation

Except for violation of Section 8.40.110, any violation of this Chapter may be charged as an infraction or as a misdemeanor. As a misdemeanor, the sentence may include a fine up to $500 and up to six (6) months in jail. A person who violates the provisions of this Chapter shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues. Further, any violation of this Chapter constitutes a public nuisance and is subject to abatement in any manner authorized by law. Violation of Section 8.40.110 is a misdemeanor. (Ord. 756, eff. 04/05/90)

8.40.140 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 756, eff. 04/05/90)

CHAPTER 8.50 – SIERRA BROOKS WATER SYSTEM FEES

8.50.010 Water System Fees

(a) Application for water service shall be made in writing and shall include a completed application form as provided by the General Manager of the County Service Area 5A (hereinafter "CSA 5A") water system. Upon payment of any required fees, the water service connection shall be installed by CSA 5A employees. Pursuant to the provisions of California Government Code, Section 25210.77a, the Board is authorized to and shall annually establish a schedule of fees for the delivery/use of water by the real property within the boundaries of County Service Area 5, Zone 5A, which property is commonly referred to as the Sierra Brooks Subdivision-Unit 1 and 2A and is also referred to as County Service Area 5A (as formed by County Resolution 71-21). The initial schedule of fees, which shall be instituted as of the effective date of this ordinance, shall be as shown on Exhibit "A" as attached hereto and incorporated herein, provided however, that the fees shall remain in effect unless otherwise amended or repealed, which action may occur by the adoption of a resolution of the Sierra County Board of Supervisors.

(b) In addition to the fees for the delivery/use of water to the real property within CSA 5A, fees are hereby established and shall be imposed for the following activities and/or service provided by CSA 5A to real property or the owners of real property, as follows:

New Water Service

Will Serve Letter	$50
Capacity-Connection Fee	$1,500
Water Meter (3/4 inch)	$200
Double Valve Box (Includes Valve)	$350
Service Call (2 Hours)	$100

Miscellaneous Services

Service Call (During Office Hours)	$50/Hour
Service Call (After Hours)	$75/Hour
Disconnect Fee	$100
Reconnect Fee (1 Hour)	$50
Offsite Water Use (Water Trucks or Trailers)*	$5.00/1,000 gallons
Water Meter Installation (includes cost of meter)	$650
Water Restrictor Installation	$200

* Offsite water use is prohibited unless pre-approved in writing by the General Manager. Any such use shall require a deposit in an amount of not less than $500.

Temporary Water Service

The following is a schedule of fees and charges for allowing parcels not currently connected or authorized to be connected to the CSA 5A water system, to connect for an interim period, while either a well is being drilled on the property or while the process of approval and the process of construction is taking place to allow an non-served parcel to be annexed into the water system. Water use shall be restricted to 1,000 gallons a day. Use of water in excess of this amount shall result in the immediate termination of the temporary water service.

Monthly Service Fee (120 Days Maximum)**	$30
Deposit-Legal and Administrative Costs***	$500

	Design of System Improvements Required, Possible Acquisition of Easements or Right of Way and Construction Cost of System Improvements Shall be a Responsibility of the Owner or Others as May Be Designated

** This is paid in advance for a period not to exceed 120 days.

*** This is refundable if funds are not required to pay for internal administrative and legal costs of the County serving this request for service.

Water meters shall be required to be installed on all new service connections which includes those currently vacant parcels that may have in existence, a water service connection that was installed in prior years but the parcel being connected has not yet been developed. The cost for water meter installation shall be charged at the time of building permit application for the primary residence on the property. Water meters shall be installed on all existing connections according to an implementation schedule for all services shall be metered by the year 2015. It is the intent of this provision that water use will be monitored by reading meters installed until 2015 and on January 1, 2015, water service may be charged and paid for based on actual usage on all property within the CSA 5A service area.

A connection fee will be paid at the time that the service connection is made to the real property. No connection will be made and no building permit shall be issued until this connection fee is paid in full.

A water shut-off valve shall be installed outside of CSA 5A valve and/or meter boxes for any new water service and the cost and installation shall be a responsibility of the property owner. The water shut off shall be located at the residence for easy access by the owner and the installation and proper operation of the water valve shall be inspected by the County. A properly installed and functioning shut off valve shall be a condition of continued water service and failure to install such an improvement may be a basis for terminating water service to the property until such time as the water shut off valve has been installed.

All water service connections shall be required to accept conditions of pressure and service as is provided by the CSA 5A water system at the point of connection. The CSA shall not be liable for any damages arising from high of low pressures and the property owner may install pressure increaser or pressure reducer improvements at the residence.

Unless otherwise expressly provided fees shall be paid in advance of service. Where fees are not paid in advance of service they shall be promptly billed by the Department of Transportation and shall be due and payable within thirty (30) days of the date of the bill to the affected property owner or person. Bills unpaid after thirty (30) days shall have a ten percent (10%) one time late fee added to the bill and the adjusted amount (bill and late fee and any interest) shall thereafter earn interest at the rate of one percent (1%) per month, which shall be added at the end of each month.

Section 8.50.020 Water Service Connections and Improvements

Only duly authorized employees or agents of CSA 5A are permitted to install service pipes from system mains, valves, meters, or install meter/valve boxes from the system mains to the designated valve box/meter box. The water service shall be located upon an abutting street or within a County right-of-way or easement. Any work or connections made without approval of the CSA shall be considered as unauthorized and shall be immediately disconnected by the CSA. All equipment within the valve/meter box, including the valve/meter box, and any piping from the meter/valve box to the mains, shall be considered property of CSA 5A, and at no time shall any person access, alter, or attempt in any way to maintain, alter, or improve said facilities of the County Service Area.

Section 8.50.030 Water Service Policy for Multiple Parcels or Merged Parcels

(a) Only property developed with an approved residential structure shall receive water service. Water may not be used on individual parcels under the same ownership for irrigation, landscape maintenance or other purposes and any existing water service box that may be in place on those parcels not containing the primary residence shall be discontinued from use. The General Manager shall be empowered to cause the disconnection of any such water service connections on any parcel other than the parcel containing the primary residence.

(b) Multiple parcels, which are merged, resulting in one parcel, shall not be entitled to maintain additional service connections. In the case of a developed parcel that is merged with adjacent and undeveloped parcels, any water service connection that may have been in existence prior to the effective date of the merger shall be discontinued and the General Manager shall cause its discontinued use and removal. The General Manager shall cause to be pursued, a recovery of assessments not charged for any years when water was distributed to the parcel.

Section 8.50.040 Water Service to Vacant Parcels or Partially Developed Parcels

(a) Water service shall not be provided to vacant parcels and shall only be connected at the time that a primary residence is under building permit issued by the County and for which a water service fee has been imposed. The existence of a water valve and box upon a vacant parcel does not constitute implementation of service of water delivery to the parcel. Unless a valid building permit for a primary residence has been issued or is in progress, the water service shall be considered discontinued and no water service shall be provided until such time as the General Manager determines that the property is developed.

(b) Water service and use of water for dust control, landscape maintenance, irrigation, or other uses on vacant parcels shall also be prohibited.

Section 8.50.050 Reserved for Future Use

Section 8.50.060 Cross Connection and Backflow Prevention

When a hazard or potential hazard to the public water system is found or suspected, the customer may be required to install an approved backflow prevention assembly to protect the public water system. The type of assembly shall be approved by the General Manager and be installed according to a plan adopted by resolution of the Board of Supervisors/Board of Directors of CSA 5A.

Section 8.50.070 Reserved for Future Use

Section 8.50.080 Resale/Transfer of Water

Property owners and/or residents shall not re-sell any water originating from CSA 5A system. Water use shall not be transferred to any property other than the property for which the original water service to the property is/was specified. (Ord. 969 eff. 12/01/05, prior 925)

CHAPTER 8.60 – SIERRA BROOKS WATER SYSTEM CONSERVATION REGULATIONS

Section 8.60.010 Water Conservation Policy for the County Service Area 5, Zone 4A Public Water System Established

A water conservation policy and regulations is hereby established and shall apply to all real property and/or people receiving and/or using water from the County Service Area (CSA) 5, Zone 5A (hereinafter "CSA 5A") water system. The water conservation policy established by this Chapter shall be administered and enforced by the County Director of Transportation, or any designee so designated by the County Director of Transportation, who shall serve in the capacity of General Manager of the water system.

Section 8.60.020 Water Conservation Phases

The water conservation policy shall consist of three (3) phases regulating the outside use of water which is defined as any use other than the use of water inside of a residence, including but not limited to irrigation of lawns, sports fields, gardens, washing vehicles, filling of pools or ponds, washing driveways or sidewalks, and similar activities. The three (3) phases are defined as follows:

1. Phase I-Voluntary: This is a voluntary water conservation program where property owners, during all months of the year, are requested to conduct outside irrigation/watering on Tuesdays, Thursdays, and Saturdays of each week for odd numbered addresses and on Wednesdays, Fridays, and Sundays of each week for even numbered addresses. No outside watering should occur at any time on Mondays of any week during these summer months. There should be no watering for dust control purposes and no irrigation of native landscaping. Outside irrigation during the stated days of each week should be limited to the time periods between 5:00 am through 10:00 am and 5:00 pm through 10:00 pm. No outside irrigation should be allowed during remaining hours of any day.

2. Phase II-Mandatory: This is a phase, which is mandatory beginning May 1 of each year and terminating no sooner than October 1 of each year, and at other times when the General Manager of the water system determines that the water system is in immediate danger of having insufficient supply to meet demands. During this phase, all requirements of the Phase I or voluntary conservation measures shall be mandatory. In addition, there shall be no washing of driveways, decks, or other impervious surfaces. There shall be no washing of vehicles or other equipment or improvements unless by the use of hoses with automatic or manual turn-off nozzles. No ponds or swimming pools may be filled.

3. Phase III-Emergency: This is a phase where it is determined by the General Manager that a critical water shortage exists or some other bona fide emergency condition exists that requires immediate and effective water conservation to maintain the minimal water levels necessary for public health and safety. During this phase, all Phase I and Phase II conditions shall be mandatory. Additionally, upon posting of notices or other appropriate notification procedure, no outside irrigation or water use of any kind, including sprinklers on timers, shall be allowed.

Section 8.60.030 Manager's Authority to Implement Phases

The General Manager may impose Phase II restrictions between October 1 and May 1 of any year for a period not exceeding thirty (30) days and Phase III restrictions for a period not exceeding fourteen (14) days. If the General Manager determines that a period in excess of the time frames specified may be required, a special meeting of the Board of Supervisors/Board of Directors of CSA 5A shall be conducted to determine the need for additional restricted periods. This does not have any effect upon a compliance order or emergency order issued by the State of California.

The General Manager shall have the Authority to impose Phase III restrictions for a period not exceed 14 days, during which time a special or regular meeting of the Board of Supervisors/Board of Directors of CSA 5A shall be convened, at which time the Board may determine that it is necessary to continue the Phase III restrictions.

Section 8.60.040 Notification

Notification of any Phase I or II requirements may be provided by a sign located at the entrance to the Sierra Brooks Subdivision, by mailers or by a newsletter, or by other such means as the General Manager deems appropriate. Phase III requirements shall include all notification provided for Phase I or II requirements and shall also include posting of notices on each property containing a valid service connection and/or the use of posters or pamphlets or street signs.

Section 8.60.050 Violations and Remedy

(a) Phase I restrictions are voluntary and there shall be no action taken for violation of its provisions.

(b) Violation of any Phase II restrictions shall result in the issuance by the General Manager of a notice of violation, served in writing to the owner of property causing the violation. If any violation continues after the issuance of a notice of violation, the General Manager shall impose any or all of the following:

1. An administrative penalty shall be assessed in the amount of $250 for each violation.

2. Installation of a flow restriction device within the valve box maintained by the County Service Area.

3. Repetitive violations on the same property shall result in the installation of a water meter by CSA 5A employees, the cost of which shall be a responsibility of the property owner and shall be assessed as an administrative penalty and/or as a lien on property consistent with the County's collection process.

Violation of any Phase III restrictions are hereby declared to be a hazard to public health and safety and shall result in the General Manager issuing a written notice of violation to the property owner causing the violation. In the event that a property owner fails to immediately correct the violation as directed in the notice of violation, the general manager shall impose the remedies and/or administrative penalties for Phase II violations. In addition the General Manager shall have he authority to disconnect the water service which shall be preceded by a written notice of intent to disconnect issued 24 hours prior to the actual disconnection of the service; provided however, in the case of the imminent failure of the water system due to lack of water, the General Manager shall have authority to immediately disconnect service for a property in violation of the water restrictions. If the water service is disconnected, a notice of disconnection shall be posted on the property and no re-connection shall occur until the fees as required by resolution of the Board of Supervisors/Board of Directors of CSA 5A have been fully paid.

Section 8.60.060 Appeals

Any property owner who is subject to a notice of violation may appeal the determination of the General Manager to the Board of Supervisors/Board of Directors of CSA 5A. The appeal shall be in writing and shall be filed with the Sierra County Clerk-Recorder, with a copy to the County Director of Transportation, no later than twenty (20) days after the date of the notice of violation has been served (by personal service or by mail) on a property owner. During the processing on any appeal, the decision of the General Manager shall remain in full force and effect.

Any appeal filed pursuant to the provisions of this Chapter shall be processed and heard in accordance with the County's Uniform Appeal Procedures and any fees imposed to cover the cost of the appeal shall be provided at the time of filing of the appeal. (Ord. 969, eff. 12/01/05, prior 925)

PART 9

PUBLIC PLACES

Chapters Sections

CHAPTER 9.04 WATER WAYS 90
9.04.010 Boat 90
9.04.020 Motor Boats Unlawful on Certain Lakes 90
9.04.025 Internal Combustion Motor Boats Unlawful on Certain Lakes 90
9.04.030 Motor Boat Speed Limit 90
9.04.035 Motor Boats Unlawful in Swim Areas 90
9.04.040 Disposal of Wastes 90
9.04.050 Disturbing Bed or Waters 90
9.04.055 Use or Operation of Internal Combustion Engine Devices Prohibited 90
9.04.060 Streams Open to Public 91
9.04.070 Trespassing Unlawful 91
9.04.080 Mining Operations 91
9.04.090 Swimming Prohibited in Lower Sardine Lake 91
CHAPTER 9.05 PROCESS FOR PROTECTING, MONITORING AND PREVENTION OF INVASIVE AQUATIC SPECIES IN COUNTY WATERWAYS 92
9.05.010 Purpose 92
9.05.020 Findings 92
9.05.030 Definitions 92
9.05.040 Prohibition 92
9.05.050 Watercraft Inspections and Decontamination 93
9.05.060 Fees 93
9.05.070 Public Nuisance Declaration 93
9.05.080 Violation of Ordinance as an Infraction 93
CHAPTER 9.08 LOITERING 94
9.08.010 Hours Effective 94
9.08.020 Parental Responsibility 94
CHAPTER 9.12 PARADES 95
9.12.010 Permit Required 95
CHAPTER 9.16 PUBLIC DANCES 96
9.16.010 Public Dance Defined 96
9.16.020 Permit Required 96
9.16.030 Issuance of Permits 96
9.16.040 Permit Fees 96
CHAPTER 9.18 BINGO GAMES 97
9.18.010 Bingo Games 97
CHAPTER 9.20 NUDITY 98
9.20.010 Appearance in Public 98
CHAPTER 9.24 SIERRAVILLE-DEARWATER AIRPORT RULES AND REGULATIONS 99
9.24.010 Short Title 99
9.24.020 Applicability 99
9.24.030 Responsibilities 99
9.24.040 Definitions 99
9.24.050 Necessity 101
9.24.060 Based Aircraft 101
9.24.070 Commercial Activity 101

9.24.080 Aircraft Storage and Parking 101
9.24.090 Hours of Operation 101
9.24.100 Unattended Aircraft 102
9.24.110 Maintenance 102
9.24.120 Accidents 102
9.24.130 Noise 102
9.24.140 Animals 102
9.24.150 Access to Runways 102
9.24.160 Starting Engines 102
9.24.170 Taxiing 103
9.24.180 Dumping Refuse 103
9.24.190 Firearms 103
9.24.200 Take-offs and Landings 103
9.24.210 Aircraft Fueling and Defueling 103
9.24.220 Vehicle Operations 104
9.24.230 Fire Hazards 104
9.24.240 Fuel Sales 105
9.24.250 Liability Insurance 105
9.24.260 Illegal Activities 105
9.24.270 Airport Closure 106
9.24.280 Severability 106
CHAPTER 9.25 LOYALTON ANNEX JOINT POWER AGREEMENT 107
9.25.000 Loyalton Annex 107

PART 9 - PUBLIC PLACES

CHAPTER 9.04 WATER WAYS

9.04.010 Boat

"Boat" means any boat, raft, canoe, rowboat, inboard or outboard motor boat, sailboat, and any other device in or upon which persons or property may be transported, conveyed or carried upon or over the surface of public waters of the County. (Ord. 201, eff. 2/2/55, prior Section 46100)

9.04.020 Motor Boats Unlawful on Certain Lakes

It is unlawful to operate any motor-driven boat, inboard or outboard, on the following waterways: Lake Delahunty, Hawley Lake, Lower Salmon Lake, Packer Lake and Sand Pond. (Ord. 201, 218, 680, eff. 6/5/84, prior Section 46101)

9.04.025 Internal Combustion Motor Boats Unlawful on Certain Lakes

It is unlawful to operate any internal combustion motor-driven boat, inboard or outboard, on any water in Sierra County, with the exception of the following: Deer Lake, Gold Lake, Goose Lake, Independence Lake, Jackson Meadow Reservoir, Milton Reservoir, Upper Salmon Lake, Lower Sardine Lake, Upper Sardine Lake, Snag Lake, Stampede Reservoir, and Webber Lake. (Ord. 680, eff. 6/5/84)

9.04.030 Motor Boat Speed Limit

It is unlawful to operate any motor driven boat, inboard or outboard, at a speed in excess of 5 miles per hour on any waterway in Sierra County, with the exception of the following: Gold Lake, Independence Lake, Jackson Meadow Reservoir, and Stampede Reservoir. (Ord. 327, 614, 680, eff. 6/5/84, prior Section 46101)

9.04.035 Motor Boats Unlawful in Swim Areas

It is unlawful to operate any motor driven boat, inboard or outboard, within those areas on Jackson Meadow Reservoir designated, buoyed, and posted as swimming areas by the U.S. Forest Service. (Ord. 680, eff. 6/5/84)

9.04.040 Disposal of Wastes

It is unlawful to dump any human wastes, motor oil, garbage, trash or other debris from a boat or from the shoreline into any public waters. (Ord. 201, eff. 2/2/55, prior Section 46102)

9.04.050 Disturbing Bed or Waters

It is unlawful for any person to tow, pull, or use any drag line or heavy motorized equipment, to excavate, fill or drag the bottom bed or bank of any public waters or waterways, disturbing the flora or fauna growing therein without first having secured a special use permit from the Planning Commission. (Ord. 201, 525, eff. 4/6/78, prior Section 9.04.050)

9.04.055 Use or Operation of Internal Combustion Engine Devices Prohibited

No person, partnership, corporation or other entity shall use or operate any device requiring or involving the operation of an internal combustion engine for the purpose of mining, exploring for minerals or other natural resources, nor shall any person demonstrate the use or operation of such device, upon or in the following described waters (including the waterways and waterway beds up to the high water mark): All those rivers, streams, creeks,

and other waterways lying within the NW 1/4 of Section 35 and the E 1/2 of the SW 1/4, the E 1/2 of the SW 1/4 of the NE 1/4, the N 1/2 of the NW 1/4 of the SE 1/4 and the W 1/2 of the SW 1/4 of the NW 1/4 of the SE 1/4 of Section 26 and Pauley Creek northerly of a point one-fourth mile north of Downieville Public Utility District water intake all in Township 20 North, Range 10 E, Mt. Diablo Base and Meridian, and the SW 1/4 of Section 5, Township 19 North, Range 10 East, Mt. Diablo Base and Meridian. (Ord. 526, eff. 4/20/78, prior Section 46200)

9.04.060 Streams Open to Public

Those portions of all sloughs, rivers, or streams lying within the County which do not lie within or run through cultivated lands and are stocked or supplied in whole or impart with fish by the State of California or the County are declared to be public highways for the purpose of fishing therein. (Ord. 204, eff. 8/10/55, prior Section 46200)

9.04.070 Trespassing Unlawful

Section 9.04.070 is not intended to abrogate the rights of property owners riparian to such sloughs, rivers, and streams declared to be open highways to ownership in their property and is not intended that such private property be used as a means of ingress or egress to such open highways. Persons committing a trespass will be prosecuted under the laws of the State of California. (Ord. 406, eff. 3/21/73, prior Section 46200)

9.04.080 Mining Operations

It is unlawful for any person to conduct any mining operations on those certain lots owned by the County of Sierra, located in the Downieville Townsite and designated as lots 103, 104, 105, 106, 107, 108, 109, 111, 112, and 113, other than gold panning, sniping and operation of portable, motorless, single unit, hand carried sluice boxes on those portions of the aforesaid lots located below the mean high water mark of the river on said lots. For the purpose this Section and Section 9.04.090, mining operations include but are not limited to operations of dredges, drag lines, sluice boxes which are not portable, motorless, single unit and capable of being hand carried by a single individual, and activities which involve the use of tools other than hand held, human powered, motorless tools capable of being carried by a single individual. Violation of this Section shall constitute an infraction. Each day during which a violation of this section occurs shall constitute a separate offense. (Ord. 681, eff. 6/5/84)

9.04.090 Swimming Prohibited in Lower Sardine Lake

It is unlawful for any person to swim, float, or wade above the knees in Lower Sardine Lake located in the SW 1/4 of the NW 1/4 of Section 10, Township 20 N, Range 12E, MDBM, Sierra County, California. Violation of this section shall constitute an infraction punishable by a fine not to exceed $50.00. (Ord. 753, eff. 10/05/89)

CHAPTER 9.05 PROCESS FOR PROTECTING, MONITORING AND PREVENTION OF INVASIVE AQUATIC SPECIES IN COUNTY WATERWAYS

9.05.010 Purpose

The purpose of this ordinance is to preserve navigation, commerce, fishery, and recreation through the preservation of the land and waters in their current natural state by ensuring the protection of all native and desired aquatic species and aquatic habitat in the County of Sierra 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 Ordinance.

9.05.020 Findings

The water bodies within the County of Sierra 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 to the ecology, recreation, water supply, water quality, and economy of the region.

In particular, species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to the water bodies within the County of Sierra. Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California.

Presently, it does not appear that any water body in County of Sierra has been infested with Dreissenid mussels. However, water vessels entering County of Sierra 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 Sierra waters.

A screening and inspection program is integral to the preservation of the water bodies and water distribution systems with the County of Sierra and to the drainages from County of Sierra

9.05.030 Definitions

“Aquatic Invasive Species” shall mean any species not already native to the waters of County of Sierra whose introduction to those water is likely to cause economic or environmental harm or harm to human health.

“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.

9.05.040 Prohibition

(a) No person shall knowingly launch any Watercraft contaminated with any Aquatic Invasive Species into the waters of the County of Sierra

(b) No person shall launch any Watercraft into the waters of the County of Sierra without first submitting to an inspection pursuant to section 9.05.050, when such an inspection is required by the duly authorized agent of the County or by County personnel.

(c) No person shall launch any Watercraft into the waters of the County of Sierra without having their Watercraft decontaminated when directed to do so by the duly authorized agent of the County or by County.

(d) No person shall knowingly provide false information to any agent authorized to perform inspections pursuant to section 9.05.050.

9.05.050 Watercraft Inspections and Decontamination

(a) The County of Sierra 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 the waters of the County of Sierra 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 subsection (a) that is found to have indicia of contamination by aquatic invasive species may be required to undergo decontamination prior to launch, pursuant to such decontamination procedures and requirements shall be prescribed by the Board of Supervisors. Prior to launch, any Watercraft having undergone decontamination procedures will 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 in the County of Sierra, and/or at the time of the inspection, the person seeking to launch 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 continuous stored in a drained and dry condition subsequent to being on a water body containing Aquatic Invasive Species, and what decontamination procedures, if any, the watercraft has undergone. Where required, the affidavit shall be on a form provided 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 screening, that watercraft shall not be allowed to launch in any water body within the County of Sierra and shall be in violation of this Ordinance if he/she should nonetheless attempt to or actually launch in any water body in the County of Sierra.

9.05.060 Fees

All watercraft inspected are subject to a fee to pay for the inspection and/or decontamination. The County of Sierra or its designee will review and approve the fee structure annually. The inspection fee shall be in such amount as may from time to time be duly adopted by the Board of Supervisors.

9.05.070 Public Nuisance Declaration

Any violation of this chapter is hereby declared to be unlawful and a public health nuisance and may be abated by authorized County of Sierra or its designee, personnel, irrespective of any other remedy provided in this Ordinance.

9.05.080 Violation of Ordinance as an Infraction

Any violation this Ordinance and Chapter 9.05 of the Sierra County Code shall be an infraction, and shall be punishable as such pursuant to section 1.16.030 of the Sierra County Code. (Ord. 1041, eff. 10/4/12)

CHAPTER 9.08 LOITERING

9.08.010 Hours Effective

It is unlawful and punishable as a misdemeanor for any person under the age of eighteen (18) years to loiter in or about any public street or other public place, or any place open to the public within the county, between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. of the following day, when not accompanied by his or her parent, guardian or other adult person having the legal care, custody or control of such person, or the spouse of such person over twenty-one (21) years of age. (Ord. 312, eff. 3/19/68, prior Section 20101)

9.08.020 Parental Responsibility

Every parent, guardian, or other person having the legal care, custody, or control of any person under the age of eighteen (18) years who permits such person to violate Section 9.08.010 is guilty of a misdemeanor. (Ord. 312, eff. 3/19/68, prior Section 20102)

CHAPTER 9.12 PARADES

9.12.010 Permit Required

It is unlawful and punishable as a misdemeanor for any person to hold, manage or cause to be held or managed any parade of any kind without first having obtained a permit from the Sheriff or the Board of Supervisors. (Ord. 142, eff. 8/2/37, prior Section 32101)

CHAPTER 9.16 PUBLIC DANCES

9.16.010 Public Dance Defined

(a) "Public dance" means any dance at which a fee, charge or compensation for admission is exacted, and to which the public or any part of the public is admitted.

(b) "Public dance" does not mean any dance held in the public schools, for students and faculty only, under school rules and regulations.

(Ord 322, eff. 10/3/68, prior Sections 20200, 20201)

9.16.020 Permit Required

It is unlawful and punishable as a misdemeanor for any person to engage in, carry on, operate, maintain or conduct a public dance without first having obtained a written permit to do so, or to do so after such permit has been revoked. (Ord. 322, eff. 10/3/68, prior Section 20202)

9.16.030 Issuance of Permits

Dance permits shall be obtained from the Sheriff, upon ten (10) days' advance application therefor, and upon terms to be fixed by the Sheriff, in accordance with this chapter. The permit shall be posted in a conspicuous place on the dance premises during all times a dance is held therein. (Ord. 322, eff. 10/3/68, prior Section 20203)

9.16.040 Permit Fees

Permit fees shall be fixed by the Board of Supervisors, and shall be paid in full with each application. (Ord. 322, eff. 10/3/68, prior Section 20204)

CHAPTER 9.18 BINGO GAMES

9.18.010 Bingo Games

Bingo Games may be conducted in the County of Sierra by any organization exempted from the payment of the bank and corporation tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), and 23701(1), of the Revenue and Taxation Code and by Mobile Home Park Associations and Senior Citizen Organizations, provided that the receipts of such games are used only for charitable purposes. (Ord. 682, eff. 6/5/84)

CHAPTER 9.20 NUDITY

9.20.010 Appearance in Public

It is unlawful and punishable as a misdemeanor for any person to appear in any public place or in any place open to public view or in any place where there are present other persons to be offended or annoyed thereby, unclothed or in such attire, costume or clothing as to expose to view the female breast or any part of the male or female pubic or anal region or genitals. (Ord. 372, eff. 7/20/71, prior Section 47200)

CHAPTER 9.24 SIERRAVILLE-DEARWATER AIRPORT RULES AND REGULATIONS

9.24.010 Short Title

This ordinance may be referred to as the Sierraville-Dearwater Airport Rules and Regulations.

9.24.020 Applicability

This ordinance applies equally to every user of the Sierraville-Dearwater Airport.

9.24.030 Responsibilities

(a) Management: It shall be the responsibility of the (Manager) of Sierraville-Dearwater Airport to fairly and impartially administer the Sierraville-Dearwater Airport Rules and Regulations.

(b) Users: It shall be the responsibility of every user of the Sierraville-Dearwater Airport, pilot or other, to become familiar with the Sierraville-Dearwater Airport Rules and Regulations and to obey those Rules and Regulations. A copy will be maintained current to reflect any amendments and will be posted at the Department of Public Works, Downieville, California. Additional copies will be provided by the Sierraville-Dearwater Airport Manager to any user of the airport who requests such copy.

9.24.040 Definitions

For the purposes of this ordinance, the following definitions and meanings shall apply unless otherwise specified:

(a) "Air Carrier" means any person who undertakes directly, by lease, or other arrangement, to engage in air transportation of persons or things. They operate, in various categories, under authority or certification by U.S. Civil Aeronautics Board and/or the California Public Utilities Commission. Categories include Certificated Route Air Carriers, Trunk Carriers, Flag Carriers, Local Service Carriers, All-Cargo Carriers, Helicopter Carriers, Commercial Air Operators, Air Taxi Operators, and Charter Air Carriers.

(b) "Aircraft" means a device that is used, or intended to be used, for flight in the air. It includes airplanes, helicopters and gliders, and lighter than air devices such as blimps or balloons, but does not include hang gliders.

(c) "Airport" means the Sierraville-Dearwater Airport, its facilities, all lands owned by Sierra County contiguous to the airport, including airspace above such land and the designated approaches thereto.

(d) "Air Traffic" means aircraft operating in the air or on an airport surface, exclusive of parking areas.

(e) "Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft (helicopter) is in motion.

(f) "Balloon" means a lighter-than-air aircraft which is not engine driven.

(g) "Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena, that is reported as "broken", "overcast", or "obscuration", and is not classified "thin" or "partial".

(h) "County" means the County of Sierra.

(i) "Commercial Operator" means any person who, for compensation or hire, engages in the carriage of persons, property, or mail in air commerce, or engages in other aerial activity such as flight instruction, aerial photography, fire fighting, agricultural aviation activities, traffic surveillance.

(j) "Commercial Use" means use of the Sierraville-Dearwater Airport for revenue producing commercial activities.

(k) "Fixed Base Operator" means any person who rents, leases, or owns facilities located on the Sierraville-Dearwater Airport, who by virtue of his specific type of aviation (or aviation related) activity, requires the occupancy of a site with contiguous aircraft apron and direct access to the aircraft operation area, and who engages in a business activity providing aviation sales or services, including, but not limited to, any of the following:

(1) Selling and/or servicing new and used aircraft and component parts;

(2) Aircraft maintenance and repairs;

(3) Sales and/or repair of avionics;

(4) Aviation training (including ground or flight instruction);

(5) Aerial photography;

(6) Air ambulance service;

(7) Aircraft agricultural operations (cropdusting, spraying, or the application of seed, fertilizers, pesticides, defoliants, etc.); and

(8) Aircraft rental, charter, leasing.

(l) "Flight Visibility" means the average forward horizontal distance from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day, and prominent lighted objects may be seen and identified by night.

(m) "Ground Visibility" means prevailing horizontal visibility near the earth's surface.

(n) "Helicopter" means a rotor driven aircraft (rotor-craft) that, for its horizontal motion, depends primarily on its engine-driven rotors.

(o) "IFR" means instrument flight rules covering meteorological conditions below the minimums for flight under visual (VFR) conditions.

(p) "Maintenance" means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

(q) "Maximum Gross Landing Weight" means the maximum landing weight stipulated for a particular aircraft by the Federal Aviation Administration (FAA).

(r) "Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac, converted to local time.

(s) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity, and includes a trustee, receiver, assignee, or similar representative of any of them.

(t) "Traffic Pattern" means the traffic flow that is prescribed for aircraft landing at, or taking off from the Sierraville-Dearwater Airport.

(u) "Word Construction" - The following construction applies throughout this ordinance:

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

(v) "VFR" means visual flight rules covering meteorological conditions, above those requiring flight under IFR conditions.

(Ord. 565, eff. 1/2/80)

9.24.050 Necessity

This ordinance is enacted to protect the health, safety and peace, and to promote the welfare and convenience of the general public using the Sierraville-Dearwater Airport, or affected by activities related to the airport by providing for the orderly conduct of activities on, or related to, the airport.

9.24.060 Based Aircraft

Any person desiring to store or base his aircraft at the Sierraville-Dearwater Airport shall register his aircraft at the Department of Public Works office prior to beginning such storage or operations, and at any time that a change in ownership occurs. The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user to obey all of the rules and regulations herein provided.

9.24.070 Commercial Activity

No person shall utilize the Sierraville-Dearwater Airport for any revenue producing commercial activities without first obtaining a permit from the airport manager for such activities and paying the fees and charges established for such use. Any aircraft owner who fails to pay any fee duly charged for aircraft owned or controlled by him shall have such aircraft subject to impounding until the fees are paid, along with any impound fees, or until the aircraft is sold for charges.

9.24.080 Aircraft Storage and Parking

Aircraft shall only be stored or parked at places designated by the airport manager and such storage or parking shall be at the sole risk of the owner or operator of the aircraft, and without any responsibility of the Sierraville-Dearwater Airport, County, or any of its officers or employees, for any loss of, or damage to the aircraft while so stored or parked. The owner or operator of the aircraft shall be responsible for the tying-down and securing of his aircraft. He shall likewise be responsible for any liability arising from or caused by his aircraft or his activities.

9.24.090 Hours of Operation

The Sierraville-Dearwater Airport shall be open for public use at all hours of the day and night, subject to any restrictions imposed by the airport manager due to inclement weather, the condition of the landing area, the presentation of special events, construction or repair activities, or similar causes.

9.24.100 Unattended Aircraft

No aircraft shall be left unattended on the airport unless properly secured. Owners of aircraft left so unattended shall be liable for damage to other aircraft or property resulting from the failure to adequately secure or tie down the aircraft.

9.24.110 Maintenance

Unless otherwise authorized by the airport manager, no aircraft or vehicle maintenance (other than required to remove damaged aircraft from the runway or taxiway, or replacing a flat tire) shall be performed on the Sierraville-Dearwater Airport except in areas specifically designated by the airport manager for that purpose. Engine run-ups not incidental to takeoff or landing, shall not be conducted between the hours of 10:00 p.m. to 6:00 a.m.

9.24.120 Accidents

Every person involved in, or witnessing an aircraft accident on the airport shall report promptly the details of such accident to the airport manager, to the FAA and to local law enforcement personnel, as required by law. In addition, the pilot or aircraft owner shall report fully to the California Division of Aeronautics the details on any accident in which there is death or injury, or in which damage to the property of others exceeds $400.00. The owner and/or pilot of an aircraft which is damaged in an accident, or wrecked, shall be responsible for the prompt removal of the aircraft as directed by the airport manager, Where the pilot or owner is unable to arrange for removal of such disabled or wrecked aircraft, the airport manager shall have the authority to move, or arrange the removal of, the aircraft when released (if applicable) by the FAA or the National Transportation Safety Board (NTSB). No liability shall be incurred by the airport manager or others for damage aggravated by, or resulting from, such removal.

9.24.130 Noise

No person shall operate any aircraft in flight or on the ground in such a manner as to cause unnecessary noise as determined by applicable Federal or State or local laws and regulations.

9.24.140 Animals

No person shall willfully and knowingly permit any animal owned, possessed, or harbored by him to enter the airport unless the animal is leashed or restricted in such manner as to be under control, or is in a shipping container, or is otherwise under physical restraint.

9.24.150 Access to Runways

No person shall enter upon the runway, of the Sierraville-Dearwater Airport, except in an aircraft, without the express consent of the airport manager of his designated representative.

9.24.160 Starting Engines

No person shall start any aircraft engine on the Sierraville-Dearwater Airport:

(a) Unless a competent operator is at the controls; and

(b) Unless the aircraft is equipped with adequate brakes fully applied or the wheels are securely blocked with blocks or chocks that can be removed safely; and/or

(c) When the aircraft is in such a position that the propeller slipstream or jet blast can cause damage to, or interfere with the operation of, other aircraft, vehicles, mobile equipment, buildings, or can cause injury to passengers, spectators, or other personnel.

9.24.170 Taxiing

No person shall move any aircraft under its own power on the airport unless he is in full control of such aircraft, and has assured himself that there is no danger of collision with other aircraft, vehicles, equipment, buildings, or other obstacles. Aircraft shall be taxied at a safe speed, not to exceed fifteen (15) miles per hour.

9.24.180 Dumping Refuse

No person shall place, deposit or dump any garbage, cans, bottles, papers, ashes, sewage, carcass of any dead animal, offal, trash, rubbish, debris, or any other refuse in any location on the airport except in containers plainly marked for such purposes.

9.24.190 Firearms

No person shall shoot any projectile from a firearm or other device, into, on, or across any portion of the airport, nor have in his possession, or under his control, any firearm which is not unloaded and securely wrapped and boxed for shipment, or explosive or explosive device; provided, however, that this Section does not apply to peace officers or military personnel who are acting in the performance of their duties as such.

9.24.200 Take-offs and Landings

(a) No aeronautical activity shall be conducted at the Sierraville-Dearwater Airport except in conformance with current Federal Air Regulation, State of California law and regulations, and this ordinance.

(b) All initial takeoffs shall commence at the end of the runway (unless cleared by the airport manager).

(c) Touch-and-go landings shall be permitted only after the pilot has received approval from the airport manager.

(d) The following aircraft are (restricted) or (prohibited from) operating at the Sierraville-Dearwater Airport in emergency situations (examples only):

(1) Jet-powered aircraft, because of minimum runway length, noise, environmental constraints, etc.

(2) No hot air balloons or hang gliders may operate at the Sierraville-Dearwater Airport.

9.24.210 Aircraft Fueling and Defueling

(a) No aircraft shall be fueled or defueled while the aircraft engine is running.

(b) No smoking shall be permitted within fifty (50) feet of the aircraft or fuel truck while the aircraft is being fueled or defueled.

(c) During fuel handling, no passenger shall be permitted in or on the aircraft.

(d) All hoses, funnels and appurtenances used in fueling or defueling activities shall be equipped properly with a grounding device to prevent possible static ignition of volatile liquids. Such grounding devices shall be used during all fueling and defueling activities.

(e) During fuel handling activities, no person shall operate any radio transmitter or receiver, nor switch electrical appliances on or off in such aircraft, or in the immediate vicinity fifty (50') feet thereof.

(f) Every person engaged in aircraft fuel handling shall exercise due care to prevent the overflow of spilling of fuel.

(g) During fuel handling, no person shall use any material or device which is likely to cause a static spark, within fifty (50') feet of such aircraft or fuel truck.

(h) Where there has been a fuel spill or leak, no person shall start the engine of any aircraft in close proximity until the spill or leak has been washed away. In event of such spills or leaks, the airport manager shall be notified.

(i) Fuel hoses and draining or defueling equipment shall be maintained in a safe, sound, and nonleaking condition.

9.24.220 Vehicle Operations

(a) No person shall travel on any portion of the airport except upon the roads, walks, or places provided for the particular class of traffic, nor occupy the roads or walks in such manner as to hinder or obstruct their proper use.

(b) Motor-vehicle traffic shall yield the right-of-way to aircraft.

(c) Any accident, involving a motor vehicle, which results in a fatality or injury, or in property damage shall be reported by the driver to the airport manager.

(d) No person shall operate any motor vehicle on the airport in excess of 20 miles per hour (except emergency vehicles responding to an emergency situation).

(e) Vehicles shall not be parked on the airport other than in the manner and locations indicated by posted traffic signs and markings.

(f) Vehicles that are to be left unattended may be parked only in designated airport vehicle parking areas.

(g) Vehicles parked other than specified in E. and F., above may be moved by airport personnel, and in such event a towing charge will be levied prior to releasing the vehicle from impound. No liability for damages sustained by such vehicles during said movement will be assumed by the County of Sierra or any of its officers or employees.

(h) Motor vehicles shall not be driven on or across runways or other portions of aircraft operating areas without clearance from the airport manager.

(i) Motor vehicles shall not be driven or parked upon, or within fifty (50') feet of aircraft parking areas, ramp areas, or aprons without express approval of the airport manager. Exceptions: airport maintenance or emergency vehicles, or fuel or service vehicles.

(j) No person may operate a motor vehicle OR aircraft in or on any portion of the airport while under the influence of intoxicating liquor or drugs.

9.24.230 Fire Hazards

(a) No person shall light or smoke any cigarette, cigar, pipe, or similar object in the following airport areas:

(1) Within any hangar or fuel handling or storage areas;

(2) Within or upon any aircraft parking area or ramp;

(3) Inside any aircraft (whether or not such aircraft are parked or stored) or within fifty (50') feet thereof;

(4) Within fifty (50') feet of any "No Smoking" sign posted.

(b) No person shall operate any electric or gas welding or cutting equipment anywhere on the airport without prior written approval of the airport manager and the Sierraville Fire Department.

(c) No person shall clean or degrease any aircraft or part thereof except at or in a maintenance station properly equipped for such purposes, or in a space designated or authorized by the airport manager.

(d) No person shall store or stock any material or substance, or permit such activities in or on the airport in such a manner, or of such nature, as to constitute a fire hazard. And no person shall keep, store or discard any flammable liquid, gas, signal flare, or other flammable material in any building, room, enclosure, or other place on the airport except in areas specially designated by the airport manager for such purpose.

9.24.240 Fuel Sales

No person shall deliver aviation fuels or lubricants to, or dispense such fuel from, at, or upon the airport without a permit from the airport manager. No fuel shall be stored anywhere on the airport except in underground tanks, or such other tanks as may be approved by the airport manager.

9.24.250 Liability Insurance

Each aircraft based at the Sierraville-Dearwater Airport must be covered by Bodily Injury Liability Insurance with a minimum limit of $100,000 per person, $300,000 per incident (or a single limit liability of $300,000) and Property Damage Liability with a minimum limit of $100,000.

9.24.260 Illegal Activities

No person shall:

(a) Take or use any aircraft, aircraft parts, instruments, or tools pertaining thereto, which are owned, controlled, or operated by any other person, while such aircraft, parts, instruments, or tools are stored or otherwise left on the Sierraville-Dearwater Airport, or within its buildings, or facilities, without the written consent of the owner/operator thereof, except upon satisfactory evidence of the right to do so duly presented to the airport manager, or authorized by him, or so ordered by a court of competent jurisdiction.

(b) Land, takeoff, taxi, or otherwise operate any aircraft on, at, or from, the Sierraville-Dearwater Airport when he knows such aircraft is not operating properly, or is equipped with any part or safety device which is defective or unsafe. Deviations from this restriction shall only be permitted by specific authorization from the airport manager or his designated representative. Nor shall any aircraft be operated on or at the airport, or on any runway thereof, when the airport manager or other legal authority, and such closure has been indicated by the placement of an "X" at each end of the closed runway.

(c) Operate any aircraft (or vehicle) on, at, or in the vicinity (3 statute miles) of the Sierraville-Dearwater Airport in willful or wanton disregard for the safety of persons or property, whether his own or that of others.

(d) Engage in the performance of any aerobatics, stunt, maneuver not necessary to a normal takeoff, landing, normal turn or level flight of the aircraft, over or within one mile of the exterior boundaries of the airport.

(e) Engage in the sale of any goods, wares, merchandise, or services at or upon the airport without first having secured from the airport manager a permit therefore, and paying any required fees for such permit.

9.24.270 Airport Closure

The airport manager is hereby directed and authorized to close the airport, or portions thereof, or suspend operations related to the landing, takeoff, or taxiing of aircraft during any period in which he determines that such operations, or their continuance, would be hazardous. Causes for such closure could include, but would not be limited to, adverse weather conditions, runway maintenance or repairs, runway obstacles, fire, aircraft or other accident. Any such closure shall be effective only during such time as there is placed at each end of each runway so closed, a letter "X", the arms of which are at least twenty (20') feet long and two (2') feet wide, and so colored as to contrast with the background or other surface. The airport manager shall immediately notify the local FAA facility advising of the closure.

9.24.280 Severability

Should any article, section, sub-section, sentence, clause or phrase of this ordinance be held invalid or unconstitutional for any reason, such decision shall not affect the remaining portions of the ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each article, section, sub-section, sentence, clause or phrase, regardless of the fact that any one or more articles, sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

CHAPTER 9.25 LOYALTON ANNEX JOINT POWER AGREEMENT

9.25.000 Loyalton Annex

The agreement between the County of Sierra and the City of Loyalton for the construction and maintenance of a building in the City of Loyalton, dated March 24, 1981 by the Mayor of, City of Loyalton, is hereby adopted.

This ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health, safety, and welfare, and shall go into effect immediately.

The reasons for said urgency are that it is necessary to construct said building at the earliest possible date to provide essential services to the residents in the Loyalton area and adequate facilities for Sierra County employees.

(Ord. 604, eff. 4/7/81)

PART 11
ROADS AND VEHICLES

CHAPTER 11.04 TRAFFIC REGULATIONS 1
11.04.010 Designation by Board 1
11.04.020 Placement and Maintenance by Director 1
11.04.030 Violation a Misdemeanor 1
11.04.040 Violation of No Parking Regulations an Infraction 1
11.04.050 Sign Must Be Properly Displayed 1
CHAPTER 11.05 BRIDGE USE 2
11.05.100 No Jumping Off or Obstruction of County Bridges 2
11.05.110 Chapter Applies to Bridges on State Highways 2
11.05.120 Violation an Infraction 3
11.05.130 Severability 3
11.05.140 Emergency Closure of Little Truckee River Bridge at Henness Pass 3
11.42. 150 Emergency Weight Limit on Cedar Grove Ravine Bridge 3
CHAPTER 11.06 ROAD USE AND MAINTENANCE 4
11.06.020 Quincy-La Porte Highway 4
11.06.040 Restricted Use of Brandy City Road (County S490)-Repealed 4
11.06.060 The Port Wine Ridge Road (County Road 690) 4
11.06.070 Emergency Closure of Lavezzola Road 4
11.06.080 Emergency Closure of Roads Within Cottonwood Fire Area 4
11.06.085 Exemptions from Emergency Road Closure 5
CHAPTER 11.08 SPEED LIMITS 5
11.08.010 15 Mile Per Hour Speed Limit 5
11.08.015 20 Miles Per Hour Speed Limit 5
11.08.020 25 Mile Per Hour Limit 6
11.08.030 35 Mile Per Hour Speed Limit 6
11.08.031 Beckwith Road 7
11.08.040 45 Mile Per Hour Speed Zone 7
11.08.070 65 Mile Per Hour Speed Zone 7
CHAPTER 11.12 PARKING REGULATIONS 8
11.12.010 Parking in Alleghany 8
11.12.020 Parking in Downieville 8
11.12.025 Parking in Goodyears Bar 10
11.12. 030 Parking Within and Outside Loyalton 10
11.12.035 Parking in Sierra City 10
11.12.040 Parking in Sierraville 10
11.12.050 Parking During Snow Removal 10
11.12.060 Handicapped Parking 11
11.12.070 Parking Along Gold Lake Road 11
11.12.080 Parking in Verdi 11
11.12.090 Parking in Calpine 12
11.12.095 Parking at Greene Acres 12
11.12.100 Violation of Part 11, Chapter 12 12
11.12.110 Schedule of Sierra County Parking Violation Penalties 12
CHAPTER 11.14 OPERATION OF GOLF CARTS 13
11.14.010 Purpose and Intent 13
11.14.020 Golf Cart Transportation Plan Adoption and Requirements 13
11.14.030 Modification of Golf Cart Transportation Plan 13
11.14.040 Enforcement 13
11.14.050 Report to Legislature 13
CHAPTER 11.16 ONE WAY TRAFFIC CONTROL 14

11.16.010 One Way Traffic in Downieville 14
CHAPTER 11.20 LOAD LIMITS 15
11.20.010 General Provision 15
11.20.020 Seven Ton Limit 15
11.20.030 Roads to be Posted 15
11.20.040 Load Limits on Ridge Road 15
11.20.050 Transportation Permits Required 15
11.20.060 Restricted Use of County Roads 16
11.20.070 Emergency Weight Limit on Fiddle Creek Bridge 16
11.20.080 Emergency Weight Limit on Goodyears Creek Bridge 16
CHAPTER 11.24 REPEALED 17
CHAPTER 11.26 ALLEGHANY RIDGE ROAD 18
11.26.010 Acceptance of Ordinance of Yuba County, CA, Authorizing Use of Alleghany - Ridge Road 18
CHAPTER 11.28 VEHICLE REGULATIONS 19
11.28.010 Overnight Sleeping in Vehicle or Trailer 19
11.28.020 Vehicles on Airport Runways Prohibited 19
CHAPTER 11.32 REPEALED 20
CHAPTER 11.36 REPEALED 21
CHAPTER 11.40 STREET ADDRESSING AND NAMING 22
11.40.010 Purpose 22
11.40.020 System Description 22
11.40.030 Administration 22
11.40.040 Assignment of Numbers 22
11.40.050 Names of Roads 23
11.40.060 Display of Numbers 23
11.40.070 Severability 24
CHAPTER 11.42 GOVERNMENTAL VEHICLE POLICY 25
11.42.010 Purpose 25
11.42. 020 Application 25
11.42. 030 Vehicle Policy 25
11.42. 040 Applicable to All Employees and County Officials (Classified and Unclassified 25
11.42. 050 All Employees (Classified and Unclassified) Utilizing Private Vehicles 27
11.42. 060 All Employees (Classified and Unclassified Assigned Vehicles on Temporary Basis 28
11.42. 070 Employees (Classified and Unclassified) Assigned Vehicles on a Permanent Basis 28
11.42. 080 Department Managers (Unclassified Employees) Assignment of Permanent Vehicles 29
11.42. 090 Department Manager Responsibilities 29
11.42. 100 Vehicle Accidents 30
11.42. 110 Special Equipment 30
11.42. 120 Violation 31

PART 11
ROADS AND VEHICLES

CHAPTER 11.04 TRAFFIC REGULATIONS

11.04.010 Designation by Board

The Board of Supervisors shall by resolution determine and designate the character of all official traffic control signals; warning, regulatory and direction signs and signs designating the boundaries of business and residence districts as provided in the California Vehicle code. (Ord. 234, eff. 12/17/58, prior Section 31201)

11.04.020 Placement and Maintenance by Director

The Director of Public Works shall place and maintain, or cause to be placed and maintained, all official traffic control signals authorized by the Board, this chapter or the California Vehicle Code. (Ord. 234, eff. 12/17/58, prior Section 31201.1)

11.04.030 Violation a Misdemeanor

It is unlawful and punishable as a misdemeanor for any operator or pedestrian to at any time violate any instruction appearing on any traffic sign or any indication as set forth in the California Vehicle Code presented by any traffic signal upon any highway placed in accordance with the provisions of this chapter or under the authority of the Board. (Ord. 234, eff. 12/17/58, prior Section 31201.3)

11.04.040 Violation of No Parking Regulations an Infraction

Notwithstanding anything to the contrary in this chapter, it is unlawful and punishable as an infraction for any person to disobey any no-parking regulation posted pursuant to this chapter. (Ord. 453, eff. 7/3/75, prior Section 6.1)

11.04.050 Sign Must Be Properly Displayed

No provision of Sections 11.04.030 and 11.04.040 for which signs are required may be enforced against any alleged violator thereof, if at the time and place of such alleged violation any sign required by this chapter is not in proper position and sufficiently legible to be seen by an ordinarily observant person. (Ord. 234, eff. 12/17/58, prior Section 31201.2)

CHAPTER 11.05 BRIDGE USE

11.05.100 No Jumping Off or Obstruction of County Bridges

It is unlawful to jump from, fish from, or otherwise loiter or obstruct or impede vehicular and/or pedestrian passage on any bridge within the County of Sierra, including the following:

BRIDGE NO	STRUCTURE NAME	LOCATION
13C0003	Downie River	Downieville
13C0006	North Fork Yuba River	South of State Route 49
13C0007	North Fork Yuba River	0.1 mi. S of State Route 49
13C0017	Rock Creek	0.5 mi. W Jct Cncl Hill Rd
13C0019	Rock Creek	10.6 mi. N/E Challenge/La Porte Rd
13C0021	Fiddle Creek	0.15 mi. N State Route 49
13C0022	Goodyear Creek	0.6 mi. N of State Route 49
13C0027	North Fork Yuba River	0.1 mi. from State Route 49
13C0029	Salmon Creek	1.5 mi. N of State Route 49
13C0031	North Fork Oregon Creek	9.9 mi. S of State Route 49
13C0032	South Fork Oregon Creek	9.94 mi. S of State Route 49
13C0034	Howard Creek	just off State Route 49
13C0035	South Branch Carman Creek	North of Calpine area
13C0036	Middle Branch Carman Creek	5.9 mi. N of State Route 49
13C0037	Goodyears Creek	0.2 mi. N of State Route 49
13C0038	North Branch Carman Creek	6.1 mi. N State Route 89 and 49
13C0039	East Branch Smithneck Creek	1/4 mi. S of State Route 49
13C0040	San Juan Creek	0.8 mi. from State Route 49
13C0042	Lemon Creek	1.4 mi. E of State Route 49 near Sierraville
13C0043	Rock Creek	0.5 mi. S of State Route 49
13C0044	Reese Ravine	0.4 mi. from State Route 49
13C0045	Lavezzola Creek	3.6 mi. N of State Route 49
13C0046	North Fork Yuba River	0.7 mi. E of State Route 49
13C0048	Woodruff Creek	0.5 mi. S of State Route 49
13C0049	Little Truckee River	3 mi. E Webber Lake
13C0050	Rock Creek	Port Wine Ridge Rd 1 mi. E of Sierra/Yuba county line
13C005	Kanaka Creek	1.6 mi. S of Alleghany
13C0052	Cedar Grove Ravine	0.3 Mi. S intersect. St. Lous Rd.
13C0053	Salmon Creek	0.05 mi. E Gold Lake Rd.
13C0054	Cherokee Creek	1.1 mi. N intersect. CR S490
13C0055	Downie River	in Downieville
13C0056	Little Truckee River	1/4 mi. S Jackson Meadow Rd.

(Ord. 838, eff. 4/02/96)

11.05.110 Chapter Applies to Bridges on State Highways

Pursuant to *California Vehicle Code Section* 21109, Sierra County Code provision 11.06.100 shall be effective on all state highway bridges in the County, which bridges include the following:

STRUCTURE NAME	LOCATION
Indian Valley	State Route 49 at Indian Valley
Fiddle Creek	on State Route 49

Goodyears Bar	State Route 49 in Goodyears Bar
Commercial Street	in Downieville at MP 1675.
Salmon Creek	State Route 49
Little Truckee River	State Route 89 west of Truckee
Smithneck Creek	State Route 49 in Loyalton
Sierraville Creek (aka Coldstream Creek)	State Route 49 in Sierraville
Perry Creek (aka Coldstream Creek)	State Route 89 east of Sierraville

(Ord. 838, eff. 4/02/96)

11.05.120 Violation an Infraction

Violation of this Part 11, Chapter 05 shall constitute an infraction punishable by a fine not to exceed $50.00. (Ord. 838, eff. 4/02/96)

11.05.130 Severability

If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable. (Ord. 838, eff. 4/02/96)

11.05.140 Emergency Closure of Little Truckee River Bridge at Henness Pass

The use of Little Truckee River Bridge, County Bridge Number 1 3C0049, located 3 miles East of Webber Lake on Henness Pass Road is prohibited. (Ord. 911, eff. 8/15/00)

11.05.150 Emergency Weight Limit on Cedar Grove Ravine Bridge

The use of Cedar Grove Ravine Bridge, County Bridge Number 13C0052 by any vehicle is restricted to three (3) tons. (Ord. 916, eff. 11/7/00)

CHAPTER 11.06 ROAD USE AND MAINTENANCE

11.06.020 Quincy-La Porte Highway

The County of Plumas, State of California, is granted permission to use Sierra County Road S-990 which is commonly identified as the Quincy-La Porte Highway, for the purpose of constructing and maintaining thereon, a public highway, serving the needs of residents of both counties pursuant to California Streets and Highways Code, Section 972 and following. The Board of Supervisors of the County of Plumas may exercise the powers expressly permitted in California Streets and Highway Code, Section 973 for the purpose of constructing and maintaining the public highway as more particularly described as follows:

> Beginning at a point on the Sierra-Plumas County Boundary, said point being the true point of beginning of that portion of the Quincy-La Porte Highway, said point being in the Easterly half of Section 35, T22N, R9E, M.D.B. and M.; thence Northeasterly through the Northeast quarter to a point on the East boundary of said Section 35; thence Northeasterly through the North half of Section 36, T22N, R9E, M.D.B. and M., to the North boundary of said Section 36; thence Northeasterly through the East half of Section 25, T22N, R9E, M.D.B. and M., to the East boundary of said Section 25; thence Northeasterly through the Northwest quarter of Section 30, T22N, R10E, M.D.B. and M. to the North boundary of said Section 30; thence Northerly through the West half of Section 19, T22N, R10E, M.D.B. and M., to the intersection of the Sierra-Plumas County Boundary in said Section 19, for a total length of 3.47 miles.

This ordinance shall be in full force and effect for a period of ten (10) years from and after the effective date hereof, or for a lesser period of time as the Board of Supervisors of Sierra and Plumas Counties may mutually consent as expressed through ordinances of the respective Board of Supervisors, at which time, the retransfer of use, maintenance, and control of said public highway will occur in compliance with California Streets and Highways Code, Section 975. The ordinance may be extended as the Board of Supervisors of both respective counties may grant by ordinance, for individual terms not exceeding ten (10) years.

The provisions of this ordinance shall be accepted by the Board of Supervisors of the County of Plumas by an ordinance duly adopted and a certified copy thereof shall be filed with the Clerk of the Sierra County Board of Supervisors. The legal effect of Ordinance 699 is stayed until such time as the ordinance adopted by the County of Plumas as provided herein is on file with the Clerk of the Sierra County Board of Supervisors.
(Ord. 718, eff. 7/15/86, prior 699)

11.06.040 Restricted Use of Brandy City Road (County S490)-Repealed

Repealed. (Ord. 740, eff. 9/6/88 prior Section 11.06.040, 738)

11.06.060 The Port Wine Ridge Road (County Road 690)

The Port Wine Ridge Road (County Road 690) is hereby closed to all through traffic due to severe damage and failure to the road at the approximate location of Gardners Point Mine. (Ord. 749, eff. 07/05/89)

11.06.070 Emergency Closure of Lavezzola Road

Repealed (Ord. 829, eff. 07/05/95)

11.06.080 Emergency Closure of Roads Within Cottonwood Fire Area

Repealed (Ord. 831, eff. 08/01/95)

11.06.085 Exemptions from Emergency Road Closure

Repealed (Ord. 835, eff. 03/07/96)

CHAPTER 11.08 SPEED LIMITS

11.08.010 15 Mile Per Hour Speed Limit

The prima facie speed limit for highways or portions thereof designated in this section is hereby determined and declared to be fifteen (15) miles per hour.

(a) The portion of Main Street in the town of Downieville (County Road S-500) from the intersection with School Street to the intersection with Lavezzola Road. (Ord. 872, eff. 11/20/98, prior 589)

(b) The portion of Pearl Street in the town of Downieville (County Road S-501) from the intersection with Commercial Street to the intersection with Main Street. (Ord. 589, eff. 10/7/80)

(c) The portion of Commercial Street in the town of Downieville (County S-502) currently serving as a temporary detour for State Route 49. (Ord. 662, eff. 11/1/83)

(d) Nevada Street (County Road S-503) and Galloway Street (County Road S-515) described as follows:

Beginning at the intersection of S-500 Main Street (temporary State Route 49) and S-503 Nevada Street, thence Southwesterly along S-503 Nevada Street to the intersection of S-515 Galloway Street (Courthouse Square), thence Southeasterly along S-515 Galloway Street to the South Boundary of the Downieville townsite. A length of 0.38 plus or minus miles. (Ord. 686, eff. 11/6/84)

(e) All County highways within the limits of Alleghany. (Ord. 726, eff. 6/16/87)

(f) The portion of Main Street in the town of Downieville (County Road S-500) from the intersection with State Route 49 (Temporary Detour) to the intersection with School Street. (Ord. 726, eff. 6/16/87)

(g) All County highways within the limits of Goodyears Bar.

(h) All that portion of Brandy City Road (S490) from State Route 49 at Indian Valley to the intersection of Brandy City Road (Road 491) at Cal Ida mill site, total length 4.51 miles. (Ord. 726, 733, eff. 11/3/87)

(i) The portion of Gold Bluff Road in the town of Downieville (County Road 509) from the intersection with Upper Main Street to the intersection with Sailor Ravine Road. (Ord. 810, eff. 1/6/94)

11.08.015 20 Miles Per Hour Speed Limit

(a) The portion of Main Street in the town of Downieville (County Road S-500) from the intersection with Oxford Mine Road to the intersection with Old Dump Road. (Ord. 589, eff. 10/7/80)

(b) The portion of Wild Plum Road adjacent the Sierra City townsite (County Road S-524) from the intersection with State Route 49 to the Wild Plum Bridge (Bridge No. 13C-46) at mile 0.7. (Ord. 684, eff. 7/3/84)

11.08.020 25 Mile Per Hour Limit

The prima facie speed limit for the highways or portions thereof designated in this section is hereby determined and declared to be twenty-five (25) miles per hour:

(a) The Brandy City Road, County Road #S-490 between the intersection of Highway 49 and a point 2,500 feet, more or less, from Highway 49. (Ord. 750 eff. 08/17/89 prior Section 31100(7), 474)

(b) All County highways within the limits of the community of Calpine, as defined by the legal boundary of the Sierra County-Calpine Waterworks District No. 1. (Ord. 871, eff. 11/6/98 prior 750, Section 31100(4), 318)

(c) All County highways within the limits of Downieville. (Ord. 750, eff. 08/17/89 prior Section 31100(1), 329)

(d) Goodyears Creek Road from a point 200 feet more or less north of the bridge crossing Goodyears Creek and extending to the north boundary of Assessor's Parcel 2-180-09 (as shown on Assessor's map, book 2, Page 18, revised 12-7-70). (Ord. 750, eff. 08/17/89 prior Section 31100(b), 466)

(e) Wild Plum Road from State Route 49, for an approximate distance of 3/4 mile, to the far end of Keefer Bridge, as it crosses the North Yuba River above the town of Sierra City. (Ord. 750, eff. 08/17/89 prior Section 31100(3), 273)

(f) Old Dog Valley Road within Verdi from the State Line west for a distance of 0.6 mile. (Ord. 750, eff. 08/17/89 prior 661)

(g) Railroad Avenue (County Portion Only) within the City Limits of Loyalton from the southern City Limit line to the intersection with State Route 49. (Ord. 750, eff. 08/17/89 prior 11.08.020(g))

(h) All County highways within the limits of Sierra Brooks Subdivision, Unit One and Two, with the exception of Smithneck Road. (Ord. 750, eff. 08/17/89 prior 726)

(i) Old Toll Bridge Road in Goodyears Bar (County Road 402) from its intersection with the east boundary of the Goodyears Bar Townsite to its end 2.09 miles east. (Ord. 750, eff. 8/17/89 prior 11.08.020(i))

(j) All county highways within the limits of the community of Sierraville, as defined by the legal boundary of the Sierraville Public Utility District and including the following roads: East Willow Street from the intersection of SR89 to its end; West Willow Street from the intersection of SR89 to its end; North Battelle Street from the intersection of SR89/49 to its end; Mead Street from the intersection of Battelle Street to its end; Wilson Lane from the intersection of SR89/49 to its end. (Ord. 835, eff. 3/07/96)

11.08.030 35 Mile Per Hour Speed Limit

The prima facie speed limit for the highways or portions thereof designated in this section is hereby determined and declared to be thirty-five (35) miles per hour. (Ord. 633, eff. 10/5/82)

(a) The portion of Westside Road (County Road No. S-640), in an approximate distance of 0.40 mile, closest to and forming a junction with State Route 89/49 in Sattley. (Ord. 633, eff. 10/5/82)

(b) The portion of Ridge Road (County Road No. S-180) in the area of Pike City Road (County Road No. S-190) intersection between Post Mile S-180, 0.15 and Post Mile S-180, 2.50. (Ord. 633, eff. 10/5/82)

(c) The portion of Old Truckee Road (County Road No. S-541) between Nichols Mill Road and State Route 89. (Ord. 633, eff. 10/5/82)

11.08.031 Beckwith Road

Beckwith Road (County Road N S850) from the Loyalton City Limit also being the South boundary of Section 12, T. 21N., R. 15E., M.D.B. & M., North a distance of 1,012 feet to the North boundary of the Loyalton City Park. (Ord. 633, eff. 10/5/82)

11.08.040 45 Mile Per Hour Speed Zone

The prima facie speed limit for highways or portions thereof designated in this section is hereby determined and declared to be 45 miles per hour.

(a) The portion of Smithneck Road (County Road No. S-860) with Sierra Brooks Subdivision. (Ord. 633, eff. 10/5/82)

(b) The portion of Smithneck Road from M.P. 1.0 for a distance of approximately one mile south to the cattle guard or the end of the pavement on Smithneck Road at the southerly boundary of Sierra Brooks Subdivision, shall have a speed limit of 30 miles per hour during the period of construction commencing from the effective date of this ordinance to October 31, 1994, or upon completion of construction and removal of 30 mph signs, whichever first occurs. (Ord. 821, eff. 07/05/94)

11.08.070 65 Mile Per Hour Speed Zone

The prima facie speed limit for highways or portions thereof designated in this section is hereby determined and declared to be 65 miles per hour.

(a) The portion of Westside Road (County Road No. S-640), from an approximate distance of .04 mile from the junction with State Route 89/49, northerly to the Plumas County Line. (Ord. 842, eff. 9/19/96)

CHAPTER 11.12 PARKING REGULATIONS

11.12.010 Parking in Alleghany

(a) Parking or stopping is prohibited on the south side of Main Street in Alleghany from the west corner of the Alleghany Supply Company Building (Assessor Parcel No. 004-240-026-0) southwest to the west corner of Casey's Place Building (Assessor Parcel No. 004-250-025-0). (Ord. 754 eff. 12/21/89, prior 199, 537, 636, 694)

(b) Parking is limited to twelve minutes in front of the Alleghany Post Office and Supply Company Building for the purpose of loading and unloading (Assessor Parcel No. 004-240-026-0). (Ord. 754 eff. 12/21/89, prior 199, 537, 636, 694)

(c) Parking shall be limited to one (1) consecutive twelve (12) hour period of time at the public parking lot maintained by the County of Sierra described as a strip of land approximately 24 feet wide and 159 feet long, the western boundary of the leased property commences at the intersection of western lot corner of Lot 48 (Assessor's Parcel 004-250-032-0) and the north edge of the Main Street pavement. The Leased Property is that property contained within the arc 24 feet wide commencing from the western boundary and continuing approximately 159 feet (through Lot 50, Assessor's Parcel 004-250-042-0) to the eastern boundary of Lot 50, Alleghany, Sierra County, California, as referenced in Sierra County Agreement 89-035. (Ord. 754, eff. 12/21/89)

11.12.020 Parking in Downieville

(a) Parking is prohibited on the west side of Commercial Street in Downieville from the south side of Main Street to the north end of Jersey Bridge. (Ord. 136,168, 206, 333, eff. 6/18/69, prior Section 31202(A))

(b) Parking is prohibited on the east side of Commercial Street in Downieville from the south side of Main Street to the north end of Jersey Bridge. (Ord. 189, 206, eff. 10/1/55, prior Section 31202(E))

(c) Parking is prohibited on the east side of Commercial Street in Downieville from the north end of Jersey Bridge to power pole No. 175. (Ord. 387, eff. 3/16/72, prior Section 31202(H))

(d) Parking or stopping is prohibited on the west side of Nevada Street in Downieville from the south end of Durgan Bridge to the junction of Nevada Street and the Piety Hill Road. (Ord. 197, eff. 11/1/53, prior Section 31202(C))

(e) Parking or stopping is prohibited on the north side of Main Street in Downieville from the western most corner of Assessor Parcel 3-101-06 (Community Hall Building) and the western most corner of Assessor Parcel 3-081-12 (Downieville Motor Inn). (Ord. 186, 189, 656, amended eff. 9/6/83, prior Section 31202(D))

(f) Parking is prohibited on the south side of Pearl Street in Downieville, from the east side of Commercial Street to the northeast corner of lot 16, a distance of 85 feet. (Ord. 396, eff. 8/4/72, prior Section 31202(I))

(g) Parking is prohibited on the South side of Maiden Lane in Downieville, California from the intersection with Church Street to the Northwest corner of the Community Hall and parking is prohibited on the North side of Maiden Lane in Downieville, California for a distance of 200 feet Northeasterly from the intersection with Church Street. (Ord. 410, 615, amended eff. 11/17/81, prior Section 31202(J))

(h) Parking is restricted to 30 minutes in the parking area of the Bell Tower Plaza located North of Main Street and East of Sunnyside Drive. (Ord. 1001, eff. 7/17/08, prior Ord. 410, 791)

(i) Except for emergency loading or unloading, parking in the three-space area between the flagpoles at the main entrance to the Sierra County Courthouse in Downieville is limited to visitors (members of the public) only, and for periods of 20 minutes maximum time. Parking in the parking area of the Courthouse between the Main Courthouse and the Courthouse Annex is restricted to a twenty-four (24) hour limit. (Ord. 791, eff. 8/20/92, prior Ord. 360)

(j) Except for emergency vehicles, parking is prohibited on the County property on the west (rear) side and the south side of the courthouse. (Ord. 417, amended eff. 12/28/82, Ord. No. 642, prior Section 31202(M))

(k) Parking is prohibited on the south side of Main Street in Downieville opposite the firehouse in front of the east 7 1/2 feet of lot 8 and all of lots 9,10, and 11. (Ord. 426, amended eff. 12/28/82, Ord. No. 462, prior Section 31202(N))

(l) Parking is prohibited on the south side of Main Street in Downieville from the northwest corner of lot 7 (Quartz Cafe) to the northeast corner of lot 13 (west side of Commercial Street). (Ord. 442, amended eff. 12/28/82, Ord. No. 642, prior Section 31202(O))

(m) Parking is prohibited within fifty (50') feet of the north end of Lavezzola Road (County Road #S-514). (Ord. 485, amended eff. 12/28/82, Ord. No. 642, prior Section 31202.1)

(n) Parking is restricted to a twelve (12) hour limit on the North side of River Street from the intersection of Nevada Street Westerly to the West property line of Lot 103 as shown on the Downieville Townsite Map.

(o) Parking is restricted to a twelve (12) hour limit on the south side of Nevada Street from the Courthouse parking lot to the Westerly property line of Lot 13 as shown on the Downieville Townsite Map.

(p) Parking is restricted to a twelve (12) hour limit on the Easterly side of Nevada Street from Durgan Bridge Southerly to the South boundary of Lot 28 as shown on the Downieville Townsite Map.

(q) During the period each year between May 15 and September 15, parking is restricted to a twelve (12) hour limit on the Northerly side of Nevada Street along the Southerly property lines of Lots 11 and 12 as shown on the Downieville Townsite Map.

(r) Parking is restricted to a four (4) hour limit in Lots 23, 24, 25, 26 and 27, known as the Vilas parking area, located on the North side of Main Street in Downieville.

(s) Parking is restricted to a two (2) hour limit on the South side of Main Street, Downieville, along the North boundary of Lots 4, 5, and 6 as shown on the Downieville Townsite Map. Parking in front of Lot 3 (corner of Commercial and Main) is restricted to 5 minute parking between the house of 9 a.m. and 5 p.m. (Ord. 1001, eff. 7/17/08)

(t) Parking is restricted to a two (2) hour limit on the Northerly side of Main Street along the Southerly boundary of Lot 33 on the North side of Main Street, in that area known as the Community Hall parking lot. (Ord. 1001, eff. 7/17/08)

(u) During the period each year between May 15 and September 15, parking is prohibited on the East side of School Street along the Westerly boundary of Lot 37, as shown on the Downieville Townsite Map. During the period of each year between September 16 and May 14, the parking in the area covered by this subsection shall be limited to twenty-four (24) hours per day.

(v) Parking is prohibited on both sides of River Street from power pole No. 51 located on Lot 103, Durgan Flat, Downieville Townsite to the end of River Street. (Ord. 1039, eff. 8/2/12; prior 1001)

(w) Parking is restricted to a seventy two hour limit on the easterly and westerly sides of Durgan Flat Road (County Road 503) from the intersection of Nevada Street (at the southeast corner of lot 5 and southwest corner of lot 13 of the Downieville Townsite Map) southerly to its end at the entrance to the US Forest Service Downieville Trailhead parking facility. (Ord. 1050, eff. 11/14/13)

11.12.025 Parking in Goodyears Bar

(a) Parking is prohibited on either side of Main Street in Goodyears Bar between Goodyear Creek Street and China Street. (Ord. 455, eff. 10/16/75, prior Section 31203.1)

(b) Parking shall be prohibited on either side of County Road #S-300 (Mountain House Road) from the south side of North Yuba River Bridge to the intersection of Old Toll Bridge Road. (Ord. 772, eff. 7/18/91)

(c) Parking shall be prohibited along the river side of Old Toll Road in Goodyears Bar for a distance of one mile east from the end of the pavement. (Ord. 811, eff. 1/20/94)

11.12.030 Parking Within and Outside Loyalton

Parking is prohibited on County maintained highways located within the City of Loyalton and on County maintained highways located outside of and adjacent to the City of Loyalton as follows:

(a) Parking is prohibited on both sides of Railroad Avenue within the city limits of Loyalton from State Highway 49, southerly to the Loyalton city limits.

(b) Parking is prohibited on both sides of Beckwith Road (County Road A-24) beginning at the city limits of Loyalton in a northerly direction to the intersection of the eastern side of the road with Pool Street and on the western side of the road with Poole Lane. (Ord. 930, eff. 3/7/2002, prior 687)

11.12.035 Parking in Sierra City

(a) Parking is prohibited on the east side of Hayes Road (County Road No. 555) in Sierra City. (Ord. 712, eff. 4/15/86)

(b) Parking shall be limited to one (1) consecutive twelve (12) hour period of time at the public parking lot maintained by the County of Sierra at the corner of State Route 49 and Butte Road, Sierra City, California. (Ord. 729, eff. 7/21/87)

11.12.040 Parking in Sierraville

(a) Parking is prohibited in Sierraville for fifteen (15') feet on each side of the southwest corner of the intersection of Routes 49 and 89. (Ord. 455, eff. 10/16/75, prior Section 31203.2)

(c) Parking is prohibited in Sierraville for fifteen (15') feet on each side of the southeast corner of the intersection of Routes 49 and 89. (Ord. 455, eff. 10/16/75, prior Section 31203.2)

11.12.050 Parking During Snow Removal

It is unlawful and punishable as a misdemeanor for any person to park, or leave more than momentarily unattended, any vehicle upon the right of way of any County road subject to emergency snow removal, in such a manner as to obstruct, delay or otherwise hinder an existing snow removal operation by the County. The Sheriff shall supervise the immediate removal of any vehicle so parked, and any expense thereby incurred shall

be paid by the owner of said vehicle, or the person in charge thereof. (Ord. 332. eff. 4/2/69, prior Section 31204.2)

11.12.060 Handicapped Parking

(a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background or the space is outlined in blue markings and there is on the ground in the space a similar profile view depicting a wheelchair with occupant, unless the vehicle displays either one of the distinguishing license plates or placard issued pursuant to Section 22511.5 of the California Vehicle Code or to disabled veterans as specified in Section 9105 of the California Vehicle Code. This provision shall apply to all off street parking facilities owned and/or operated by the County of Sierra and may also apply to any privately owned and maintained off street parking facility.

(b) The Board of Supervisors, by Ordinance or Resolution, and any private party in lawful possession of an off street parking facility may designate stalls or spaces in an off street parking facility owned and/or operated by the County of Sierra or private party for the exclusive use of vehicles which display a distinguishing license plate or placard issued pursuant to Section 22511.5 of the California Vehicle Code or to disabled veterans, as specified in Section 9105 of the California Vehicle Code. The County of Sierra, owning and/or operating an off street parking facility, and a private party in lawful possession of a privately owned off street parking facility, may cause enforcement of the provisions of this section by the County Sheriff.

(c) It is unlawful for any person to park or leave standing any vehicle in a parking stall or space located on any County highway which is designated for physically handicapped persons, if immediately adjacent to and visible from such stall or space, there is posted a sign or other notice consistent with State law that the on street parking space is restricted for disabled persons possessing a vehicle which displays either one of the distinguishing license plates or placard issued pursuant to Section 22511.5 of the California Vehicle Code or to disabled veterans as specified in Section 9105 of the California Vehicle Code.

(d) It shall be unlawful and punishable as an infraction in compliance with Sierra County Code Section 1.16.030 for any person to violate or otherwise disobey the regulations of this section. (Ord. 657 eff. 9/6/83)

11.12.070 Parking Along Gold Lake Road

(a) Parking and storage of vehicles is prohibited between the hours of 10:00 P.M. and 6:00 A.M. daily in the designated parking areas or in any areas not designated along Gold Lake Road from State Route 49 to Howard Creek.

(b) Long-term parking is allowed in designated parking area on the south side of Gold Lake Road between the snow gate and the west side of Howard Creek. (Ord. 766, eff. 03/07/91)

11.12.080 Parking in Verdi

Parking is prohibited between November 1 and May 31 on the cul-de-sac and along the east boundary of Lot 20 at the northerly end of Pine Cone Drive in the Sierra Pines Subdivision in Verdi.
(Ord. 811, eff. 1/20/94)

11.12.090 Parking in Calpine

Parking is prohibited across from the firehouse in Calpine, more particularly described as follows: 35 feet on the south side of Main Street along the northerly boundary of Lot Number "2" Block "C" in Calpine directly across from the Calpine Firehouse. (Ord. 819, eff. 06/16/94)

11.12.095 Parking at Greene Acres

(a) Parking shall be prohibited on the east side of Greene Road between the river access road and parking area to preserve snow removal storage area and public access to the North Yuba River.

(b) Parking shall be prohibited on the west side of Greene Road from Highway 49 to the USFS bridge crossing the North Yuba River.

11.12.100 Violation of Part 11, Chapter 12

Violation of Sierra County Code Part 11, Chapter 12 shall be subject to the imposition of a civil penalty in the amount prescribed in this Chapter. (Ord. 820, eff. 06/16/94)

11.12.110 Schedule of Sierra County Parking Violation Penalties

The Schedule of Sierra County Parking Violation Penalties is as follows:

CIVIL PENALTY	AMOUNT
All civil parking violations including but not limited to those found in the following codes excepting parking, registration and equipment penalties which are set by state or federal statute in which case state or federal statute shall govern.	$25.00

California Code of Regulations
California Vehicle Code
Public Resources Code
Sierra County Code

LATE PENALTIES	
WHEN PAYMENT OF A CIVIL PENALTY IS NOT MADE WITHIN 10 DAYS OF THE DATE OF MAILING THE NOTICE OF DELINQUENT VIOLATION PENALTY THE FOLLOWING LATE PENALTY SHALL BE ASSESSED	50% of the civil penalty

(Ord. 820, eff. 6/16/94)

CHAPTER 11.14 OPERATION OF GOLF CARTS

11.14.010 Purpose and Intent

Pursuant to Chapter 6 of Division 2.5 of the Streets and Highways Code, commencing with Section 1950, the County of Sierra is authorized to establish a Golf Cart Transportation Plan for purposes of expanding the use of golf carts on public streets within the County. It is the intent of this legislation and the County of Sierra that a Golf Cart Transportation Plan be designed and developed to best serve the functional travel needs of residents of various County communities.

It is the further intent of the legislation to authorize the County of Sierra to implement a golf cart transportation program that establishes golf cart lanes, adopts design and safety standards for golf carts, and establishes licensing and financial requirements for golf cart drivers for golf cart use within the identified County communities.

11.14.020 Golf Cart Transportation Plan Adoption and Requirements

The County may adopt by resolution a Golf Cart Transportation Plan as allowed by Streets and Highways Code Section 1953. Any such plan shall, as a minimum comply with all requirements as set forth in Streets and Highway Code Sections 1955, 1957 and 1961.

11.14.030 Modification of Golf Cart Transportation Plan

Any revision or modification to the Sierra County Golf Cart Transportation Plan shall be made as necessary by resolution by the County Board of Supervisors.

11.14.040 Enforcement

The Board of Supervisors finds and determines that the California Highway Patrol and the County shall provide law enforcement for the operation of golf carts within the unincorporated areas, to enforce the rules and regulations established hereunder and under the Sierra County Golf Cart Transportation Plan, and to enforce the Streets and Highways Code (Chapter 5, Division 25, Sections 1930 through 1937) and Section 21716 of the California Vehicle Code. Any person operating a golf cart in violation of the above-referenced laws, this Ordinance, or the Sierra County Golf Cart Transportation Plan is guilty of an infraction and subject to fine.

11.14.050 Report to Legislature

Pursuant to Streets and Highways Code Section 1963, the County shall transmit a report concerning the Golf Cart Transportation Plan to the State Legislature as may be required. The report shall include statistics describing accidents involving or relating to the operation of golf carts participating in the program, violations of County ordinances involving golf carts, and any modifications to the Golf Cart Transportation Plan, number of carts permitted, and any other pertinent information. (Ord. 892, eff. 12/2/99)

CHAPTER 11.16 ONE WAY TRAFFIC CONTROL

11.16.010 One Way Traffic in Downieville

The following streets are designated as one-way streets:

(a) Maiden Lane in a southwesterly direction between School Street and Church Street. (Ord. 449, eff. 5/15/75, prior Section 31301(a))

(b) The access road behind the courthouse beginning in a westerly direction on the north side of the courthouse, continuing in a southerly direction in back of the courthouse, and terminating in an easterly direction on the south side of the courthouse. (Ord. 449, eff. 5/15/75, prior Section 31301(b))

CHAPTER 11.20 LOAD LIMITS

11.20.010 General Provision

It is unlawful and punishable as a misdemeanor for any person to operate a truck, trailer, auto, tractor, or other vehicle upon any public road or street in the County and by so doing to cause injury or damage to any bridge or culvert, and such person shall at his own expense repair said injuries and damages. (Ord. 116, eff. 10/7/60, prior Section 31200)

11.20.020 Seven Ton Limit

Subject to any conditions and exceptions in this chapter a prima facie maximum load limit of seven (7) tons is hereby established for all unimproved County roads. (Ord. 281, eff. 9/9/65, prior Section 31205)

11.20.030 Roads to be Posted

Individual roads shall not be subject to the load limit until duly posted by the Director of Public Works, upon order of the Board of Supervisors. Under emergency conditions, the Director of Public Works may immediately post a road, his action to be ratified or otherwise modified at the next regular meeting of the Board. (Ord. 281, eff. 9/9/65, prior Section 31205)

11.20.040 Load Limits on Ridge Road

The use of the Ridge Road between the Yuba County boundary and the town of Alleghany, designated as primary Road #3 in the County Road System, by any commercial vehicle exceeding a maximum gross weight of seven (7) tons is prohibited; provided, however, that the limitation established herein shall not be effective with respect to the exempt vehicles established by Vehicle Code Section 35720, nor with respect to any service vehicle of any public utility subject to Public Utilities Commission jurisdiction. Any areas or portions of the Ridge Road upon which federal aid secondary (FAS) construction has been completed and accepted are specifically excluded from the provisions of this section. (Ord. 208, 225, 245, 268, eff. 12/4/63, prior Section 31205)

11.20.050 Transportation Permits Required

A transportation permit shall be issued by the Director of Public Works for vehicular use on any unposted County roads when the load limit exceeds the limits established by the Vehicle Code or County Ordinance unless the issuance of said permit violates a state or federal law which would prohibit the County from exercising jurisdiction therein. (Ord. 295, eff. 8/4/66, prior Section 31206)

11.20.060 Restricted Use of County Roads

The use of Main Street (S-500) in the Townsite of Downieville, Mountain House Road (S-300) in and adjacent to the Townsite of Goodyears Bar; Ridge Road (S-180) in the Townsite of Alleghany, by any vehicle exceeding a maximum gross weight of seven (7) tons shall require a Transportation Permit issued by the County Director of Transportation of County Director of Public Works. Said transportation permit will state controls and conditions for issuance of the Transportation Permit as adopted by Resolution of the Board of Supervisors and cannot be denied as long as permittee abides by the permit conditions. (Ord. 582, 655, amended eff. 12/6/83 Ord. 667)

11.20.070 Emergency Weight Limit on Fiddle Creek Bridge

(Repealed by Ordinance No. 886, eff. 8/6/99, prior 881)

11.20.080 Emergency Weight Limit on Goodyears Creek Bridge

Repealed.

(Ord. 966, eff. 6/16/05, prior 889, 883)

CHAPTER 11.24 - Repealed by Ordinance 902, eff. 7/6/2000

CHAPTER 11.26 ALLEGHANY RIDGE ROAD

11.26.010 Acceptance of Ordinance of Yuba County, CA, Authorizing Use of Alleghany - Ridge Road

The County of Sierra accepts the Ordinance of Yuba county, California which grants to Sierra County the authority provided in the California Streets and Highways Code, Sections 972 through 977 for the following highway:

> That portion of the Alleghany Road and Ridge Road, generally described as follows: Beginning at the point on the Sierra-Yuba County boundary, said point being the true point of beginning of that portion of Ridge Road covered by the provisions of this Ordinance, said point being in the Northeast quarter of Section 24, Township 18 North, Range 8 East, M.D.B. & M.; thence, westerly through the north half of said Section 24; thence in a southwesterly direction to the west line of the Southwest quarter of Section 23; thence, westerly through the Southeast quarter of Section 22 to the intersection of Ridge Road and Celestial Valley Road, for a total length of 3.70 miles. (Ord. 626, eff. 6/1/82)

CHAPTER 11.28 VEHICLE REGULATIONS

11.28.010 Overnight Sleeping in Vehicle or Trailer

It is unlawful and punishable as a misdemeanor for any person to sleep in any vehicle or trailer on public property or on a public way within any unincorporated townsite between the hours of 10:00 p.m. and 6:00 a.m. (Ord. 430, eff. 9/19/74, prior Section 31204.3)

11.28.020 Vehicles on Airport Runways Prohibited

Except in emergencies, or during loading or unloading of passengers or freight, the use of motor vehicles on any part of the runways of any public airport is prohibited. (Ord. 328, eff. 12/18/68, prior Section 31204.1)

CHAPTER 11.32 – Repealed by Ordinance 902, eff. 7/6/2000

CHAPTER 11.36 - Repealed by Ordinance No. 858, eff. 10/2/97

CHAPTER 11.40 STREET ADDRESSING AND NAMING

11.40.010 Purpose

This chapter is adopted to provide a County-wide comprehensive address numbering system to enable emergency vehicles from fire, sheriff, and ambulance services to respond quickly to calls and to facilitate postal and other delivery service. A positive identification system that eliminates error and confusion and aids prompt response is deemed to be in the public interest and necessary to protect the public health, general welfare, and safety of the citizens of the County. (Ord. 784, eff. 5/7/92)

11.40.020 System Description

The Sierra County Master Street Address Numbering System shall consist of the "continuous mile" system. The beginning point of each road shall be determined by the Sierra County Planning Department. Addresses are then assigned using 1,000 addresses per mile, odd and even on alternate sides of the road using Milepost markers as first two numbers followed by three digits (see Sec. 00.00.003 f, g, h). Within townsites/communities numbers will generally be from one (1) to three (3) digits total. (Ord. 784, eff. 5/7/92)

11.40.030 Administration

The system shall be implemented within the unincorporated areas of the County by the County Planning Director and supersedes any system used prior to its implementation. Private road sign installation and reception shall be accomplished by the County Public Works Director pursuant to the provisions of this chapter. Technical assistance and information shall be mutually exchanged among all County departments as may be required in carrying out the provisions of this chapter. Funds, if any, collected from fees pursuant to this chapter shall be maintained by the Department of Public Works. (Ord. 784, eff. 5/7/92)

11.40.040 Assignment of Numbers

(a) The Planning Director shall determine and assign all address numbers to single family dwellings, duplex residences, properties, and business establishments and issue the same to property owners and occupants without charge in accordance with the provisions of this chapter. A record of all numbers assigned pursuant to this chapter shall be maintained by the Planning Director and open for inspection by the public during business hours.

(b) Multiple units within a residential, industrial, or commercial building or complex shall be identified with a sequential numerical or letter suffix as determined to be appropriate by the Planning Director. There shall be no duplications of identifiers within any building or complex.

(c) Addresses shall be assigned on the basis of the driveway access location or in certain instances as decided by the Planning Director.

(d) Odd numbers shall be assigned to the westerly and northerly sides of all roads and even numbers assigned to the easterly and southerly sides of all roads.

(e) The predominant direction of curvilinear and diagonal roads shall be determined by the Planning Director.

(f) In the established townsites/communities of the county and similar situations, there exist town road systems characterized by streets intersecting and flanking a central road. In these towns, and in similar situations, each road intersecting the central road shall generally have as its beginning the intersection with such central road and addresses shall continue north, south, east, west or other bearing.

(g) When specified by the Board of Supervisors, existing addressing systems in established towns/communities may continue in use, until otherwise specified by the Board of Supervisors.

(h) Other roads where both ends terminate at their intersections with another road, other than the situations described above: The following rules apply in the order presented:

1. One end terminates at a State, U.S. highway, (49, 89, 80) or County road: The end terminating at the State, U.S. highway or County road is the beginning.

2. Both ends terminate at a State, U.S. highway or County road: the end nearest to the south or west County line is the beginning.

3. In any other situation the end terminating nearest to the south or west County line is the beginning. (Ord. 784, eff. 5/7/92)

11.40.050 Names of Roads

Designation

Road names shall be maintained in a master road record, and new names shall be chosen in a manner to avoid duplication, similar sounding, confusing, or inappropriate names. Roads that are through roads and are planned to become through roads should be designated with the suffix "Court" or similar indication.

(a) County road name assignments and road name changes shall be in accordance with Section 970.5 and Section 971 of the California Streets and Highways Code.

(b) Non-County road name assignments and road name changes shall be determined by the Planning Director.

(c) Any decision of the Planning Department or Planning Commission may be appealed to the Board of Supervisors pursuant to Chapter 15.36, Land Use of the County Ordinance Code.

(d) New roads created by subdivision or lot line adjustment, or as the result of a county land use permit when at least two parcels or four (4) dwellings, or a commercial, industrial or public use are served, shall be named through the recording of the location and name on the document creating the subdivision, or in connection with any approved land use document. The proposed name shall be verified by the Planning Department for conformance with name requirements. The matter of the road name shall be included as part of the public hearing at which the decision on the land use proposal is heard.

(e) The Planning Department shall update the master road and address record and notify any affected persons, and the following: Assessor, utilities, Sheriff, EMS, County Clerk and the Post Office. (Ord. 784, eff. 5/7/92)

11.40.060 Display of Numbers

(a) Upon receipt of the address number from the Planning Director, the owner of the property or building shall cause the number to be displayed upon the building or land in such a manner as to be visible from the road upon which the land or building fronts, and shall remove or obscure from public view any old or obsolete number not in accordance with the system.

(b) In areas where buildings and/or property front roads where mail delivery is provided, the number and street name shall be displayed upon mailboxes or receptacles designed for receipt of mail.

(c) Where residences and/or properties front upon roads not receiving mail delivery, the number and road name upon which the building and/or property fronts shall be displayed upon mailboxes or receptacles at the intersection of the frontage road and the road where mail delivery is provided.

(d) Where residences and/or property are not clearly visible from the road address numbers shall be posted at the main access to the residence/property and shall be conspicuous to ensure positive identification and placed in such a manner to be clearly visible through all weather conditions.

(e) All address numbers shall be a minimum height of three (3") inches, of reflective and/or a color contrasting with the surface where placed.

(f) Before final inspection can be completed on new construction, including additions and alterations, the building address and any unit addresses assigned by the Planning Director shall be posted in accordance to minimum standards. (Ord. 784, eff. 5/7/92)

11.40.070 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. (Ord. 784, eff. 5/7/92)

CHAPTER 11.42 GOVERNMENTAL VEHICLE POLICY

11.42.010 Purpose

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

(a) To institute uniform rules and regulations governing the use and operation of County vehicles.

26)

(b) To establish a uniform policy regarding permanent and temporary retention of County vehicles.

27)

(c) To establish a uniform policy regarding the use of private vehicles on County business.

28)

(d) To establish a formal policy for reporting vehicle accidents.

29)

(e) To establish a formal policy on driving standards and safety.

(Ord. 994, eff. 2/21/08; prior 850)

11.42.020 Application

Each member of the Board of Supervisors and each Department Manager shall be responsible for assuring that they and all employees under their respective supervision who drive County vehicles or who drive persona vehicles on County business are thoroughly aware of and comply with these rules and regulations.

Because the County has differing requirements and differing expectations of employees and Department Managers, this policy provides both general rules applying to all County personnel (Section 11.42.040 below) and specific rules applying to different classes of employees and different types of vehicle assignments (Sections 11.42.050 through 11.42.080 below). (Ord. 994, eff. 2/21/08; prior 850)

11.42.030 Vehicle Policy

11.42.040 Applicable to All Employees and County Officials (Classified and Unclassified [4]

11.42.040.010 **Valid Driver's License and Insurance:** County vehicles shall be operated only by authorized County employees/officers possessing a valid California drivers license or from a neighboring state if the employee is a resident of that state, of the proper class for the vehicle being operated and shall be required to have a current policy of private liability insurance. (Ord. 994, eff. 2/21/08; prior 850)

11.42.040.020 **Seat Belts Required:** 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.

11.42.040.030 **Use Requirements:**

A. All County Employees, when using vehicles on County business shall:

[4] Classified employees include all County employees except Department Managers. Non-classified employees include members of the Board of Supervisors and Department Managers. Sierra County Code ' 3.04.010.

Operate vehicles in a safe, reasonable and responsible manner consistent with the intended use of the vehicle.

Observe all traffic laws, rules and regulations. Fines and penalties imposed for violation of traffic laws, rules and regulations are the responsibility of the driver. Fines and penalties for defects of a County vehicle are the responsibility of the County of Sierra.

The cost of repairs for damages to a County vehicle, caused by an employee while not in the course of his or her employment, or which is due to willfully or imprudently operating the vehicle in an unsafe or illegal manner will be the responsibility of the driver.

Inspect any assigned County vehicle before leaving on a trip to ensure that the vehicle is in safe operating condition.

(1) Inspection shall include safety components such as stop, turn and tail lights, head lamps, windshield wipers, tires, snow chains and seat belts. In addition, engine oil and coolant levels shall be checked and filled, if needed.

(2) If there is evidence of accident damage, it shall be reported immediately to the Department Manager before leaving on a trip.

B. Use of all County vehicles shall be recorded in a log book which shall be kept in the vehicle. The log book shall require identification of each user, list of the beginning and ending mileage or each trip or for the day, identification of the beginning and ending point of each trip or days use, the purpose of each trip including a notation as to whether the vehicle is taken to the employee's or Department Manager's home.

Each Department Manager shall be responsible for ensuring compliance with these requirements by his or her employees and for reporting to the County Auditor the personal use of county vehicles commuting to work that is other than minimal in each year.

C. Annually, no later than June 30th of each year, the Department Manager shall submit a statement to the County Risk Manager, or in the absence of a Risk Manager, to the County Auditor, certifying that each vehicle assigned to his or her department has had all customary maintenance has been properly performed on the vehicle during the course of the year and that there are no known safety issues with regard to each vehicle. (Ord. 994, eff. 2/21/08; prior 850)

11.42.040.040 <u>Driving Under the Influence of Alcohol, Drugs and Medication</u>:

Employees shall not operate motor vehicles or motorized equipment following the consumption of or with any detectable level of alcohol. No employee shall operate any motor vehicle or motorized equipment having consumed any drugs, or medication that may cause drowsiness or which contains a warning to avoid operation of equipment or vehicles or which otherwise affect the nervous system without first reporting such use to his or her Department Head and in the absence of the Department Head, to his or her immediate supervisor. The Department Head or immediate supervisor shall be authorized to prohibit the operation of vehicles or motorized equipment by any such employee if there is any concern about the employees capacity to function in a safe manner..

Employees on-call to receive County-related calls shall not consume intoxicating beverages, nor shall they respond to an on-call request to perform services if they have taken any drugs or medication which can cause drowsiness without first notifying their supervisor of that fact.. (Ord. 994, eff. 2/21/08; prior 850)

11.42.040.050 **Transport of Non-County Personnel Prohibited:**

Except for Department Managers assigned vehicles on a" permanent basis" (Section 11.42.080 below), use of a County vehicle to transport members of an employee s family or any other persons not connected with County business is prohibited.

11.42.040.060 **Personal Use Prohibited:**

A. Except for Department Managers assigned vehicles on a "permanent basis" (Section 11.42.080 below) and except as set forth in the "Exceptions" below, use of a County vehicle for personal business or activities, or use of the vehicle after work hours is prohibited.

Exceptions: With Department Manager approval, an employee may take a County vehicle to his or her residence under the following circumstances:

1. When the employee is placed on-call or subject to emergency calls for service outside the assigned working hours.

2. When the employee is required to attend meetings outside the assigned working hours.

3. When the Department Manager can document that such use is in the best interest of the County.

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 his or her possession. (Ord. 994, eff. 2/21/08; prior 850)

11.42.040.070 **Overnight Parking:**

County Vehicles on overnight assignment to an employee shall be locked and stored in a manner which reasonably provides for the protection of the vehicle.

11.42.040.080 **Night and Weekend Storage:**

Except as permitted under preceding sections all County vehicles shall be stored nights and weekends on County premises. All vehicles shall be locked unless stored in a locked enclosure.

11.42.040.090 **Courthouse Parking:**

County vehicles bearing "E" or "Government" license plates are not to be parked in the parking lot located between the front entrance of the Sierra County Courthouse and the front entrance of the Western Sierra Medical Clinic. (Ord. 994, eff. 2/21/08; prior 850)

11.42.050 All Employees (Classified and Unc1assified) Utilizing Private Vehicles

The use of privately owned vehicles may be allowed or required 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, the following conditions must be met:

11.42.050.010 **Authorization:** Authorization of the employee s Department Manager.

11.42.050.020 **Driver s License:** A valid California driver s license shall be in the driver s possession at all times.

11.42.050.030 **Insurance:** Vehicles shall be adequately insured. The liability insurance coverage on any private vehicle used on County business must conform to the minimum requirements as set forth in the financial responsibility section (16020) of the California Vehicle Code ($15,000/$30,000 public liability and $5,000 property damage).

11.42.050.040 **Mechanical Condition:**

The vehicle shall be in sound mechanical condition adequate for providing the required transportation in a safe manner. If the Department Manager has reason to believe a safety inspection is necessary, he/she may order an inspection at an appropriate facility at employee s expense to determine the safety of a private vehicle to be used on County business.

11.42.050.050 **Enclosed Vehicle Required:** The vehicle shall be a conventional four-wheel enclosed vehicle. Under no circumstances is a two-wheel or three-wheel privately owned vehicle to be used on County business unless for law enforcement activities approved by the Sheriff or in emergencies to maintain the health and/or safety of the public.

11.42.050.060 **Seat Belts:** The vehicle shall be equipped with seat belts and all occupants shall use seat belts. (Ord. 994, eff. 2/21/08; prior 850)

11.42.060 All Employees (Classified and Unclassified) Assigned Vehicles on Temporary Basis

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

11.42.060.010 **Best Interest:** It is in the best interest of the County, and

11.42.060.020 **Temporary Retention:** The retention for in-County service is granted for no more than the period for which such employee is "on call" or required to utilize the vehicle for a specific assignment in a calendar month, and one of the following conditions is met:

2. The employee or Department Manager is scheduled for potential standby duty outside of normal working hours due to conditions arising from adverse weather, or

3. The employee or Department Manager is leaving before regular working hours or returning from an officially authorized trip after regular working hours.

11.42.060.030 **Long-term Temporary Retention:** The Department Manager may authorize temporary retention of a County-owned vehicle for County travel on County business or up to 14 days when circumstances warrant. (Ord. 994, eff. 2/21/08; prior 850)

11.42.070 Employees (Classified and Unclassified) Assigned Vehicles on a Permanent Basis

11.42.070.010 **Justification:** Department Managers may assign County vehicles to individual employees on a permanent basis where there is a substantial frequent re-occurring need to respond to emergency situations or other County business after normal working hours, based on one of the following criteria:

1. The employee must respond to emergencies which require immediate attention during off-duty hours for the protection of persons and/or property specifically requiring their presence in a supervisory or technical capacity. Such emergencies must require immediate travel to the emergency scene, for a six consecutive month average of at least 3 calls per month, or

2. The employee is required to respond to County business outside of normal working hours on a reoccurring basis with substantial frequency. In such cases the Department Head shall make a written finding which shall be filed with the County Auditor that the assignment of the vehicle to an employee is in the best interest of the County.

3. Resident Deputy-Sheriffs and resident deputy probation officers.

4. As assigned by the Board of Supervisors. (Ord. 994, eff. 2/21/08; prior 850)

11.42.070.020 **List of Assignments:** The Department Manager shall submit, as they are assigned, a list of all emp1oyees who have a vehicle assigned to them on permanent retention to the Board of Supervisors.

11.42.070.030 **Board Review:** The Board of Supervisors may review and take action on any assignment on a permanent retention, or lack thereof, as they deem appropriate. (Ord. 994, eff. 2/21/08; prior 850)

11.42.080 Department Managers (Unclassified Employees) Assignment of Permanent Vehicles

The Board of Supervisors may make "permanent assignment" of County-owned vehicles to individual Department Managers, who by virtue of their "exempt status" (twenty-four hour a day responsibility), have a substantial frequent re-occuring need to respond to emergency situations or other County business after normal working hours and the Board finds that such an assignment is in the best interest of the County..

It is acknowledged that such response may significantly interfere with family life and child care responsibilities. Accordingly, upon signing and filing with the Risk Manager a "Waiver of Liability and Hold Harmless Agreement" in favor of the County, in a form approved by the Risk Manager and County Counsel, such Department Managers may, when they deem it necessary, transport household members in their County-owned, assigned vehicles when on or en route to County business. If not engaged in or en route to County business, such Department Managers shall not use their County vehicles. All Department Managers to whom a vehicle is assigned are hereby required to sign a Waiver of Liability and Hold Harmless Agreement. (Ord. 994, eff. 2/21/08; prior 850)

11.42.090 Department Manager Responsibilities

The Department Manager to whom vehicles are assigned or who authorizes County or private vehicle use for County business shall:

11.42.090.010 **Enforcement:** Be responsible for the enforcement of the rules and regulations contained in this policy.

11.42.090.020 **Effective Utilization:** Be responsible for the effective utilization of assigned vehicles.

11.42.090.030 **Defensive Driving:** Support the concept of defensive driving.

11.42.090.040 **Accident Review:** Review accidents and assure that corrective action is taken.

11.42.090.050 **List of Employees:** Maintain a current listing of employees' vehicle assignments. (Ord. 994, eff. 2/21/08; prior 850)

11.42.100 Vehicle Accidents

11.42.100.010 **Incident Report:** Any employee, Department Manager or member of the Board of Supervisors, using a County vehicle or a private vehicle on official County business involved in any type of vehicle accident, whether or not visible damage is apparent, shall report the accident, as soon as appropriate emergency action has been taken (i.e., ambulance, law enforcement agencies), on forms provided by the Risk Manager. The completed form is to be turned in to the Department Manager. Details shall be shown as provided on the County Incident Report Form. If the employee involved in such a vehicle accident is not physically able to do so, it shall be the responsibility of the Department Manager to arrange to have the employee interviewed and complete the incident report form. When possible, pictures should be taken to accompany the report. The incident report form shall be signed and dated by the person involved in the accident. It shall be the responsibility of the Department Manager to check the form to be sure it is properly executed.

11.42.100.020 **Distribution of Report:** Copies of the incident report shall be distributed to: County Counsel, the Risk Manger and the employee's personnel file.

11.42.100.030 **County Counsel Authorization:** At no time shall an employee, Department Manager or member of the Board of Supervisors discuss the accident or facts related thereto with anyone other than a Law Enforcement officer investigating the accident, County Counsel, Risk Manager, employee's insurance carrier, employee's counsel or Department Manager without approval of the County Counsel. All inquiries shall be referred to County Counsel. After clearance by the County Counsel, all personnel shall cooperate with the County's insurance carrier in their investigation of the accident. (Ord. 994, eff. 2/21/08; prior 850)

11.42.110 Special Equipment

11.42.110.010 **Special Training:** Special equipment such as hi-lifts, high rangers, graders, mowers, cranes, snow-removal equipment, or any unit which has special devices added for specific kinds of work, will require formal training and instruction p nor to use by a driver. This special training will include the following:

1. Explanation and demonstration of all control devices.
2. Explanation and demonstration of all safety equipment.
3. Maintenance items such as fuel, water, oil or other minimum operation need of the unit.
4. Demonstration of operation of the unit or special equipment.
5. New driver operation under supervision with testing.

6. Instruction in driving to and from or on and off trailers, parking procedures and method of shut down and securing.

11.42.110.020 **Passengers**: Passengers will ride only in seats designated for passengers. Employees riding in the back of crew trucks will remain seated when the vehicle is in motion.

11.42.110.030 **Safety Requirements when Backing:** Operators of special equipment will look around when backing.

11.42.110.040 **Speed Limit:** Construction-type equipment will travel at less than 25 MPH - without exception. This equipment will use the right-hand lane except when a left turn is required. Headlights will be on at all times the vehicle is in motion.

11.42.110.050 **Unauthorized Usage:** Use of special equipment without training or authorization or the willful violation of any of these rules will result in disciplinary action. (Ord. 994, eff. 2/21/08; prior 850)

11.42.120 Violation

Violation of the provisions of this Vehicle Policy may result in disciplinary action and/or rescission of vehicle privileges. (Ord. 994, eff. 2/21/08; prior 850)

PART 12
BUILDING AND CONSTRUCTION

Chapters Sections

CHAPTER 12.04 BUILDING CODE 1
12.04.010 Purpose 1
12.04.020 Conformity with County General Plan and County Zoning Laws 1
12.04.030 Exemptions from Building Permits 1
12.04.040 Administration 2
12.04.050 Permit Required 2
12.04.051 Time Limitation for Permit Application 2
12.05.052 Permit Expiration 2
12.04.060 Permit Application 2
12.04.070 Permit Issuance 3
12.04.080 Uniform Building and Construction Codes Adopted 3
12.04.085 Variance from Sanitation Requirements 4
12.04.086 Private Sewage Disposal Systems 5
12.04.090 Additional Requirements 8
12.04.091 Compliance with Sierra Valley Groundwater Basin Law 9
12.04.100 Snow Load Requirements 9
12.04.110 Snow Load Waiver 12
12.04.200 Building and Construction Permit Fees 12
12.04.210 Fee Exemptions 13
12.04.300 Compliance Inspections 13
12.04.400 Housing Advisory Board and Board of Appeals 13
12.04.500 Penalties and Violations 13
CHAPTER 12.06 DEVELOPMENT FEES 15
12.06.010 Purpose and Intent 15
12.06.020 Requirements and Procedures for Establishment of Development Fees 15
12.06.030 Receipt, Accounting and Use of Fees 15
12.06.040 Hold Harmless 16
12.06.050 Establishment of Development Fees for Sierra County Fire Protection District #1 16
CHAPTER 12.08 GRADING, EROSION AND SEDIMENT CONTROL 18
12.08.010 Title. 18
12.08.020 Purpose. 18
12.08.030 Definitions. 18
12.08.040 Grading. 23
12.08.050 Water obstruction. 23
12.08.060 Grading permit required. 24
12.08.070 Exemptions—Grading permit not required. 24
12.08.080 Fees. 26
12.08.090 Levee work. 27
12.08.100 Construction in public rights-of-way. 27
12.08.110 Hazards. 27
12.08.120 Transfer of permit. 27
12.08.130 Right of entry. 27
12.08.140 Liability. 27
12.08.150 Grading in connection with approved entitlements. 27
12.08.160 Not retroactive. 28
12.08.170 Severability. 28
12.08.180 Filing. 28
12.08.190 Compliance with CEQA. 29

12.08.200 Notice to adjacent utility owners. 29
12.08.210 Referral to other public agencies. 29
12.08.220 Permit conditions. 29
12.08.230 Permission of other agencies or owners. 30
12.08.240 Location of property lines. 30
12.08.250 Validity. 30
12.08.260 Appeals. 30
12.08.270 Application - Plans. 31
12.08.280 Grading plans - Regular Grading requirements. 32
12.08.290 Grading plans - Engineered Grading requirements. 32
12.08.300 Retention of approved plans. 34
12.08.310 Modification of approved plans. 35
12.08.320 Seasonal requirements. 35
12.08.330 Geotechnical investigation required. 35
12.08.340 Investigations. 35
12.08.350 Reports - General. 35
12.08.360 Soil/geologic investigation report. 36
12.08.370 Final report. 36
12.08.380 Changed conditions. 37
12.08.390 Special inspection. 37
12.08.400 Noncompliance notification by private geotechnical engineer or civil engineer. 38
12.08.410 .Periodic progress reports by private geotechnical engineer or civil engineer. 38
12.08.420 .Progress report by permittee. 38
12.08.430 .Performance of work—Inspection/certification. 38
12.08.440 Other responsibilities of permittee. 38
12.08.450 Excavation. 40
12.08.460 Excavation slope. 40
12.08.470 Fill placement. 40
12.08.480 Fill compaction. 40
12.08.490 Ground preparation for fill placement. 40
12.08.500 Fill slopes. 41
12.08.510 Adjacent structures protection. 41
12.08.520 Setbacks - General. 41
12.08.530 Drainage - General. 42
12.08.540 Drainage discharge requirements. 42
12.08.550 Drainage - Water accumulation. 42
12.08.560 Drainage protection of adjoining property. 42
12.08.570 Terrace drainage. 43
12.08.580 Subsurface drainage. 43
12.08.590 Erosion and sediment control. 44
12.08.600 Emergency conditions. 45
12.08.610 Erosion and sediment control plans. 45
12.08.620 Vehicular ways—General. 46
12.08.630 Vehicular ways—Drainage. 46
12.08.640 Security required. 47
12.08.650 Violations. 47
12.08.660 Nuisance. 47
12.08.670 Stop work orders. 48
12.08.680 Misdemeanor violation. 48
12.08.690 Investigation fees/work without a permit. 49
12.08.700 Planning Department Director delegation. 49
CHAPTER 12.10 SECOND DWELLING UNITS (REPEALED) 50
CHAPTER 12.12 MANUFACTURED HOMES, COMMERCIAL COACHES, MOBILE HOMES AND TRAVEL TRAILERS 51

12.12.010 Purpose and Intent 51
12.12.020 Definitions 51
12.12.030 Permitted Use 51
12.12.040 Uses Requiring Administrative Approval 52
12.12.050 Non-Permitted Uses 52
12.12.060 Standards of Use for Manufactured Homes and Commercial Coaches 52
12.12.070 Administrative Procedure 54
12.12.080 Violation 55
12.12.090 Severability 55
CHAPTER 12.16 – REPEALED 56
CHAPTER 12.18 PUBLIC NUISANCES - REAL PROPERTY 57

PART 12
BUILDING AND CONSTRUCTION

30) CHAPTER 12.04 BUILDING CODE

12.04.010 Purpose

The chapter is enacted to provide and implement regulations contained in the California Housing Law and regulations adopted there under to provide 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, maintenance of all buildings and structures within the unincorporated area of the County of Sierra. (Ord. 571, eff. 2/5/80, prior 492, 420, 338, Section 71100)

12.04.020 Conformity with County General Plan and County Zoning Laws

A permit for the construction, alteration, moving, demolition, repair and use of any building or structure shall not be issued unless and until a finding has been provided by the County Planning Department that such permit is in compliance with applicable County General and Specific Plans and County Zoning laws. (Ord. 571, eff. 2/5/80; prior, 492, 420, 338, 255, Section 71101)

Section 12.04.030 Exemptions from Building Permits

The following work, in addition to those categories as outlined in the 2010 California Residential Code, Section R105.2 and California Building Code, Section 105.2, shall be exempt from a building permit provided that any exempt structure is required to be in compliance with County zoning standards, the County Floodplain Management Ordinance, and in compliance with any materials or construction methods for exterior wildfire exposure as required pursuant to CBC Chapter 7A and CRC Section R327:

1) Cases, counters, partitions not exceeding five (5) feet in height.
2) Roof replacement that involves no structural modifications or repairs to the roof understructure or roof sheathing and which only involves replacement of the roof surfacing for which the new roofing surface is not cumulatively in excess of two (2) layers of roofing. Ice dams and flashing shall still be required by the Building Official.
3) Portable storage containers with no electrical, plumbing, or permanent foundation.
4) One story detached accessory structures used as tool and storage sheds, wood sheds, playhouses, garden sheds, and similar uses provided the floor area does not exceed 120 square feet and there is no electrical or plumbing service to the structure.
5) Construction, alteration, moving, demolition, or repair of any building for which the use is conducted exclusively for agricultural purposes and which is limited to the storage of agricultural products or agricultural animals; farm implements, accessories, and materials required for agricultural purposes; and for which there is no human habitation, commercial sales, retail sales, or employees operating within the structure; the use of the structure does not include packaging, processing, or treating of agricultural products; and, there is no access to or use by the public. This exemption shall only apply to land designated as Agricultural, General Forest or Timber Production Zone ("TPZ")zoning district and located outside of those mapped community areas identified within the Sierra County General Plan as "community core" or "community influence". This exemption does not apply to electrical service but applies to solar panels not attached to the barn and/or containing a stand alone, low voltage distribution center on the agricultural structure. Agricultural structures shall not be used for storage of non-agricultural vehicles, boats, travel trailers, or household items and in no case shall a septic system be connected to any agricultural structure deemed exempt from a building permit. (Ord. 1038, eff. 4/5/12; prior 1037, 608, 571, 492, 338, 255, Section 71102)

12.04.040 Administration

The provisions of this chapter shall be administered by the County Planning Department. The County Building Official may approve alternate materials, designs, or methods of construction which are substantially equivalent to those prescribed herein and do not materially affect the health and safety standards established herein. (Ord. 571, eff. 3/5/80)

12.04.050 Permit Required

A permit, issued by the County Building Official, shall be required for the construction, erection, enlarging, alteration, repair, demolition, conversion, moving, improvement, and use of any building or structure. Building or structure includes, but is not limited to, any structure having a roof supported by columns and/or by walls and intended for the shelter, housing, and/or enclosure of any person, animal, chattel, or mechanical equipment or 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, including but not limited to garages, carports, bridges, installation of road culvert, playhouses, kennels, tool sheds, garden houses, storage buildings, decks, fences in excess of six (6) feet in height, retaining walls, signs, septic tanks, water wells, and water tanks.

A separate permit shall be required for each house or building except that a private garage on the same lot with a residence may be included in the initial permit for the residence. (Ord. 1037, eff. 2/2/12; prior 571)

Section 12.04.051 Time Limitation for Permit Application

CBC Section 105.3.2 and CRC Section R105.3.2 is clarified to provide that an application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and payment of a new plan review fee, if resubmitted plans need further or initial plan review separate from the original submittal. (Ord. 1037, eff. 2/2/12)

Section 12.05.052 Permit Expiration

CBC Section 105.5 and CRC Section R105.5 is clarified to provide that every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The extension shall not be valid until fees prescribed have been paid in accordance with the percentage of level of completion which is based on the building permit fee. Every permit issued by the building official under the provisions of the California Building Code shall expire and become invalid three years from the date of issuance. The building official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The maximum validity of a permit shall not exceed four years. An extension shall not be valid until fees prescribed have been paid in accordance with the percentage of level of completion which is based on the building permit fee. Before any work can be recommenced on an expired permit, a new permit shall be obtained. On permits expired for one year or more, the Codes in effect at the time a new permit is issued shall be the Codes which apply to that permit through the point of completion or expiration. (Ord. 1037, eff. 2/2/12)

12.04.060 Permit Application

An application for building construction permit, provided on a form furnished by the County Building Official, shall be completed and returned by the applicant and shall be accompanied by the following:

(a) A detailed plot plan containing data required by the County Building Official; and

(b) Two (2) sets, plans, diagrams, specifications, and computations and any other data required by the County Building Official or this chapter; and

(c) Evidence that all persons having a record title interest in the parcel of land upon which the building/construction permit affects have consented to the issuance of a building/construction permit; and

(d) The Assessor Parcel Number for the parcel which is subject of the application for permit.

(Ord. 571, eff. 2/5/80)

12.04.070 Permit Issuance

A permit may not be issued by the County Building Official unless and until the following has been provided:

(a) Approval by the County Health Officer of any private sewage disposal system or connection to any public sewage disposal system;

(b) Approval by the County Health Officer of any domestic water supply;

(c) Approval by the County Planning Department as to compliance of the application for permit with applicable County General and specific plans, County zoning laws and the California Environmental Quality Act;

(d) The application for building/construction permit complies with the provisions of this Chapter.

12.04.080 Uniform Building and Construction Codes Adopted

The following codes, standards, and regulations are adopted as if set forth herein:

1) The International Building Code, 2009 edition, as published by the International Code Council (ICC), as adopted and amended by the California Building Standards Commission (CBSC), California Building Standards Code, Title 24, Part 2 Volumes 1 and 2, of the California Code of Regulations (California Building Code, 201l edition).

2) The International Residential Code, 2009 edition, as published by the International Code Council, as adopted and amended by the California Building Standards Commission, California Building Standards Code, Title 24, Part 2.5, of the California code of Regulations (California Residential Code, 2010 edition).

3) The National Electric Code, 2008 edition, as published by the National Fire Protection Association, as adopted and amended by the California Building Standards Commission, California Building Standards Code, Title 14, part 3, of the California Code of Regulations (California Electric Code, 2010 edition).

4) The Uniform Mechanical Code, 2009 edition, as published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the California Building Standards Commission, California Building Standards Code, Title 24, Part 4 of the California Code of Regulations (California Mechanical Code, 2010 edition).

5) The Uniform Plumbing Code, 2009 edition, as published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the California Building

Standards Commission, California Building Standards Code, Title 24, Part 5, of the California Code of Regulations (California Plumbing Code, 2010 edition).

6) California Energy Code, as published by ICC, triennial compilation and publication of the California Building Standards Commission, California Code of Regulations, Title 24, Part 6.

7) The International Fire Code, 2009 edition, as published by the National Fire Protection Association, as adopted and amended by the California Building Standards Commission, California Building Standards Code, Title 24, Part 9 of the California Code of Regulations (California Fire Code, 2010 edition).

8) California Green Building Standards, as published by ICC, triennial compilation and publication of the California Building Standards Commission, California Code of Regulations, Title 24, Part 11, this part is intended to be known as the CAL Green Code. The adoption of Part 11 identifies the required green building measures necessary to meet the minimum requirements and shall not include voluntary tier measures.

9) National Fire Protection Association (NFPA) Standards, 2010 edition-Chapters 13 and13d (fire sprinklers) and Chapter 58 (Liquefied Petroleum Gas tanks and installation).

10) Uniform Code for the Abatement of Dangerous Buildings, 1997 edition published by the International Code Council.

11) Uniform Solar Energy Code by International Association of Plumbing and Mechanical Officials (IAPMO), 2009 edition.

12) Water Well Standards, California State Department of Water Resources Bulletin 74-90 (supplement to bulletin 74-81) by CDWR.

13) Uniform Sign Code, as published by International Code Council, 1997 edition.

(Ord. 1037, eff. 2/2/12; prior 1019, 995, 988, 697, 696, 635)

12.04.085 Variance from Sanitation Requirements

(a) Variances may be granted to vary, or modify, the strict application of any of the provisions of Appendix I, Uniform Plumbing Code, 1982 Edition, as adopted by the International Association of Plumbing and Mechanical Officials in cases in which there are practical difficulties and unnecessary hardships, so long as the variance does not have the effect of causing adverse impacts to public health or to the environment. Fees for the hearing of variances shall be set by resolution by the Board of Supervisors.

(b) An applicant, permittee or owner requesting a variance shall file an application with the Health Department. Such applications shall be made on forms prescribed by the Health Department, and shall include:

1. Provisions of Appendix I, Uniform Plumbing Code, from which a variance is sought; and

2. Plot plans showing the location of property lines, existing and proposed buildings, high water line of the nearest body of surface water, and layout of the on-site wastewater disposal system; and

3. Cross sectional elevations showing the location of the leach lines, ground surface, subsurface water level and soil and rock strata.

(c) The applicant shall present adequate evidence showing:

1. That there are special circumstances or conditions existing on the subject property which make compliance with Appendix I, Uniform Plumbing Code, difficult; and

2. That the granting of the variance will not be detrimental to public health and environmental quality.

(d) The Health Officer shall schedule an administrative hearing to be held within thirty (30) days of the date of filing of the application. Notice of the time, place and purpose of the hearing shall be given in writing to the applicant and to the Building Official, and posted in a conspicuous place at three locations on a public way bordering the applicant's property for at least ten (10) days immediately preceding the date of hearing.

(e) The Health Officer may hear facts from any person appearing and may consider written communications relative to the application. The Health Officer shall, within fifteen (15) days from the close of the administrative hearing, render his decision on the application. The decision shall include a written order of specific findings of fact and reasons for granting or denying the variance. In the granting of a variance, the Health Officer shall make the following findings in the affirmative:

1. That there are special circumstances or conditions existing on the subject property which make compliance with Appendix I, Uniform Plumbing Code, difficult; and

2. That the granting of the variance will not be detrimental to public health and environmental quality.

(f) The applicant or any real property owner within 300 feet of the exterior boundaries of the property involved who was present at the administrative hearing or who presented written testimony before the Health Officer shall have the right to appeal to the Board of Supervisors provided that such appeal is made within fifteen (15) days of the decision of the Health Officer.

(g) Appeals shall be initiated by filing a written notice of appeal with the Clerk of the Board of Supervisors, paying the prescribed fee, and stating therein the reasons why the decision of the Health Officer should be amended, modified or reversed. Such reasons shall be based upon the evidence presented to the Health Officer at the administrative hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of appeal.

(h) The Clerk shall set the matter for hearing before the Board of Supervisors within fifteen (15) days of the filing of the appeal and shall give the appellant, the original applicant, the Health Officer and the Building Official notice of the time, place and purpose of the hearing. Notice shall also be published in a newspaper of general circulation in the County at least once ten (10) days prior to the hearing. The Board may sustain, modify, or overrule the decision of the Health Officer. In granting a variance, the Board shall make the findings in subsection (e) of this section in the affirmative. (Ord. 696, eff. 4/16/85)

12.04.086 Private Sewage Disposal Systems

From time to time some of the homes and business within the townsite of Downieville have experienced difficulties in meeting all of the requirements contained in the Uniform Plumbing Code for the disposal of sewage. The geography and physical characteristics of the townsite are limiting factors which necessitate the extraordinary consideration of the County to allow the use of public property for sewage disposal systems, when onsite sewage disposal cannot reasonably be obtained. In adopting this ordinance, it is the intent of the Board of Supervisors to establish special provisions that will allow construction of all or part of septic systems on abutting property and/or on public property when no other reasonable options can be found for onsite sewage disposal. Use of public

property shall only be allowed within the townsite of Downieville for the construction or reconstruction of a septic system to serve an existing structure and shall not be allowed for new construction or development.

The Uniform Plumbing Code Section 721 is amended to read:

31)

(a) Except as provided in subsection (b) of this section, 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 7-7.

(b) Nothing contained in this Code shall be construed to prohibit:

1. The use of all or part of an abutting or a separate lot to 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. The use of all or part of an abutting or a separate lot to 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.

3. The use of a public street, in accordance with the provisions of subsection (d) hereof, for all or a portion of a private sewage disposal system or from crossing a public street in order to access an abutting property, providing, however, that such use of the public street shall be authorized by an encroachment permit from the public entity owning and/or controlling the street.

Any such encroachment permit issued by the County shall expressly state thereon that it is subject to revocation by the County with thirty (30) days advance written notice, or in the case of urgent need on the part of the County, twenty-four (24) hours advance notice (which due to any such urgency may be made orally) and thereafter the encroachment shall be promptly removed. The use of the private property which was the subject of any such sewer system and encroachment permit, shall thereafter immediately cease unless sewage disposal is authorized in some other manner as approved by law.

Any such use of a public street or other public property owned and or controlled by the County shall require the party seeking such use to post a security deposit of cash, a certificate of deposit in the name of the County, or bond in favor of the County which shall be available to the County for the cost of clean up and/or for any liability resulting from the use of the public street or property, in an amount as may from time to time be determined by the Board of Supervisors, but in no event less than $10,000. Any such bond or security deposit shall include a provision that the principal amount thereof shall be increased annually by a sum equal to three percent (3%) of the principal amount then covered by the bond or deposit. The bond or security deposit shall be in a form as approved by the County Counsel and shall include a provision that the security deposit or bond shall run with the land. The posting of security shall not constitute a limitation on the part of the County for any claim for damage that may arise from such use.

Any such use of a public street or other public property owned and or controlled by the County shall also require the party seeking such use to agree to indemnify, defend and to hold the County harmless from and against any injury, claim, demand, litigation and/or liability of any nature whatsoever resulting from the use of the public street or other public property.

Any encroachment permit issued in accordance with this section and the security instrument shall be recorded with the County Recorder.

(c) Use of an unabutting lot for a private sewage disposal system may be allowed by the Environmental Health Department only if all of the following conditions exist:

1. Testing and observations as required by Environment Health Department clearly reveals that the lot(s) from which sewage will be generated does not meet the standards for conventional, special design or alternative/advanced wastewater disposal; and

2. The applicant can demonstrate to the 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 (500) feet from the unabutting lot where sewage disposal is proposed; and

6. The parcel(s) under consideration were created prior to the effective date of this section; and

7. The lot which will receive the sewage effluent has the ability to accept the effluent both from the use or uses to which the receiving parcel may be used under the County zoning ordinance and from the parcel (lot) proposing use of the receiving parcel, in compliance with all requirements of law pertaining to the disposal of sewage and without the requirement for the granting of any waivers or exceptions as to said receiving parcel.

(d)

1. Use of County property or a public right of way, shall only be allowed within the boundaries of the townsite of Downieville, and shall require the approval of an encroachment permit by the County Department of Public Works, with the concurrence of the County Environmental Health Department. Any such encroachment permit shall expressly be conditioned on, and shall state that the encroachment shall be removed at the sole discretion of the County, within one hundred twenty (120) days of the mailing of a written notice to the property owner. An application requesting use of County property or a public right of way shall be accompanied by such engineering plans and specifications and such test data or other information as may be required by the Environmental Health Department and Department of Public Works to conclusively show that (1) the applicant=s property does not have any reasonable ability to dispose of sewage effluent on the property and (2) the use of County property or public right of way for all or part of a private sewage disposal system will not adversely affect the County property or public right of way.

2. Upon receipt of an application for use of County property or public right of way, the County Department of Public Works shall review the application for potential significant environmental impacts, in accordance with the requirements of the California

Environmental Quality Act and shall prepare and recommend the adoption of an appropriate environmental document, provided however that staff shall not undertake the preparation of an environmental impact report ("EIR") without first reporting the need for an EIR to the applicant and the Board of Supervisors and receiving the concurrence from the parties of the desire to prepare same. The cost of the preparation of the environmental analysis and documents shall be borne by the applicant and no work on any application shall be undertaken unless and until fees are paid for in accordance with the latest adopted resolution of the Board of Supervisors.

3. Upon preparation of an environmental analysis and draft environmental document for use of County property or right of way for sewage disposal, if the Department of Public Works is proposing to grant an encroachment permit for the use of the County property or right of way, the Department shall notify all property owners within three hundred (300) feet of the location of the proposed use of the request and state that the Department is proposing to authorize the use and that an environmental analysis and document has been prepare and is available for public review or purchase at the Department's offices. The notice shall further state that anyone opposed to the use may submit a written objection within twenty (20) calendar days of the date of the notice, stating their specific objections and any supporting evidence. If an objection is received, the Department shall place the matter on the Board of Supervisor's next available agenda in order to review the objection and supporting evidence with the Board. The objecting party shall be notified of this action and of their right to appear and to address the Board prior to the Board making a decision concerning the application for the issuance of the encroachment permit for the use of County property or right of way.

4. The provisions of this subsection (d) shall apply only to property that is located in the townsite of Downieville and the use of public property and rights of way shall only be allowed when necessary for the construction or reconstruction of a septic system to serve an existing structure and shall not be allowed for new construction or development. (Ord. 891, eff. 11/4/99)

12.04.090 Additional Requirements

The following requirements shall be established in addition to the uniform codes adopted herein.

(a) Plumbing and heating vents shall terminate near the highest point of the roof as practical where the snow load is determined by the County Building Official to be in excess of sixty (60) pounds per square foot.

(b) All newly added wood-burning chimneys shall have installed and approved type spark arresters.

(c) Reports concerning the construction of water wells, including well logs, shall be filed with the County Building Official.

(d) All commercial structures designated in the codes adopted by this part as A, B1, E, H, and I occupancies shall be wired in rigid or thin wall conduit or in raceways approved by the County Building Official.

(e) Aluminum or copper clad aluminum wiring shall be installed in structures containing less than size #6 American Wire Gauge (AWG).

f) Class "A" Fire Rating is required for all new roofs and for any roof covering applied in the alteration, repair or replacement of the roof.

g) The 2010 California Plumbing Code, Section 604.1.2 is clarified as follows:

The installation and use of cross-linked polyethylene (PEX) piping is considered by Sierra County as an alternate material and method and pursuant to CPC 1.8.7.2 , shall be subject to approval by the Building Official on a case by case basis. The applicant or their contractor shall complete the PEX certification form.

(Ord. 1037, eff. 2/2/12; prior 608, 571)

12.04.091 Compliance with Sierra Valley Groundwater Basin Law

A permit for a well proposed within the boundaries of the Sierra Valley Groundwater Management District shall not be issued by the Building Official unless and until he has received the approval of the Sierra Valley Groundwater Management District as provided under the Sierra Valley Groundwater Basin Law and District Ordinances. (Ord. 635, eff. 10/5/82)

12.04.100 Snow Load Requirements

The provisions of CBC Chapter 16 and Section 1608 and CRC Sections R301.2 and R301.2.3 are hereby amended to include the following additional requirements for roof snow load design. The unincorporated area of Sierra County shall be divided into zones, established by climatic and geographic analysis, to determine applicable snow loads for a parcel of property and the zone within which a parcel is located. The location within a zone combined with the elevation of the parcel of property shall be the basis for determining the roof snow load design requirements for any construction project. A cartographic representation of the zones shall be maintained in the office of the County Building Official. The zones hereby established are described as follows:

(a) Zone I: All of the area encompassed within the following:
T. 22 N., R. 9 E.; T.22 N., R. 10 E.; T. 21 N., R. 9 E.;
T. 21 N., R. 10 E.; T. 20 N., R. 9 E., M.D.M., excepting those portions lying outside Sierra County.

(b) Zone II: All of the area encompassed within the following:
T. 22 N., R. 11 E.; T. 21 N., R. 11 E.; T. 21 N., R. 12 E.;
T. 21 N., R. 13 E.; T. 20 N., R. 8 E.; T. 20 N., R. 10 E.;
T. 20 N., R. 11 E.; T. 20 N., R. 12 E.; T. 20 N., R. 13 E.;
T. 19 N., R. 8 E.; T 19 N., R. 9 E.; T 19 N., R. 10 E.;
T. 19 N., R. 11 E.; T. 19 N., R. 12 E.; T. 19 N., R. 13 E.;
T. 18 N., R. 8 E.; T. 18 N., R. 9 E.; T. 18 N., R. 10 E,;
T. 18 N., R. 11 E.; T. 18 N., R. 13 E.; M.D.M., excepting those portions lying outside Sierra County.

(c) Zone III: All of the area encompassed within the following:
T. 21 N., R. 14 E.; T. 20 N., R. 14 E.; T. 20 N., R. 15 E.;
T. 19 N., R. 14 E.; T. 18 N., R. 14 E.; M.D.M., excepting those portions lying outside Sierra County.

(d) Zone IV: All of the area encompassed within the following:
T. 20 N., R. 16 E.; T. 19 N., R. 15 E.; T. 19 N., R. 16 E.;
T. 18 N., R. 15 E.; T. 18 N., R. 16 E.; M.D.M., excepting those portions lying outside Sierra County, and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, T. 20 N., R. 17 E., M.D.M.; and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, T. 19 N., R. 17 E., M.D.M.; and Sections 4, 5, 6, T. 18 N., R. 17 E., M.D.M., excepting those portions lying outside Sierra County.

(e) Zone V: All of the area encompassed within the following:

T. 21 N., R. 15. E.; T. 21 N., R. 16 E.; T. 21 N., R. 17 E.;
T. 21 N., R. 18 E.; T. 20 N., R. 18 E.; T. 19 N., R. 18 E.;
T. 18 N., R. 18 E.; M.D.M., excepting those portions lying outside Sierra County; and Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 20 N., R. 17 E., M.D.M.; and Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 19 N., R. 17 E., M.D.M.; and Sections 1, 2, 3, T. 18 N., R. 17 E., M.D.M., excepting those portions lying outside Sierra County.

Snow roof load design requirements cross referenced by elevation and proximity to the established zones are as follows:

Elevation Range (Ft. Above Sea Level)	Snow Load Design Requirements (Lbs./Sq. Ft.)				
	Zone I	**Zone II**	**Zone III**	**Zone IV**	**Zone V**
2000-2500					
2501-3000		50			
3001-3500	180	70			
3501-4000	210	100			
4001-4500	230	120			
4501-5000	260	150	70		
5001-5500	290	180	120		70
5501-6000	310	220	170	100	90
6001-6500	340	260	210	160	110
6501-7000	370	300	260	210	130
7001-7500	390	350	300	260	150
Over 7500	To be determined by Building Official.				

The following design criteria are hereby adopted for roof snow loads within the unincorporated areas of Sierra County:

1) The roof snow loads are the snow loads on "flat roofs" (NOT ground snow loads). If desired or required by your engineering software, use ASCE equation 7-1 $P_f = 0.7 C_e C_t I P_g$, to determine the ground snow load where the P_f listed above is based on an exposure factor $C_e = 0.9$, thermal factor $C_t = 1.1$, and importance factor $I = 1.0$ per ASCE Standard 7-05. The flat roof snow load for each site should have these factors adjusted as appropriate.

2) Snow loads may be reduced for sloped roofs in accordance with ASCE Standard 7-05, Section 7.4 providing a minimum of 8 feet of vertical eave height is provided for each 100 pounds of snow load. This minimum eave height is measured from the eave down to either grade or the first obstruction, such as a deck etc., and must be maintained for a minimum distance of 10 feet out from the eave. In areas with snow loads in excess of 100 lbs which do not have a 16 foot or greater eave height, the allowable slope reduction can be pro-rated (i.e. snow loads greater than 100 lbs. eave height of 9 feet; 9/16 of the allowable reduction can be taken).

3) Snow reduction for sloped roofs shall not be used for structural members affected by valleys, dormers, slope changes, chimney chases or other areas where the snow may be restricted from sliding.

4) No roof material shall be considered "slippery" for the purposes of snow reduction for sloped roofs per ASCE Standard 7-05, Section 7.4.

5) Uncovered decks, and all similar structures, may be designed for the flat roof snow load as provided herein. Covered, but not fully enclosed decks and all similar structures shall be designed for floor loads from CBC Table 1607.1 or 50% of the flat roof snow load, whichever is greater.

6) The 3 second gust basic wind speed for Sierra County is 85 mph per ASCE Standard 7-05 figure 6.1.

7) Roof design snow load may be reduced up to 80% for use in seismic calculations per CBC Section 1605.3.1.

8) Allowable soil bearing factor to be used in design without the preparation of a special soils report is 2000psf.

9) Frost depth shall be 18" below finished grade and all footings shall extend a minimum of 12" into undisturbed native soil. Exterior finished grade shall provide a minimum footing coverage of 18".

10) Conventional light-frame construction is not permitted in Sierra County per CBC Section 2308.2.(3. 3).

The provisions of CBC Sections 1507.2.8.2, 1507.5.4, 1507.6.4, 1507.7.4, 1507.8.4, 1507.9.4 and CRC Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1 are hereby amended to require additional design and construction requirements for ice barriers. In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in CRC Table R301.2(1) (or below the 6200 foot elevation level), an ice barrier that consists of at least two layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet shall be used in place of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches inside the interior wall line of the building. For areas above the 6200 feet elevation level, a self-adhering polymer modified bitumen sheet shall be used in place of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 72 inches inside the interior wall line of the building.

A cricket or saddle-type diverter shall be installed on the ridge side of any chimney, flue or vent that is adjacent to, or penetrates the roof. Crickets or saddle coverings shall be a minimum 24 gauge sheet metal or the same material as the roof covering. Plumbing vents through the barge rafter shall be approved by the building official prior to installation, provided adequate clearances are maintained from windows, vents, combustion air and exhaust vents. (Ord. 1037, eff. 2/2/12; prior 571)

12.04.110 Snow Load Waiver

The snow load requirements set forth in this part may be waived by the county Building Official as follows:

(a) The county Building Official, upon request of the owner of a mobile-home park may execute an annual Snow Load Waiver - "Snow Removal Maintenance Agreement" with the owner of a mobilehome park for all mobilehomes located within the boundaries of an approved mobilehome park when such mobilehome park is operating under a current and valid permit to operate issued by the County of Sierra. The annual agreement shall expire on the expiration date of the annual permit to operate the mobilehome park and shall be in a form prescribed by the Board of Supervisors and shall be available in the office of the County Building Official. (Ord. 608, eff. 7/21/81)

12.04.200 Building and Construction Permit Fees

(Repealed Ord. 800, eff. 12/17/92)

12.04.210 Fee Exemptions

The following shall be exempt from building and construction permit fees:

(a) Building and construction permits for projects undertaken by the County of Sierra.

(b) Building and construction permits for solid-fuel burning stoves or appliances, not including fireplaces, factory built fireplaces, and masonry fireplaces. (Ord. 589, 608, amended eff. 7/21/81)

12.04.300 Compliance Inspections

The County Health Officer, County Planning Director, County Building Official, and the Fire Marshall are hereby authorized to make inspections and take such actions as may be required to enforce the provisions of this part and the provisions of the County Zoning Code.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this chapter, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the Building Official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after request is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this chapter. (Ord. 571, eff. 2/5/80)

12.04.400 Housing Advisory Board and Board of Appeals

Notwithstanding any other provisions of this chapter, the members of the Sierra County Planning Commission shall constitute the Housing Advisory Board and Board of Appeals.

The landowner or his authorized representative or any interested party may appeal the decision of the Housing Advisory Board and Board of Appeals to the Sierra County Board of Supervisors by filing an appeal in writing with the Clerk of the Board of Supervisors within ten (10) days of such decision. The decision of the County Board of Supervisors shall be final. (Ord. 571, eff. 2/5/80)

12.04.500 Penalties and Violations

When the County Building Official has knowledge that construction, alteration, moving, demolition, repair, and use of any building or structure has occurred or is occurring without a permit issued in compliance with this chapter the County Building Official shall cause a "Stop Work Notice" to be posted at the site of the violation and it shall be the sole responsibility of the landowner and/or person performing said violation to immediately seek an application for permit for said violation.

The County Building Official shall cause to be assessed, a double permit fee to any person who has commenced work on any building or structure without first having obtained a permit for said work.

It shall be unlawful and punishable as an infraction in compliance with County Code Section 1.16.030 for any person, firm, partnership, corporation, or association to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit same to be performed contrary to any of the provisions of this chapter. (Ord. 571, eff. 2/5/80)

32) CHAPTER 12.06 DEVELOPMENT FEES

12.06.010 Purpose and Intent

California law recognizes that growth due to development can create impacts to public entities that provide public services required by the development. Such impacts are required to be addressed under the California Environmental Quality Act (CEQA) and to be mitigated where feasible. State law provides procedures for cities and counties to adopt development mitigation fees as a way to secure funding for capital facilities and equipment that are needed in order to meet the service requirements from new development (reference is to Mitigation Fee Act - California Government Code Sections 66000 – 66024.) It is the purpose and intent of this Chapter to provide for the establishment and imposition of development fees in accordance with the provisions of the Mitigation Fee Act in order to address the impacts created on the County and other local governmental entities. It is the intent of this Chapter that new development pays its fair share to maintain the pre-existing level of service, thereby mitigating the impact of development on local governmental entities' ability to provide such service.

12.06.020 Requirements and Procedures for Establishment of Development Fees

In order to address the impacts on the infrastructure and services provided by the County and the other special districts providing services within Sierra County, this Chapter requires the payment of development fees, as set forth in the following sections of this Chapter, to offset the impacts reasonably anticipated due to the development of property within the County. Fees shall be established by the County for each local public entity (through adoption of further sections to this Chapter) only following the preparation by the impacted entity and presentation to the County Board of Supervisors of a study that adequately demonstrates the reasonable relationship between new development and the fees to be charged, as required by the Mitigation Fee Act. Pursuant to the Mitigation Fee Act, fees may only be accessed for the purpose of acquiring capital facilities and equipment necessary to maintain the same service capacity in a proportionate manner that which existed before the new development. Fees may not be assessed to cover operational and maintenance expenses of a public entity providing service to development. The Board of Supervisors shall establish the amount of the development fees for each individual local entity upon completion by the local entity of an adequate study prepared and provided by the local entity and following a publicly noticed meeting following the procedures set out in Government Code Section 60018 (per Government Code Section 66004).

12.06.030 Receipt, Accounting and Use of Fees

a. All development fees shall be collected by the County on behalf of the local entity on whose behalf they are imposed. Fees shall be deposited by the County Auditor in an account for the benefit the local entity on whose behalf they are imposed and thereafter such entity or entities shall be solely responsible for complying with the provisions of Government Code Sections 66000, et seq., with regard to segregation, use, accounting and refund of any such fees. The fees together with any interest accruing 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. Fees remaining unexpended or uncommitted five (5) or more years after deposit shall be subject to the provisions for refund under Government Code Section 66001. Any entity receiving development fees shall be solely responsible for making any refunds of the fees as may be required by law.

b. As a requirement for the receipt of development fees, each local entity shall, within one hundred-eighty (180) days after the last day of each fiscal year, provide to the Sierra County Board of Supervisors and make available to the public the following information for the prior fiscal year:

   1. A brief description of the type of fees in the account or fund.

   2. The amount of the fees.

3. The beginning and ending balance of the account or fund.

4. The amount of the fees collected and the interest earned.

5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

6. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Government Code Section 66001, and the public improvement remains incomplete.

7. A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

8. The amount of refunds made pursuant to subdivision (e) of Government Coe Section 66001 and any allocations pursuant to subdivision (f) of Government Code Section 66001.

c. The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than fifteen (15) days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least fifteen (15) days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting.

12.06.040 Hold Harmless

As an express condition of the imposition and collection of fees as established by this Chapter, each local entity receiving and collecting such fees shall be conclusively presumed to have agreed to hold Sierra County harmless and shall indemnify and defend the County against all actions, claims and damages related to said fees, including, without limitation, any challenge to the validity of or use of said fees. Each local entity receiving and collecting development fees shall be solely responsible for the refunding of any fees as may otherwise be required by law.

12.06.050 Establishment of Development Fees for Sierra County Fire Protection District #1

a. Based on the presentation by the Sierra County Fire Protection District #1 of a resolution of the District Board of Directors declaring the District impacted by new development and the impact analysis accompanying said resolution, a fire impact development fee in the amount of $1.25 per square foot of floor space is hereby required to be paid by all new development/construction which is within the boundaries of the Sierra County Fire Protection District #1. For the purpose of this ordinance, floor space shall be computed based on the exterior dimensions of the building or structure. Multiple storied buildings and structures shall take account of the exterior dimensions for each story, including without limitation, lofts and basements. Floor space shall exclude detached accessory structures such as garages, workshops and storage buildings for residential properties; decks and eave area, and any like accessory structure that is exempted from the issuance of a building permit.

b. The fire impact development fee shall, unless the District otherwise makes provision for collection

of the fees be assessed and collected at the time of the issuance of each building permit.

c. Unless the District otherwise makes provision for collection of the fees**,** at the time of the issuance of a building permit, the development fees shall be computed and collected by the County Building Department in accordance with the provisions of this Chapter; provided however, that any applicant asserting a right to defer the fees under the provisions of Government Code Section 66007 may appeal the timing of the payment of the fees. Any such appeal shall be made to the Board of Directors of Sierra County Fire Protection District #1. In the event that the collection of any fees is required to be deferred, the fees shall be due and shall be collected on the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first. In cases in which fees are deferred the District may also require the execution of an agreement to pay the fees as a condition to the issuance of a building permit.

d. To the extent that a fire impact 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.

e. The fire impact development fee established by this Section shall be effective as of June 6, 2009, and thereafter may be amended by resolution adopted by the Board of Supervisors upon presentation by the District of an appropriate impact analysis. Any increase in the fee shall only be adopted following compliance with the public hearing and notice requirements as set out in Government Code Sections 66004 and 66018 and any other applicable provisions of law.
(Ord. 1011, eff. 4/7/09; prior 1008)

33) CHAPTER 12.08 GRADING, EROSION AND SEDIMENT CONTROL

12.08.010 Title.

This chapter shall be known as the grading ordinance of Sierra County.

12.08.020 Purpose.

The ordinance codified in this chapter is enacted for the purpose of regulating grading on property within the unincorporated area of Sierra County to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with hazardous materials, nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the Sierra County General Plan, any specific plans adopted thereto and applicable Sierra County ordinances including the zoning ordinance (Part 15), floodplain management ordinance (Part 32), environmental review ordinance (Part 38), and applicable chapters of the California Building Code. In the event of conflict between applicable chapters and this chapter, the most restrictive shall prevail.

12.08.030 Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in this chapter, they shall have the meaning ascribed to them in this section:

"Agricultural operation" means any land related activity for the purpose of cultivating or raising plants grown in the ground or raising animals or conserving or protecting lands for such purposes and is not surface mining or borrow pit operations.

"Bedding plane" means a nearly flat surface, which may have been tilted up or folded by tectonic forces, separating two beds (or layers or strata) of sedimentary rock. Each bedding plane marks the end of one deposit and the beginning of another having different characteristics (also known as strata, or beds).

"Bedrock" is the solid undisturbed rock in place either exposed at the ground surface or beneath surficial deposits of loose rock or soil.

"Bench" means a relatively level step excavated into sloping natural ground on which engineered fill or embankment fill is to be placed.

"Best Management Practices" means generally accepted grading, erosion control and other construction trade processes and procedures which have proven themselves over time for large numbers of people, and been demonstrated repeatedly to be both efficient and effective. See "Erosion & Sediment Control Guidelines for Developing Areas of the Sierra Foothills and Mountains" prepared by the High Sierra RC&D Council (October 1991).

BMP. See "Best Management Practices."

"Board" is the Board of Supervisors of the County of Sierra.

"California Environmental Quality Act" is the fundamental environmental law and policy in California enacted by the Legislature in 1970 (Pub. Resources Code, §21000 *et seq.*). CEQA requires public agency decision makers to document and consider the environmental implications of their actions. The primary objectives of CEQA are to disclose to state and local government decision makers and

the public any potentially significant environmental effects of proposed activities, and to identify ways to avoid or reduce such effects.

CEQA. See "California Environmental Quality Act."

"Civil Engineer" is a professional engineer currently registered as a civil engineer by the State of California.

"Compaction" is the increase of density of a soil or rock fill by mechanical means.

Contractor, earthwork and paving. "Earthwork and Paving Contractor" means a Class C-12 specialty contractor currently licensed by the California Department of Consumer Affairs, Contractors State License Board, who digs, moves, and places material forming the surface of the earth, other than water, in such a manner that a cut, fill, excavation, grade, trench, backfill, or tunnel (if incidental thereto) can be executed, including the use of explosives for these purposes. This classification includes the mixing, fabricating and placing of paving and any other surfacing materials. An Earthwork and Paving Contractor is neither a "General Engineering Contractor" nor a civil, geotechnical, soils, or structural engineer, unless separately and currently licensed as such by the State of California's Board for Professional Engineers and Land Surveyors (BPELS).

Cut. See "Excavation."

"Days" means 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 Saturday, Sunday or any County holiday.

"Depth of fill" means the vertical dimension from the exposed fill surface to the original ground surface.

"Depth of excavation (cut)" means the vertical dimension from the exposed cut surface to the original ground surface.

"Director" means the head of the Planning Department of Sierra County.

"Director of environmental health" means the director of the department of health and human services, Sierra County, California acting either directly or through authorized deputies.

"Director of Planning" means the director of planning and building departments of Sierra County, California, acting either directly or through authorized deputies.

"Drainage way" means a depression in the earth's surface such as swales, ravines, gullies, draws, hollows or ditches in which surface waters collect for drainage, but which otherwise are destitute of water.

Embankment. See "Fill."

"Engineering geologist" means a currently registered geologist certified as an engineering geologist by the State of California.

"Engineering geology" means the application of geologic knowledge in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Ephemeral stream**"** means a stream or part of a stream that flows only in direct response to precipitation; it receives little or no water from springs, melting snow, or other sources; and, its channel is at all times above the water table.

"Erosion" means the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.

"Excavation (cut)" means the removal of naturally occurring earth materials by mechanical means, and includes the conditions resulting therefrom.

"Existing grade" means the elevation of the ground surface at a given point prior to excavating or filling.

"Expansive soil" means any soil which exhibits significant expansive properties as determined by a geotechnical engineer or civil engineer in a report approved by the Planning Department or County Engineer.

"Fill (embankment)" means the deposit of soil, rock or other materials placed by man and includes the conditions resulting therefrom.

"Finish grade" means the final grade of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

"Foliation plane" means a linear plane formed in metamorphic rock caused by heat and pressure. The planes in the Sierra foothills usually trend north-south and are titled at a steep slope with folds and intrusions.

"General Engineering Contractor" means a Class A contractor currently licensed by the California Department of Consumer Affairs, Contractors State License Board, whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works. A "General Engineering Contractor" is not a civil, geotechnical, soils, or structural engineer, unless separately and currently licensed as such by the State of California's Board for Professional Engineers and Land Surveyors (BPELS).

"Geologic hazard" means any condition in naturally occurring earth materials, which may endanger life, health or property.

"Geotechnical Engineer" means a civil engineer registered by the State of California who is qualified in the field of soil mechanics and soil engineering and has the authority to use the title "soils engineer."

"Geotechnical engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and may include the inspection, testing and construction thereof.

"Grade" means the vertical location of the ground surface.

Grade, existing. "Existing grade" means the grade prior to grading.

Grade, rough. “Rough grade” means the stage at which the grade approximately conforms to the approved plan.

“Grading” means any land excavation or filling or combination thereof, or the removal, plowing under or burial of vegetative groundcover.

“Grading contractor” means a person who is either currently licensed by the State of California as a Class A “General Engineering Contractor” or a Class C-12 “Earthwork and Paving Contractor” or one who is exempt from a license but has been additionally insured by the owner of a grading project or the owner him-/herself who operates to perform a grading project subject to this chapter.

“Grading plan” means a plan prepared in accordance with this chapter showing grading and related work.

“Grading work” is grading and related work, such as, but not limited to, drainage improvements and erosion and sediment control.

“Hazardous materials” is as defined in Health and Safety Code Sections 25501 et seq.

“High Water Line” is the line found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, evidenced by: a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, or the presence of litter and debris, etc.

“Intermittent stream” means a stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow.

“Joint” means a fracture in rock that is produced by expansion, contraction, and tectonic forces, and along which there has been no movement.

“Keyway” means a special backfilled excavation, which is constructed beneath the toe area of a planned fill slope on sloping ground to improve the stability of the slope.

“Landscape architect” means a landscape architect registered by the State of California.

“Levee” means a man-made structure, usually an earthen or concrete-reinforced earthen embankment, designed and constructed to contain, control or divert the flow of water so as to provide some level of protection from temporary flooding.

“Level, land leveling operation” means the physical movement of rock or soil which results in a change in the topography of the land, which results in the land being more level than before.

Lot. See “Parcel.”

“NPDES” means the National Pollutant Discharge Elimination System, a Federal program regulating stormwater discharges pursuant to Sections 307, 402, 318 and 405 of the Clean Water Act (33 U.S.C. Section 1251 et seq.), as such Act may be amended from time to time.

Operator. See “Grading contractor.”

“Overland flow” means and includes flow over planar surfaces, including but not limited to roofs, streets, lawns, parking lots and fields.

"Owner" means the person shown as the legal owner of the property on the latest equalized assessment roll in the office of the County Assessor.

"Parcel (lot)" means land described as a lot or parcel in a recorded deed or shown as a lot or parcel on a subdivision map or parcel map on file in the County Recorder's office.

"Perennial stream" means a stream that normally has water in its channel at all times.

"Permit" means an approved grading permit issued pursuant to this chapter authorizing certain grading work.

"Permittee" means any person to whom a permit is issued pursuant to this chapter.

"Person" means any individual, firm, corporation or public agency whether principal, agent, employee or otherwise.

"Planning Department" means the agency which provides planning and direction over those County functions that provide land use planning, management of natural resources, building, inspection and code enforcement services, and other permit and land use services to the citizens of Sierra County. The agency includes the departments of Planning and Building and land development core functions such as infrastructure planning, surveying and mapping, permits, construction

"Planning Director" means the director of the Planning Department of Sierra County, California, acting directly or through his or her authorized agents.

"Rainy season" means 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 15 to May 1, inclusive.

"Record drawings" means drawings for improvements or grading that show changes made during construction.

"Retaining wall" means any constructed wall that holds back earth (or a liquid), and where there is an abrupt change in elevation.

"Sediment" means any material transported or deposited by water, including soil debris or other foreign matter.

"Site" means any lot or parcel of land or combination of contiguous lots or parcels of land, whether held separately or joined together in common ownership or occupancy where grading is to be performed or has been performed.

"Slope" means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance or as the ratio of vertical distance per one hundred (100) feet horizontal distance when given as a percent.

"Soil" means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock, which can be excavated readily by mechanical equipment.

"Soils Engineer" means a civil engineer currently registered by the State of California who is qualified licensed in the field of soil mechanics and soil engineering and has the authority to use the title "geotechnical engineer," "soil engineer," or "soils engineer."

"Stormwater Pollution Prevention Plan" (SWPPP) is a planning document developed and implemented by an applicant generally in conjunction with a Notice of Intent (NOI) to comply with permit requirements under the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity, under Water Quality Order 99-08-DWQ and subsequent amendments thereto.

"Stormwater runoff" means water runoff due to storms, (rain, snow melt, etc.).

"Stream environment zone" means perennial, intermittent, and ephemeral streams, meadows and marshes, and other areas of near-surface water influence.

"Structure" means that which is built or constructed or any piece of work artificially built up or composed of parts joined in some definite manner.

"Surcharge" means the additional loading acting above and behind a retaining wall other than from the normal active soil pressures; examples of surcharges include but are not limited to vehicles, buildings, snow, sloped backfill, stockpiles, construction staging areas and equipment.

SWPPP. See "Stormwater Pollution Prevention Plan."

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance, or other purposes.

"Vehicular way" means a private roadway or driveway.

"Vegetation" means plant life or total plant cover of an area.

"Watercourse" means any natural or artificial 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 stormwater runoff.

Work. See "Grading work."

12.08.040 Grading.

No person shall do or permit to be done any grading, including cuts, fills or ground disturbances in any manner whatsoever, including the uprooting, tilling under or covering over of vegetation, except as specifically authorized and provided for in a permit issued by the Sierra County Department of Planning and Building, or unless the activity is specifically exempt from this requirement pursuant to Section 12.08.070.

12.08.050 Water obstruction.

Except as provided for by a permit, no person shall do, or permit to be done, any grading which may obstruct, impede or interfere with the natural flow of stormwaters, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion. This section applies 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 no event shall grading activities cause or contribute to the violation of provisions of any applicable NPDES stormwater discharge permit; nor shall grading activities obstruct, impede or

divert the free flow of surface water to those who hold rights to such surface water without first obtaining the written permission of the affected owner/s and the appropriate watermaster, where applicable.

12.08.060 Grading permit required.

(a) Except for the specific exemptions listed in Section 12.08.070 of this chapter, no person shall do or permit to be done any grading on any site in the unincorporated areas of Sierra County without a valid grading permit obtained from the Department of Planning and Building.

(b) All grading and grading work, as defined in this chapter, shall fall under one of three (3) categories:

1. Exempt Grading (no permit required; ref. Section 12.08.070)

2. Regular Grading (permit required, but not engineering; ref. Section 12.08.280)

3. Engineered Grading (permit and engineered plans required; ref. Section 12.08.290)

(c) A grading permit is required for any grading and/or other construction activity with ground disturbance of one acre or more.

(d) A building or grading permit based on engineered plans shall also be required for the following:

1. Retaining walls which are over four (4) feet in height, as measured from bottom of footing to top of the retained soil;

2. Any retaining wall that is subject to surcharge;

3. Private vehicular bridge;

4. Swimming pool, pond or reservoir fill operations whereby depth of fill for construction or height of dam or other form of retention exceeds three (3) feet.

12.08.070 Exemptions—Grading permit not required.

Unless in conflict with provisions of adopted general and/or specific plans, the following grading may be done without obtaining a permit. Exemption from the requirement of a permit shall not be deemed permission to violate any provision of this chapter:

(a) Minor projects which have cuts which are less than five (5) feet, and fills which are less than three (3) feet, in vertical height at the highest point measured from the existing ground surface, and which meet all of the following criteria:

1. Involves less than one hundred (100) cubic yards of graded material in a single area, within a two-year period. In calculating the graded material quantity, excavation material used as fill material will not be counted twice. (For example: fifty (50) cubic yards [C.Y.] of excavation material that is also placed as fill material would be calculated as fifty (50) cubic yards, not as 50 C.Y. + 50 C.Y. = 100 C.Y.);
2. The removal, plowing under or burial of less than one acre (43,560 sq.ft.) of vegetation in a single area within a two-year period, or ten thousand (10,000) square feet of vegetation on slopes ten (10) percent or greater;
3. Does not create unstable or erodible slopes;
4. Does not create fill more than one (1) foot in vertical depth intended to support structures;

5. Does not encroach onto sewage disposal systems including leach field areas;
6. Does not encroach into the areas designated as Zone A, AO or AE as shown on the Flood Insurance Rate Maps;
7. Does not obstruct any watercourse; or disturb, or negatively impact any drainage way, wetland, streambed riparian habitat, or water body;
8. Does not divert or obstruct overland flow, or negatively affect other adjacent properties;
9. Includes provisions to effectively prevent discharges of sedimentation and pollutants from the site;
10. Provides for completion of soil disturbing activities within a continuous period of forty-five (45) days, and revegetation of all disturbed areas immediately thereafter;
11. For driveway construction, also meets the requirements set forth in subsection (m), below;
12. For projects located in a "Scenic Corridor" overlay zoning district or other restricted or special treatment area identified in the General Plan, zoning overlays, recorded additional information maps, or other mapped and officially adopted areas of concern, only when approved by the Planning Director or Planning Commission.

(b) Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work;

(c) Excavations (but not fill operations) in connection with a swimming pool authorized by a valid building permit;

(d) Retaining walls less than four (4) feet in height, as measured from bottom of footing to the top of the retained soil;

(e) Excluding roads, grading necessary for agricultural operations, unless such grading will create a cut or fill whose failure could adversely affect neighboring property, or endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainage conduit;

(f) Trenching and grading incidental to the construction or installation of approved underground pipe lines, septic tank disposal fields, conduits, electrical or communication facilities, and drilling or excavation for post holes or approved wells;

(g) Exploratory excavations less than two hundred fifty (250) cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist;

(h) Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan, or sanitary landfill or environmental remediation project or petroleum product tank removal and installation where governed by other State or County ordinance;

(i) Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition;

(j) Limbing, tree thinning and modification of undergrowth and vegetation around homes to protect property and nearby watersheds from the threat of wildfire and to maintain healthy forests, provided that such activities do not cause or contribute to erosion or sedimentation problems;

(k) Routine cemetery excavations and fills;

(l) Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the Sierra County Planning

Department promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing such work;

(m) An excavation below finished grade for basements and footings of a building authorized by a valid building permit;

(n) Construction or improvement of driveways less than 150 feet in total length, which are under 20% grade at any point, and which provide adequate drainage facilities and erosion control measures (as determined by the Planning Department) designed to access, and incorporated into the plans for, structures authorized by a valid building permit and, if applicable, a valid encroachment permit, and which meet the requirements set forth in subsection (a) above;

(o) Timber harvest operations conducted under valid State or Federal permit, stream alteration permits, dams under State jurisdiction, etc.

12.08.080 Fees.

(a) The schedule of fees and costs shall be those established and adopted by the Board of Supervisors from time to time by resolution or ordinance. Before a permit is issued, the applicant shall deposit with the Sierra County Planning and Building Department cash or a check, in a sufficient sum to cover the fee for issuance of the permit, charges for review of plans, specifications and reports, other engineering services, field investigations, necessary inspections or other work and routine laboratory tests of materials and compaction, and other consulting services as deemed necessary by the Planning Department and consistent with the latest fee structure for Planning and Building Department services adopted by the Board of Supervisors.

(b) No fee shall be required of public agencies.

(c) Public utilities may, at the option of the Planning Department, make payment for the charges in subsection (a) of this section as billed instead of by advance deposit as required in subsection (a) of this section.

(d) If grading work is done in violation of this chapter or such work is not done in accordance with an approved permit, a fee covering the Planning Department's investigation of any violation and inspection and plan checking of work required to correct such violation may be charged to the violator to cover all actual costs, as provided in subsection 12.08.690, and in addition to any penalty fees authorized by Section 12.04.500 or other County ordinance.

12.08.090 Levee work.

No person shall excavate or remove any material from or otherwise alter any levee required for river, creek, reservoir, or local drainage control channel, without prior approval of the local governmental agency, district, or public utility responsible for the maintenance of the levee.

12.08.100 Construction in public rights-of-way.

No person shall perform any grading work within the right-of-way of a public road or street, or within a public easement, without first obtaining a valid encroachment permit or prior written approval of the Director.

12.08.110 Hazards.

If the Planning Director determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, watercourse or drainage channel; or could adversely affect the water quality of any water bodies or watercourses, the Planning Department may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit and conform to the conditions of such permit. The Planning Department in consultation with the County Engineer may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity.

12.08.120 Transfer of permit.

No permit issued under this chapter may be transferred or assigned in any manner whatsoever, without the express written consent of the Planning Department.

12.08.130 Right of entry.

As a condition of the permit, the property owner shall grant the County a right of entry for the duration of the permit until after final inspection. Whenever necessary to enforce the provisions of this chapter the Code Enforcement Officer, Planning Director or designee may enter the premises to perform any duty imposed by this chapter.

12.08.140 Liability.

Neither issuance of a permit under the provisions of this chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property.

12.08.150 Grading in connection with approved entitlements.

(a) Property owners or subdividers who have an approved tentative map, vesting tentative map or tentative parcel map shall submit improvement plans to the County pursuant to Section 23.16.006 et seq.—Subdivision Improvements, and the approved improvement plans shall constitute an approved permit to commence grading consistent with the approved plans; separate application for a grading permit is not required.

(b) Property owners who submit applications for permits for grading for projects for which the intended use has an approved discretionary zoning permit, (Part 15, Zoning) or is in compliance with the Site Plan Review process (Section 15.12.280[g-h]) must comply with the following requirements:

(1) A separate grading plan shall be submitted for review and approval by the Planning Department. This plan shall conform to the requirements of this grading ordinance and any applicable conditions and mitigation measures placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the plan check or subsequent construction will be corrected at the applicant's expense.

(2) If required by the Planning Director, the property owner shall submit a revegetation and winterization plan for review and approval. This plan shall include a performance agreement with Sierra County which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to insure the timely performance of the plan.

(3) The applicant shall provide evidence of satisfaction of all conditions of approval and mitigation measures pertinent to the entitlement associated with the grading project, and submit such evidence with the grading permit application.

(4) Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of the estimated actual cost of inspections and other relevant services, pursuant to Section 12.08.080; and payment of any outstanding balance of costs associated with the processing of the entitlement application.

12.08.160 Not retroactive.

The provisions of this chapter shall not apply to construction for which all previously necessary permits were obtained, before the effective date of the ordinance codified in this chapter or any subsequent amendments.

12.08.170 Severability.

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; and the Board declares that this chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

12.08.180 Filing.

Applications for permits shall be filed with the Building Department on forms furnished by the Planning Department. Each application shall include a plan-checking fee and other fees as required; grading plans and supporting documentation, and a statement of the intended use of the site. Only one application and grading permit is allowed for grading work to be done on a site at a time. The Planning Department shall determine whether the application is complete and complies with CEQA or whether additional information is required from the applicant. The applicant shall be notified in a timely manner, and provided outstanding requirements in writing if the application is deemed incomplete.

12.08.190 Compliance with CEQA.

The California Environmental Quality Act (CEQA), the Sierra County zoning code (Part 15) and the Sierra County environmental review ordinance (Part 38) may require the preparation of environmental documents concerning a proposed grading project. Supplemental studies and reports may be deemed necessary by the Planning Director due to the project site's location on or proximity to steep slopes, unstable soils, potential wetlands, sensitive habitat, cultural resources, or other constraints. Any required environmental review must be completed before the grading permit application will be deemed complete and a permit issued.

12.08.200 Notice to adjacent utility owners.

Applicant shall provide, with the application, documentation that he or she shall have notified by mail the owners of utilities and/or easement for utilities on or abutting the site that an application for a grading permit has been submitted to the County. Potentially affected utilities and/or easements for utilities shall be clearly shown and labeled on the site plan accompanying the grading plans. The notice shall state that the utilities must provide comments to Sierra County Planning Department within thirty (30) calendar days of the date the notice is received by the utility. No permit shall be issued until the utility has either approved the application or the thirty (30) day period has expired. This section may be waived by the Planning Director in his or her sole discretion.

12.08.210 Referral to other public agencies.

The Planning Department may refer an application to other interested public agencies for their recommendations.

12.08.220 Permit conditions.

(a) No permit shall be granted unless the project conforms to the Sierra County General Plan, any community or specific plans adopted thereto and applicable Sierra County ordinances including the applicable zoning ordinance.

(b) Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit, no grading permit shall be granted prior to approval by the applicable planning authority.

(c) The permit shall be limited to work shown on the grading plans as approved by the Planning Department. In granting a permit, the Planning Department may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion 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. This includes the proper disposal of any hazardous material identified in the initial planning phase. The director of health and human services will approve hazardous materials management;

2. Improvement of any existing grading to comply with the standards of this chapter;

3. Requirements for fencing or other protecting of grading which would otherwise be hazardous;

4. Requirements for dust, erosion, sediment and noise control, and hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;

5. Requirements for safeguarding watercourses, whether natural or man-made, from excessive deposition of sediment or debris in quantities exceeding natural levels;

6. Requirements for safeguarding areas reserved for on-site or off-site sewage disposal;

7. Assurance by a qualified professional 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 and that the hazards of flooding can be eliminated or adequately reduced;

8. Requirements for safeguarding existing water wells and surface water supplies.

(d) All disturbed areas shall be stabilized by appropriate erosion and/or sediment control measures by October 15 of each year.

(e) All grading activities within the Lahontan Regional Water Quality Control Board's "Little Truckee Hydrologic Area" between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours. "Winterized" means implementing erosion and/or sediment controls that will prevent the discharge of earthen materials from the site and the controls will remain effective throughout the rainy/snow season without requiring maintenance. In general, this requires stabilizing bare, disturbed soils with mulch, erosion protection blankets, or other suitable materials, and installing perimeter sediment controls such as fiber logs or other similar materials that will remain effective during significant rain and snow events.

12.08.230 Permission of other agencies or owners.

No permit shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or agency of the County, or other local, State or Federal public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of issuance of applicable public agency permits may be required before the issuance of a grading permit.

12.08.240 Location of property lines.

Whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or civil engineer or resolution of title, all at the expense of the applicant, may be required by the Planning Department.

12.08.250 Validity.

The issuance of a permit or approval of plans and specifications shall not be construed as an approval of any violation of the provisions of this chapter or of any other applicable laws, ordinances, rules or regulations.

12.08.260 Appeals.

Appeals on decisions pursuant to this chapter shall be made to the Planning Commission in writing, setting forth the specific grounds thereto within ten (10) calendar days from the date of such decision. The written appeal shall be accompanied by an appeal fee as set from time to time by the Board of Supervisors. The planning commission shall consider the appeal after receiving the written appeal. The appeal hearing may

be continued from time to time at the request of the appellant or by a majority vote of the membership of the planning commission.

12.08.270 Application - Plans.

(a) Each application for a grading permit shall include the following:

1. A completed and signed application form;

2. Two (2) complete, identical sets of grading plans, plus an electronic copy of the complete plans, if available;

3. Location map and/or site plan showing the entire property and location of the project site, existing improvements in the vicinity (roads, buildings, septic systems, wells, etc.), setback distances to property lines, easements and right-of-ways, typical slopes / topography in the project vicinity, and location of and setback distance from any stream, creek, drainage, lake pond, reservoir, or wet meadow area;

4. Estimate of the quantity of total cuts and fills, expressed in cubic yardage;

5. Quantity of total vegetation disturbance, expressed either in square footage or acreage, including the removal, plowing under or burial of vegetation;

6. Profiles, cross sections, and specifications as required below, including both existing and proposed grades and slopes;

7. A complete drainage report unless waived by the Planning Department;

8. Drainage plan and proposed erosion control measures (temporary and permanent, including revegetation plan, as necessary to ensure proper slope stability and avoid erosion and sedimentation);

9. The application fee as determined by the Board of Supervisors (including application, plan-check, issuance and inspection fees);

10. Evidence of required certifications, permits or approval by other agencies or districts having jurisdiction over any aspect of the proposed project. Examples include: CalTrans encroachment permits, USFS special use permits, Cal-Fire (CDF) 4290 compliance checklist for most driveways or access roads; the Department of Fish and Game's "streambed alteration agreement"; a "dust control plan" approved by the Northern Sierra Air Quality Management District for projects disturbing more than one (1) acre; and evidence of coverage, or application for coverage, under an NPDES general construction permit issued by the State's applicable Regional Water Quality Control Board.

(b) Regular grading plans and appurtenant documents (section 12.08.280) will be reviewed by the Planning Department. Engineered grading plans (section 12.08.290) will be reviewed by the Planning Department in consultation with the County Engineer. The applicant and/or project engineer will be notified of any necessary changes to the plans. When the plans and other documents have been approved by the Planning Department, a grading permit will be issued for the project. All work must be done in strict conformance with the approved plans and documents. The approved plans shall not be changed or altered except in accordance with the provisions of this chapter. Substantial amendments to the plans or performance of work which deviates from the approved plans may necessitate a "stop work" notice and require further review by the

Planning Department, County Engineer or other departments or agencies before work is permitted to continue.

12.08.280 Grading plans - Regular Grading requirements.

(a) All plans and specifications shall be prepared and signed by a civil engineer except that the Planning Department may waive this requirement if the proposed grading does not:

1. Endanger the public health, safety and welfare;

2. Require cuts and fills involving a disturbance of more than one thousand (1,000) cubic yards of dirt or more;

3. Include cut or fill slopes in excess of 2:1 (H:V), or which does not create unstable or erodible slopes under five (5) feet in height;

4. Include a depth of fill in excess of ten (10) feet, and which is not intended to support structures of any kind;

5. Require a cut or fill that is situated so as to cause unduly increased soil pressure or reduce earth support upon adjacent structure or property;

6. Include the construction of any drainage or sediment control structures, culverts, or facilities or substantial alteration of any existing drainage course;

7. Include the creation or aggravation of an unstable slope condition;

8. Require construction of any retaining wall over four (4) feet in height;

9. Include the construction of a vehicular bridge;

10. Include an access road serving two (2) or more existing or potential residences; or

11. Encroach into the areas designated as Zone A, AO or AE as shown on the Flood Insurance Rate Maps.

(b) Regular grading plans may omit stationing and include only “typical” cross-sections for various terrain and features, maximum grades and heights of cut and fill slopes, and/or a statement indicating compliance with all of the provisions of subsection (a), above.

(c) Driveway designs in excess of 150 feet in length which meet the requirements of CalFire’s PRC 4290 Guidelines, evidenced by a County-furnished “4290 checklist” completed and signed by an authorized representative of CalFire, and which meet all the requirements of subsection (a), above, may also be processed under this section (“regular grading” requirements) with evidence of certification from a California-licensed engineer that the proposed design meets the safe vehicle weight load requirements of CalFire at the time of application.

12.08.290 Grading plans - Engineered Grading requirements.

Grading plans and specifications shall be prepared and signed by a civil engineer, as provided herein.

(a) The plans shall include everything required in section 12.08.270(a) and the following:

1. All plans shall be on twenty-four (24) inch by thirty-six (36) inch sheets unless otherwise approved, and shall be drawn at a scale no less than one inch equals one hundred (100) feet. An identical electronic copy of the plans shall also be furnished to the Planning Department in Adobe Acrobat (.pdf) format or as otherwise approved, to facilitate routing and sharing of comments and requested revisions;

2. A title block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared, owner's name and address, site address, date of preparation and draft or revision number;

3. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes, watercourses and wet meadow areas in the vicinity;

4. North arrow and scale;

5. A site plan indicating the extent of the work and any proposed divisions of land;

6. The complete site boundaries (i.e., property lines) and locations of any existing utilities, easements and rights-of-way traversing or adjacent to the property which may potentially affect, or be affected by, the proposed project;

7. The location of all existing or proposed roads, culverts, buildings, wells, pipelines, tree-lines, wetlands, watercourses, septic systems or areas reserved for on-site sewage disposal, and any other structures, facilities, and features of the site, as well as the location of all improvements on lots within one hundred fifty (150) feet of the proposed work;

8. Location and nature of known or suspected soil or geologic hazard areas, including but not limited to serpentine rock areas, landslides, etc.;

9. Accurate contour lines of the existing terrain and proposed finished grade at intervals not greater than two (2) feet (unless otherwise approved by the County), showing all topographic features and drainage patterns throughout the area where the proposed grading is to occur relative to a bench mark established on site (to-be-shown on the plan). The contour lines shall be extended to a minimum of one hundred fifty (150) feet beyond the affected area, and further, if needed, to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future road right-of-way;

10. Approximate location of cut and fill lines extent (top of slope and toe of slope), and finished slopes of all proposed grading, and the limits of grading for all proposed grading work, including borrow and stockpile areas;

11. Location, width, direction of flow and approximate location of any watercourses including tops and toes of banks;

12. Approximate boundaries of any Special Flood Hazard Area as depicted on the latest adopted Flood Information Rate Map or other known flood study, or any areas with histories of flooding based on local information;

13. Cross sections, profiles, elevations, dimensions, and construction details based on accurate field data as may be required after initial review of plans;

14. Construction details for roads, easements, watercourses, culverts, ditches, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to

be constructed, together with supporting calculations and maps as may be required after initial review of plans;

15. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal near the grading;

16. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities. NOI and SWPPP references must be noted on the plan;

17. A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities.

(b) Additional supporting information which may be required includes, but is not necessarily limited to:

1. The location of any borrow site or location for disposal of surplus material;

2. A projected schedule of operations, including, as a minimum, the dates of:

A. Commencement of work,

B. Start and finish of rough grading,

C. Completion of drainage facilities,

D. Completion of work in any watercourse,

E. Completion of erosion and sediment control facilities,

F. Completion of hydromulching and other landscaping. If rough grading is proposed between October 15th and May 1st, a more detailed schedule of grading activities and use of erosion and sediment control facilities may be required;

3. Itemized cost estimate of the proposed grading and related work;

4. A complete drainage study;

5. Geotechnical investigation report and recommendations addressing the proposed work;

6. Biological resources, sensitive habitat and potential wetlands studies;

7. Cultural resources assessment.

12.08.300 Retention of approved plans.

One (1) set of approved plans and specifications shall be retained by the Planning Department.

12.08.310 Modification of approved plans.

(a) Proposed modifications of an approved final plan shall be submitted to the Planning Department for written approval.

(b) All necessary soils and geological information and design details shall accompany any proposed modification.

(c) The modification shall be compatible with any subdivision map or land use requirements.

12.08.320 Seasonal requirements.

Implementation of erosion and sediment control plans shall be based on the season of the year and the stage of construction at forecasted periods of rainfall and heavy storms. Erosion and sediment control plans shall allow for possible changes in construction scheduling, unanticipated field conditions, and relatively minor

12.08.330 Geotechnical investigation required.

A soil or geologic investigation report shall accompany the application in any of the following circumstances unless waived by the Planning Director:

(a) When the proposed grading includes a cut slope in excess of 2:1 (H:V) and exceeding five (5) feet in height, or a fill slope in excess of 2:1 (H:V) and exceeding three (3) feet in height;

(b) When the proposed grading includes a fill exceeding ten (10) feet in depth at any point;

(c) When highly expansive or erodable soils are present;

(d) In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

12.08.340 Investigations.

Those portions of the soil or geologic investigation that constitutes “civil engineering” as defined by Section 6734 of the Business and Professions Code of the State of California shall be conducted by or under the direct supervision of a geotechnical engineer or civil engineer. Those portions of the investigation that involve the practice of “geology” as defined by Section 7802 of the Business and Professions Code of the State of California shall be conducted by an engineering geologist.

The investigations shall be based on observations and tests of the material exposed by exploratory borings or excavations and inspections made at appropriate locations. Additional studies may be necessary to evaluate soil and rock strength, the effect of moisture variation on soil, bearing capacity, compressibility, expansiveness, stability, keying, subdrainage benching and other factors. Grading factors such as moisture variability, ability to compact the material when wet, etc., should be evaluated.

12.08.350 Reports - General.

Any soil or geologic investigation report shall be subject to the approval of the Planning Department in consultation with the County Engineer, either of which may require supplemental reports and data. Recommendations included in the reports and approved by the Planning Department shall be incorporated in the final plans and specifications.

12.08.360 Soil/geologic investigation report.

The soil or geologic investigation report shall contain all of the following, as they may be applicable to the subject site:

(a) An index map showing the regional setting of the site;

(b) A site map which shows the topographic features of the site and locations of all soil borings and test excavations;

(c) A classification of the soil types (unified soil classification), pertinent laboratory test data and consequent evaluation regarding the nature, distribution, and strength of existing soils;

(d) A description of the geology of the site and geology of the adjacent areas when pertinent to the site;

(e) A suitably scaled map and cross sections showing all identified areas of land slippage;

(f) A description of any encountered groundwater or excessive moisture conditions;

(g) A description of the soil and geological investigative techniques employed;

(h) A log for each soil boring and test excavation showing elevation at ground level and the depth of each soil or rock strata;

(i) An evaluation of the stability of pertinent natural slopes and recommendations regarding maximum cut and fill slopes of proposed work;

(j) An evaluation of settlement associated with the placement of any fill;

(k) Recommendations for grading procedures and specifications, including methods for excavation and subsequent placement of fill;

(l) Recommendations regarding surface and subsurface drainage and erosion control;

(m) Recommendations for mitigation of geologic hazards;

(n) Any other information that is deemed appropriate by the County for grading and/or site improvements.

12.08.370 Final report.

Upon completion of rough grading work, in the event a complete record of the work is desired or necessary, the Planning Department may require a final geotechnical report that includes, but is not necessarily limited to the following:

(a) Record plans showing all approved changes or alterations/photos and inspection diary shall be provided with said plans;

(b) A complete record of all field and laboratory tests including location and elevation of all field tests. Test locations shall be noted on the record plans;

(c) A professional opinion regarding slope stability, soil bearing capacity, and any other pertinent information required by the County;

(d) Recommendations regarding foundation design, including soil bearing potential and building restrictions or setbacks from the top or toe of slopes;

(e) A declaration by the geotechnical engineer, civil engineer or engineering geologist in the format required by the Planning Department that all work was done in substantial conformance with the recommendations contained in the soil or geologic investigation reports as approved; mitigation measures in the adopted environmental document; and in accordance with the approved plans and specification.

12.08.380 Changed conditions.

Where soil or geologic conditions encountered in the grading operation substantially deviate from that anticipated in the soil and geologic investigation reports or where such conditions warrant changes to the recommendations contained in the original soil investigation (as determined by the County), a revised soil or geologic report shall be submitted for the approval of the Planning Department.

12.08.390 Special inspection.

(a) As a condition of the permit, the Planning Department may require the permittee to retain a private geotechnical engineer or civil engineer to directly supervise or perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he or she has inspected the work and that in his or her professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make his or her own contractual arrangements for such services and shall be responsible for payment of all costs. An Engineering Services Agreement shall be provided to the County evidencing the contractual agreement and ensuring County notification on the consultant's responsible charge and directing County notification on various components of the work. Continuous inspection and testing 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 feet in depth on slopes which exceed ten (10) percent 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 which is intended to support any building or structure when the fill exceeds three feet in depth;

3. During the installation of subsurface drainage facilities.

(b) Reports filed by the private geotechnical engineer or civil engineer regarding special inspection shall state in writing that from his or her personal knowledge the work performed during the period covered by the report has been performed in substantial conformance with the approved plans and specifications. All reports and test results shall be filed with the County prior to final approval of the work.

(c) The use of a private geotechnical engineer or civil engineer for inspections shall not preclude the Planning Department from conducting personal inspections or from requiring permittee-paid inspections by other qualified inspectors as may be necessary, in the determination of the County.

12.08.400 Noncompliance notification by private geotechnical engineer or civil engineer.

The permittee shall cause the work to be done in accordance with the approved plans. If during the course of construction the private geotechnical engineer or civil engineer finds that the work is not being done substantially in accordance with the approved plans and specifications, he or she shall immediately notify the person in charge of the work and the Planning Department of the nonconformity and the corrective measures to be taken. When changes in the plans are required, he or she shall prepare or cause to be prepared such proposed changes and submit them to the Planning Department for approval. This noncompliance notification shall be placed as a note on the revised Plans.

12.08.410 .Periodic progress reports by private geotechnical engineer or civil engineer.

As a condition of the report, periodic progress reports shall be rendered by the private geotechnical engineer or civil engineer as required by the Planning Department including, but not limited to, laboratory tests, slope stability, placement of materials, retaining walls, drainage, utilities and any special permit or plan requirements.

12.08.420 .Progress report by permittee.

Periodic progress reports shall be rendered by permittee on specified calendar dates and at commencement and completion of major key grading and erosion and sediment control operations. The dates of operations upon which such reports are required and their content shall be as required by the Planning Department in the permit.

12.08.430 .Performance of work—Inspection/certification.

The Planning Department may inspect any work or require certification by private engineer of any work done under a grading permit. No permittee shall be deemed to have complied with this chapter unless one of the following has occurred:

(a) A final inspection approval has been issued by the Planning Department; or

(b) Submittal of certification of completion by the civil engineer, or the geotechnical engineer of record, has been accepted by the Planning Department; or

(c) The final inspection has been waived in writing by the Planning Department.

The permittee shall provide adequate access to the site for inspection by the Planning Department during the performance of all work and for a minimum period of one year after completion of the work.

If the engineer of record is changed during the grading, the work shall be stopped until a new Engineering Services Agreement is filed with the County which evidences that 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 Planning Director in writing of such change prior to the recommencement of such grading.

12.08.440 Other responsibilities of permittee.

The permittee shall also be responsible for the following:

(a) Protection of Utilities. The permittee shall be responsible for the prevention of damage to any public utilities or services.

(b) Protection of Adjacent Property. The property owner is responsible for the prevention of damage to adjacent property. No person(s) shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, or easement, without supporting and protecting such property from damage which might result.

(c) Advance Notice. The permittee shall notify the Planning Department at least twenty-four (24) hours prior to the start of work.

(d) Erosion and Sediment Control. It shall be the responsibility of the permittee to control discharge of sediment from the site to any watercourse, drainage system, or adjacent property and to protect watercourses and adjacent properties from damage by erosion, flooding or deposition which may result from the permitted grading.

(e) Hazardous Materials Control. It shall be the responsibility of the permittee to prevent discharge of hazardous materials from the site to any watercourse, drainage system, or adjacent property, and to protect watercourses and adjacent properties by hazardous materials, which may result from, permitted grading.

(f) Federal, State and Local Permits. It shall be the permittee's responsibility to obtain all necessary permits and follow all permit requirements of agencies having jurisdiction over any aspect of the proposed project. While every project is different in terms of location, site constraints, area of disturbance, proximity to water or wetlands, etc., and therefore may or may not trigger certain jurisdictions' requirements, typical permits and certifications include the following:

- Encroachment permit (Sierra County Dept. of Transportation or CalTrans) or USFS Special Use Permit (for projects encroaching onto, or directly accessed via, a County, State or Federal public right-of-way, respectively)
- CalFire (CDF) PRC 4290/4291 compliance checklist (most driveways outside existing townsites)
- Northern Sierra Air Quality Management District (NSAQMD) approved "Dust Control Plan" (for projects disturbing more than one (1) acre)
- State Water Resource Control Board NPDES Stormwater Discharge Permit, evidenced by a copy of that agency's Notice of Intent (NOI) receipt letter containing the "Waste Discharger's Identification (WDID) number (for projects disturbing more than one (1) acre; or in Lahontan Region's "Little Truckee Hydrologic Area," more than 10,000 sq.ft.)
- Department of Fish and Game (DFG) Streambed Alteration Agreement (any work done in a stream corridor from top of bank through the bed of a river, creek or stream to the top of the other bank, including tree and shrub removal, diverting water, filling, and excavation)
- California Regional Water Quality Control Board / Federal Clean Water Act Section 401 Permit for Water Quality Certification (any filling of materials into waters of the U.S. or waters of the State)
- United States Army Corps of Engineers (USACE) Federal Clean Water Act Section 404 Permit (any filling of materials into waters of the U.S. or adjacent wetlands, especially shown as a blue line on a USGS topo map as a perennial or

intermittent stream, river, or creek, and especially with flows of 5 c.f.s. or more, or with wetlands vegetation like willows, rushes, or sedges)

12.08.450 Excavation.

Excavations shall be constructed or protected so that they do not endanger life or property.

12.08.460 Excavation slope.

The slope of cut surfaces of permanent excavations shall not be steeper than two horizontal to one vertical (2:1) exclusive of terraces and exclusive of rounding described herein, except as permitted in sections 12.08.070(a) and 12.08.280(a) for slopes less than five (5) feet in total height. For cut slopes in excess of five (5) feet in total height, slopes steeper than 2:1 (H:V) will be permitted in competent bedrock or soils provided such slope inclinations and stabilization design specifications are in accordance with recommendations contained in the geotechnical or geological report. The bedding planes, foliation planes or principal joint sets in any formation when dipping towards the cut face shall not be daylighted by the cut slope unless the soils and geologic investigations contain recommendations for steeper cut slopes. Cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground.

12.08.470 Fill placement.

Fills shall be constructed in layers. The loose thickness of each layer of fill material before compaction shall not exceed twelve (12) inches. Completed fills shall be stable masses of well-integrated material bonded to adjacent materials and to the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the plans. Proper surface and subsurface drainage and other appropriate measures shall be taken to ensure the continuing integrity of fills. Earth materials shall be used which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches. Larger material may be used with the approval of the Planning Department and the geotechnical engineer.

12.08.480 Fill compaction.

All fills shall be compacted throughout their full extent to a minimum of ninety (90) percent of maximum density as determined by the appropriate Caltrans standard method (Test Method No. Calif 216-C of the Materials and Research Department, State of California, Transportation Department, Division of Highways) or other alternate methods approved by the Planning Department. Tests to determine the density of compacted fills shall be made on the basis of not less than one test for each two-foot vertical lift of the fill but not less than one test for each one thousand (1,000) cubic yards of material placed. Additional density tests at a point approximately one foot below the fill slope surface shall be made on the basis of not less than one test for each one thousand (1,000) square feet in slope surface but not less than one test for each ten (10) foot vertical increase of slope height. All tests shall be reasonably uniformly distributed within the fill or fill slope surface. Results of such testing and location of tests shall be presented in the periodic and final reports. Compaction may be less than ninety (90) percent of maximum density, as determined by the above test, within six inches of the slope surface when such surface material is placed and compacted by a method acceptable to the Planning Department for the planting of the slopes. Compaction of temporary stockpile fills, to be used for a period of not greater than six months, shall not be required, except where the Planning Department determines that compaction is necessary as a safety measure to aid in preventing saturation, sliding, or erosion of the fill.

12.08.490 Ground preparation for fill placement.

The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and other unsuitable material, and where slopes are six horizontal to one vertical (6:1) or steeper, by benching into competent material in a manner acceptable to the Planning Department. The keyway under the toe, if specified, shall be at least fifteen (15) feet wide, or as specified by the soils engineer of record.

12.08.500 Fill slopes.

The slope of permanent fills shall not be steeper than two horizontal to one vertical (2:1) exclusive of terraces and exclusive of roundings described herein, unless a soils report supports a steeper slope, but shall not exceed one and one-half horizontal to one vertical (1.5:1)unless the fill is reinforced as recommended by the geotechnical engineer. The Planning Director or County Engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) or may require such other measures as he or she deems necessary for stability and safety.

12.08.510 Adjacent structures protection.

Footings which may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless such building or structure is capable of withstanding the additional loads caused by such fill or surcharge. The rights of coterminous owners shall be as set forth in Section 832 of the Civil Code of the State of California.

12.08.520 Setbacks - General.

Unless otherwise recommended in a soil or geologic investigation report and approved by the Planning Director, the following shall be used for establishing setbacks for property boundaries, easements, buildings and structures other than fences and retaining walls:

(a) Boundaries. Cut and fill slopes shall be set back from property lines, easements and rights-of-way in accordance with this section. Setback dimensions shall be measured perpendicular to such boundary lines and shall be as follows:

1. As measured from the top of any cut or fill slope to a boundary line, the setback distance shall be equivalent to the height of the cut or fill slope divided by five (H/5) but no less than two (2) feet and need not exceed ten (10) feet.

2. As measured from the toe or bottom of any cut or fill slope to a boundary line, the setback distance shall be equivalent to the height of the cut or fill slope divided by two (H/2) but no less than two (2) feet and need not exceed twenty (20) feet.

(b) Top of slope. The setback at the top of a cut slope shall not be less than that described in subsection (a)(1), above, or than is required to accommodate any required interceptor drains, whichever is greater.

(c) Toe of slope. In addition to the setback described in subsection (a)(2), above, where required to protect adjacent property at the toe of a slope from adverse effects of the grading, additional protection shall be included. Such protection shall be approved by the Planning Department and may include but not be limited to:

1. Setbacks greater than those required in subsection (a)(2), above;

2. Provisions for retaining walls or similar construction;

3. Additional erosion protection of the fill slopes;

4. Provision for the control of surface waters.

(d) Buildings and structures. Except for fences and retaining walls, excavations and fills shall be set back from buildings and structures a distance of at least one-half the height of the slope (H/2) but no less than five (5) feet, unless a qualified engineer or engineering geologist has recommended otherwise.

(e) Waterways and wet meadow areas. Any ground disturbing activities associated with a grading project, including the removal or covering over of vegetation, shall be set-back from intermittent or ephemeral streams or drainages a distance of fifty (50) feet; and from perennial streams, ponds, lakes, reservoirs and wet meadow areas a distance of one hundred (100) feet; except when conducted in accordance with the provisions and conditions of all necessary permits approved by the Department of Fish and Game, the Regional Water Quality Control Board, the Department of Forestry and Fire Protection, the U.S. Army Corps of Engineers, or other responsible agency having jurisdiction over the proposed project. The permittee shall be responsible for adequately protecting stream resource values, recreational uses, wildlife habitat, and aesthetic values of all drainages, waterways and potential wetlands from damage, or from sedimentation or discharges of any kind escaping from the grading project into these features.

(f) Modification of setbacks. The Planning Director may approve alternate setbacks. The Planning Director may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

12.08.530 Drainage - General.

Any drainage structure(s) or device(s) carrying surface water runoff required by this chapter shall be designed and constructed in accordance with standards herein and criteria authorized by the Planning Director.

12.08.540 Drainage discharge requirements.

All drainage facilities shall be designed and engineered to carry surface and subsurface waters to the nearest adequate street, storm drain, natural watercourse, or other juncture, without unreasonably contributing to erosion or sedimentation problems for off-site drains or drainages in accordance with California law.

12.08.550 Drainage - Water accumulation.

All areas shall be graded and drained so that drainage will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

12.08.560 Drainage protection of adjoining property.

Unless otherwise recommended by a qualified engineer and approved by the Planning Director as provided below, drainage across property lines shall not exceed, in quantity or concentration, that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to a County-approved

drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other County-approved devices.

When surface drainage is discharged onto any adjoining property, the following shall apply:

(a) Drainage 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;

(b) A report of drainage calculations and design recommendations (which may include, but not be limited to, culvert sizing, adequate energy dissipation, existing drainage ditch capacity improvements, sufficient leach area, etc.) shall be prepared by a qualified civil engineer;

(c) A drainage plan shall be designed by a qualified civil engineer, incorporated into the plans, and include reference to the drainage calculations report;

(d) If the discharge is to public property, an approved encroachment permit or special use permit shall first be obtained from the agency having jurisdiction over the affected property, prior to issuance of a grading permit. If the discharge is to private property, a drainage and maintenance easement may be drafted, approved by the County, then recorded evidencing the grant of easement by the affected property owner/s, prior to issuance of a grading permit; or a lot line adjustment may first be approved by the County and recorded; or other legal method allowing sufficient containment and control of drainage to meet the above provisions.

12.08.570 Terrace drainage.

Terraces at least eight feet in width shall be established at not more than twenty-five (25) feet in height intervals for all cut and fill slopes exceeding thirty (30) feet in height. Where only one terrace is required, it shall be at approximately mid-height. Suitable access shall be provided to permit proper cleaning and maintenance of terraces and terrace drains. Swales or ditches on terraces shall have a minimum depth of one foot, a minimum longitudinal grade of four percent, a maximum longitudinal grade of twelve (12) percent. Down-drains or drainage outlets shall be provided at approximately three hundred (300) foot intervals along the drainage terrace. Down-drains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal. If the drainage discharges onto natural ground, adequate erosion protection shall be provided.

12.08.580 Subsurface drainage.

Cut and fill slopes shall be provided with surface and/or subsurface drainage as necessary for stability.

12.08.590 Erosion and sediment control.

The faces of cut and fill slopes shall be prepared and maintained to control against erosion. Best Management Practices for erosion and sediment control shall be incorporated into all grading plans, substantially in conformance with those contained in the following publication: *Erosion & Sediment Control Guidelines for Developing Areas of the Sierra Foothills and Mountains* (High Sierra RC&D Council, October 1991), and all subsequent revisions. Alternative BMPs may also be considered by the Planning Department; however in all cases, the following shall apply to the control of erosion and sediment from grading operations:

(a) Grading plans shall be designed with long-term erosion and sediment control as a primary consideration. Erosion prevention and source control are to be emphasized over sediment controls and treatment.

(b) Grading operations shall provide erosion and sediment control measures, except upon a clear demonstration, to the satisfaction of the Planning Department that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. Temporary mulch, revegetation, or other stabilization methods shall be applied to areas where permanent revegetation or landscaping cannot be immediately implemented. Unless otherwise exempted in this chapter or by the Planning Director, grading activity must be scheduled to ensure completion or stabilization and winterization by October 15th of each year (ref. §12.08.220[d] and [e]).

(c) Grading activity shall be conducted such that the smallest practicable area of erodible land is exposed at any one time during grading operations and the time of exposure is minimized. Land disturbance shall be limited to the minimum area necessary for construction.

(d) Natural features, including vegetation, terrain, watercourses and similar resources shall be protected and preserved wherever possible. Boundaries of grading shall be dearly defined and marked to prevent damage by construction equipment.

(e) Permanent vegetation and structures for erosion and sediment control shall be installed as soon as possible.

(f) Adequate provision shall be made for effective maintenance of temporary and permanent erosion and sediment control structures and vegetation. Sediment and other construction-related wastes shall be retained and properly managed on the site or properly disposed of off-site.

(g) No topsoil shall be removed from the site unless otherwise directed or approved by the Planning Department. Topsoil overburden shall be stockpiled and redistributed where appropriate 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.

(h) Runoff shall not be discharged from the site in quantities or at velocities substantially above those which occurred before grading except into drainage facilities, whose design has been specifically approved by the Planning Department or County Engineer.

(i) 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.

(j) All cut and fill slopes shall be adequately stabilized to prevent erosion and failure through temporary and permanent means.

(k) Control measures shall be employed to prevent transport of dust off the project site or into any drainage course or water body.

12.08.600 Emergency conditions.

Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control or reduce 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 required pursuant to this chapter. The permittee shall take prompt action to resolve emergency problems; otherwise the Planning Department may institute abatement proceedings pursuant to provisions of Section 12.08.660(b) of this chapter.

12.08.610 Erosion and sediment control plans.

Erosion and sediment control plans prepared pursuant to this chapter shall comply with all of the following:

(a) 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.

(b) An erosion and sediment control plan shall be required for all engineered grading plans, and whenever:

1. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than ten (10) percent;

2. Clearing and grubbing of areas of one acre or more regardless of slope;

3. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;

4. Grading will occur within one hundred fifty (150) feet of any watercourse;

5. The Planning Department in consultation with the County Engineer determines that the grading will or may pose a significant erosion, or sediment discharge hazard for any reason.

(c) All disturbed areas shall be stabilized by appropriate erosion and/or sediment control measures by October 15 of each year, be capable of being winterized within 48 hours. The Planning Director may require suspension of any and all grading activities between October 15 and May 1 without prior notice.

(d) Erosion and sediment control plans shall include an effective revegetation program to stabilize all disturbed areas, which will not be otherwise protected. All such areas where grading has been completed between April 1 and October 15 shall be planted by November 1st. Graded areas completed at other times of the year shall be planted within fifteen (15) days. If revegetation 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 two thousand five hundred (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.

(e) Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and development 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.

(f) Erosion and sediment control plans shall comply with the recommendations of the responsible civil engineer, geotechnical engineer, engineering geologist, or landscape architect involved in preparation of the grading plans.

(g) The structural and hydraulic adequacy of all stormwater containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a civil engineer, and he or she shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.

(h) Erosion and sediment control plans shall be designed to meet anticipated field conditions.

(i) 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 cleanout and vegetation maintenance criteria.

(j) 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 current Erosion and Sediment Control Guidelines for Developing Areas of the Sierras, published by the High Sierra Resource Conservation District.

12.08.620 Vehicular ways—General.

Vehicular ways shall conform to the grading requirements of this chapter, and may require conformance with CalFire's PRC §4290 fire safe improvement standards.

12.08.630 Vehicular ways—Drainage.

Vehicular ways shall be graded and drained in such a manner that will not allow erosion or endanger the stability of any adjacent slope. Surface discharge onto adjoining property shall be controlled in such a manner that it does not cause erosion or endanger existing improvements, and shall conform to the provisions of sub-section 12.08.560. Bridges and culverts installed over or in watercourses must be approved by the Planning Director and any other required permitting agency (including but not limited to: California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, etc.).

12.08.640 Security required.

(a) As a condition for the issuance of a permit, the Planning Department may require the deposit of improvement security in sufficient amount deemed necessary to assure performance of the work in the event of default on the part of permittee or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Such security shall be in a form acceptable to Sierra County.

(b) In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made of all grading work and the Board of Supervisors of Sierra County has accepted the subdivision improvements.

(c) For projects other than subdivisions, the improvement security shall remain in effect until final inspections have been made and all grading work and erosion control has been approved by the Planning Department.

(d) In addition to the improvement security, the Planning Department may also require the deposit of maintenance security in sufficient amount deemed necessary to guarantee and maintain the grading work and to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Such maintenance security shall be in a form acceptable to Sierra County and shall remain in effect for a period of one year after the date of acceptance of the improvements as designated in subsections (b) and (c) of this section.

(e) Any deposit required by the Planning Department pursuant to this chapter shall be payable to the Sierra County Planning Department.

(f) Upon satisfaction of applicable provisions of this chapter, the improvement and maintenance security deposits 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, inspection and legal costs.

12.08.650 Violations.

Failure to comply with the following shall constitute a violation of this chapter:

(a) All orders issued by the Planning Department pursuant to the provisions of this chapter;

(b) All conditions placed on grading permits;

(c) All rules and regulations of Sierra County.

12.08.660 Nuisance.

(a) Established Nuisances Per Se. The Board of Supervisors of Sierra County ordains that the following violations of this chapter constitute public nuisances:

1. A violation has altered natural drainage patterns and has or will cause flooding to or erosion of adjacent property; or

2. A violation has created a threat to public health, safety or welfare.

(b) Nuisance Abatement Procedure. In accordance with California Government Code Section 25845, the Sierra County Board of Supervisors establishes the procedure for abatement of a nuisance.

1. Upon the discovery of a nuisance, County staff shall comply with the procedures set forth in Chapter 1.17 of the Sierra County Code.

2. Notwithstanding the foregoing, nothing in this chapter shall prohibit the summary abatement of a nuisance upon order of the Board of Supervisors, or upon order of any other County officer authorized by law to summarily abate nuisances, if the Board or officer determines that the nuisance constitutes an immediate threat to public health or safety.

12.08.670 Stop work orders.

(a) Whenever any person is performing work in violation of the provisions of this chapter, the Planning Director or his or her designee may issue a written order to the responsible party to stop work on all or the portion of the work where the violation has occurred or upon which the danger exists. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation.

(b) Upon receipt of such stop work order, the person performing the work shall:

1. Stop work immediately; and

2. Within twenty-four (24) hours, provide the Planning Director 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 approval of a remedy by the Planning Director, undertake, at the violator's sole expense, such action as is necessary to bring the work into compliance with this chapter.

(c) If the responsible party fails to comply with the stop work order served pursuant to this section, the County may use any and all remedies available to it under this chapter, in law, or in equity, including but not limited to: shutting down all work on the site; performing the corrective work either with County crews or by contract; stabilizing the disturbed areas; or arresting the responsible party for violation of this chapter.

12.08.680 Misdemeanor violation.

Notwithstanding any other provisions of this Code, any person violating any provisions of this chapter shall be guilty and punishable as provided in Chapters 1.16 and 1.17 of either an infraction or a misdemeanor as the Sierra County District Attorney deems appropriate. Each such person shall be charged with a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued or permitted.

12.08.690 Investigation fees/work without a permit.

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining the permit, the Planning Director may require an investigation before issuing a permit for such work. In this case, the violator shall be charged for the department's labor and costs incurred during the investigation, in addition to the regular permit fees and any additional penalty fee assessed to the grading permit as allowed by Section 12.04.500 or other County ordinance.

12.08.700 Planning Department Director delegation.

The Planning Director shall be authorized to delegate any of his or her duties under this chapter to other Sierra County officer(s).

(Ord. 1019 eff. 3/18/10; prior 2007 CBC App. J, 2001 CBC App. 33)

34) CHAPTER 12.10 SECOND DWELLING UNITS (REPEALED)

(Ord. 1002, eff. 7/17/08, prior Chapter 12.10 enacted by Ord. 781, repealed by Ord. 887)

35) CHAPTER 12.12 MANUFACTURED HOMES, COMMERCIAL COACHES, MOBILE HOMES AND TRAVEL TRAILERS

12.12.010 Purpose and Intent

It is the purpose and intent of this Chapter to regulate the placement and use of manufactured homes, mobile homes and travel trailers within Sierra County. (Ord. 773, eff. 8/1/91)

12.12.020 Definitions

(a) Commercial Coach A structure fabricated in an off-site manufacturing facility, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include commercial trailers.

(b) Manufactured Home A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it was built after June 15, 1976 in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

(c) Mobile Home A transportable, factory-built home, designed to be used as a dwelling unit and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

(d) Travel Trailer A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle; primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. (Ord. 773, eff. 8/1/91)

12.12.030 Permitted Use

The following are Permitted Uses:

(a) Placement of one manufactured home per parcel in lieu of a single-family residence subject to compliance with the provision of this Chapter 12.12 in all zones which permit single-family residences.

(b) Placement of manufactured homes constructed after June 15, 1976 in a California State-Licensed mobile home park.

(c) Placement of travel trailers in a California State-Licensed mobile home park consistent with such mobile home park's rules and regulations.

(d) Placement of one commercial coach per parcel in lieu of a conventional commercial structure in all zones which permit commercial uses.

(e) Placement of one manufactured home per parcel in lieu of a conventional commercial structure provided that the manufactured home is not utilized for residential or any other purpose inconsistent with the zoning restrictions applicable to the site of installation in all zones which permit commercial uses.

(f) Travel trailers, manufactured homes or mobile homes may be used on a temporary basis for the provision of emergency services by fede4ral, state, local, or governmental agencies for a period not to exceed sixty (60) days.

(g) Any mobile home, manufactured home, and any commercial coach lawfully located and occupied in Sierra County prior to August 2, 1991 shall continue and such location and use shall be valid if in conformance with the provisions and conditions under which it was originally authorized and approved. (Ord. 780, eff. 12/05/91, prior 773)

12.12.040 Uses Requiring Administrative Approval

Subject to the issuance of a Special Use Permit, the following activities or uses are permitted in accordance with the standards of the uses permitted in the land use zone:

(a) Travel trailers, mobile homes and commercial coaches used as dwelling units for a period not to exceed twelve (12) months while a permanent dwelling unit is being constructed or for a period of six (6) months while a manufactured home is being installed. One six (6) month extension may be granted to such permit upon the showing of extenuating circumstances and diligent progression of any underlying construction for which the Conditional Use Permit was previously sought.

(b) Travel trailers, mobile homes and commercial coaches used to house seasonal agricultural employees for a period not to exceed six (6) consecutive months.

(c) Travel trailers, mobile homes and commercial coaches used as construction offices and/or equipment storage for the duration of construction not exceeding 18 months.

(d) Travel trailers, mobile homes and commercial coaches used as real estate offices within a subdivision in any residential land use zone for the purpose of selling the lots of such subdivision provided such use is discontinued when the original sales program has resulted in the sale of eighty (80) percent of the lots in the subdivision or two (2) years, whichever occurs first.

(e) Travel trailers, mobile homes and commercial coaches used as temporary dwellings for a period not to exceed ninety (90) total days. Prior to the approval of a Special Use Permit for such use, a security bond in the amount of two hundred fifty dollars ($250) or such other amount as may be set by resolution of the Board of Supervisors, shall be posted by the permittee for the purpose of insuring compliance with the terms of said permit. (Ord. 773, eff. 8/1/91)

12.12.050 Non-Permitted Uses

The following uses are not permitted:

(a) The placement and use of a mobile home (as defined) in any land use zone in Sierra County, except as stated under permitted uses for the provision of emergency services.

(b) The placement and use of a manufactured home or mobile home outside a mobile home park if said manufactured home or mobile home was constructed prior to June 15, 1976 (see 12.12.020 above).

(c) The storage of travel trailers in the front yard area of a parcel that lies within any of the community areas designated on the Official Land Use Maps of Sierra County for each community.

Any use not specifically permitted pursuant to 12.12.030 or for which an administrative permit is obtained pursuant to 12.12.040. (Ord. 780, eff. 12/05/91, Prior Ord. 773)

12.12.060 Standards of Use for Manufactured Homes and Commercial Coaches

The standards of use applicable to manufactured homes shall apply equally to commercial coaches. The following standards shall apply:

(a) Certification All manufactured homes must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, enacted June 15, 1976.

(b) Water Prior to and during such use, an adequate supply of potable water shall be available for domestic use and fire protection and be subject to approval by the Sierra County Health Department.

(c) Sewage Disposal Prior to such use, the Sierra County Health Department must determine that the area or tract of land on which the structure is to be located is sufficient to accommodate an adequate sewage disposal system and that such sewage disposal system shall be installed prior to occupancy under the supervision of, and with approval by the County Health Department.

(d) Service Connections Prior to such use, all the service connections for plumbing, gas, electricity, sewage and any structural installations related thereto are to be installed to the satisfaction of the County Building Department and the County Health Department.

(e) Foundation All manufactured homes shall be placed on a permanent perimeter foundation that meets applicable County Building Code requirements and the California Health and Safety Code, such that the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

(f) Roof Structure Except for authorized deck areas, all roof structures shall be pitched so there is at least a 2.5 inch vertical rise for each 12 inches of horizontal run. All manufactured homes shall have a minimum 12-inch roof overhang on each of the building's perimeter walls such that the roof structure is architecturally integrated into the design of the dwelling. In addition, all manufactured homes shall be subject to county snow load requirements and have a design and construction to support this snow load approved by the County Building Department. Conformance to these standards shall be required and verified by the County Building Department prior to the approval of a Building Permit for a manufactured home.

(g) Wheels and Axles All manufactured home tow bars, wheels, and axles shall be removed when the dwelling is installed on the required permanent foundation.

(h) Siding Materials The exterior of the proposed dwelling shall be covered with siding made of nonreflective and nonmetallic appearing materials to the satisfaction of the planning department. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or non reflective vinyl or metal which gives the reasonable appearance of any of the foregoing, and the siding material need not extend below the foundation. The color and texture of exterior materials shall be compatible with the surrounding single-family structures.

(i) Roofing Materials The exterior roofing surface shall consist of non-reflective materials similar to that which is found on surrounding single-family dwellings. Acceptable roofing materials include composite shingles, ceramic tile, or a textured metal surface with a baked-on color.

(j) Garages and Carports The exterior siding and roofing material of a garage or carport shall be similar in appearance to that of the manufactured home.

(k) Second Units Manufactured housing units serving as secondary dwelling units on a single parcel shall not exceed 640 square feet in size and shall be subject to all other applicable standards of use. The exterior appearance of the manufactured housing unit shall be similar to that of the primary residence.

(l) Exceptions Manufactured homes placed in mobile home parks shall not be subject to the following standards of use requirements:

1. roof pitch and overhang

2. roofing and siding materials

3. permanent foundations

4. wheel, axle and tow bar removal

5. visually compatible carport or garage (Ord. 773, eff. 8/1/91)

12.12.070 Administrative Procedure

Travel trailers subject to the issuance of a Special Use Permit shall be processed in compliance with the following procedure:

(a) Application. Completed Special Use Permit applications for travel trailers shall be submitted to the Planning Department and shall consist of the following: a completed application, a detailed project description, a plot plan and a location map.

(b) Application Deemed Complete. An application for a Special Use Permit for travel trailers shall be deemed complete when all of the information required by this part is received by the County Planning Department. The County Planning Department shall determine whether the application is complete within thirty (30) days from the receipt of the application.

(c) Environmental Review. The Planning Department shall, within ten (10) days after deeming the application for a Special Use Permit for a travel trailer to be complete, determine if the project is exempt from the requirements of the California Environmental Quality Act and Chapter 17 of the Sierra County Code. If the project is determined to be exempt, complete notification of such shall be made to the applicant by the Planning Department. If the project is determined to be not exempt, the applicant shall comply with the requirements for State and County environmental review.

(d) Departmental Review. The Planning Department shall distribute copies of the application to the Health Department, Tax Collector, Assessor, Department of Public Works, and County Surveyor for comment. A ten (10) working day review period shall be placed on each application to allow for the submittal of written comments from said County departments or other interested parties.

(e) Administrative Hearing and Determination. The Planning Director shall schedule the special use application for an administrative hearing in which the applicant, or the applicant's agent, County departments, and interested parties will be afforded the opportunity to be present and provide evidence. Notice of such hearing shall be given pursuant to Government Code Section 65091 and shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment role within 300 feet of the real property that is the subject of the hearing. The Planning Director may, with due cause, continue a hearing to a new time

and place; however, upon conclusion of any hearing, the Planning Director or his designee shall approve, approve with conditions, or deny the application. Written notice of the action and of the right to appeal shall be mailed to the applicant within three (3) days after conclusion of the hearing. The decision of the Planning Director or his designee shall be considered binding unless the decision is appealed to the Planning Commission within fifteen (15) days after the decision of the Planning Director.

(f) Conditions. The Planning Director, in approving the permit, may require certain conditions under which the proposed use may be allowed which will prevent material damage to adjacent properties and provide suitable safeguards to the public health, safety and general welfare. Such conditions may include time limitations, architectural considerations, access provisions, off-street parking, posting of bond to insure compliance, green belt, planting requirements, sign size and message, or other controls.

(g) Revocation. Failure to comply with any conditions imposed in the issuance of Special Use Permits shall result in the institution of revocation procedures by the Planning Director or a designee. The Planning Director may hold an administrative hearing upon the revocation of the permit. The Planning Director shall make findings and recommendations and the person to which the Special Use Permit has been issued shall be notified of such recommendations no later than five (5) days after filing the permit. The Planning Director or a designee may then revoke such permit for failure to comply with any of the conditions imposed in the issuance of the Special Use Permit. Abatement and removal of facilities as required by a revocation shall be at the expense of the permittee. (Ord. 773, eff. 8/1/91)

12.12.080 Violation

Any person who violates the provisions of this chapter shall be deemed to be guilty of a separate offense for each day, or portion thereof, during which the violation continues. Further, any violation of this chapter constitutes a public nuisance and is subject to abatement in any manner authorized by law. (Ord. 773, eff. 8/1/91)

12.12.090 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are hereby declared to be severable. (Ord. 773, eff. 8/1/91)

36) CHAPTER 12.16 – REPEALED

Ordinance 902, eff. 7/6/2000

37) CHAPTER 12.18 PUBLIC NUISANCES - REAL PROPERTY

(History Chapter 1.17.010, Ord. 735 eff. 01/19/88, repealed 9/19/91, see Chapter 1.17.010-140)

PART 14

LAND USE

Chapters Sections Page

CHAPTER 14.04 LAND CONSERVATION CONTRACTS 1
14.04.010 Violation a Misdemeanor 1
CHAPTER 14.08 OPEN RANGE 2
14.08.010 Grazing Areas 2
14.08.020 Lawful Fence 2
14.08.030 Rental Fee 2
14.08.040 Boundaries 2
14.08.050 Storage 2
CHAPTER 14.12 REPEALED 3
CHAPTER 14.16 POLICY SUPPORTING NATURAL RESOURCE INDUSTRIES 4
14.16.010 Purpose and Intent 4
14.16.020 Policy 4
14.16.030 Goals 4
14.16.040 Exemptions 4
14.16.050 Preservation of Rights 4
14.16.060 Severability 5
CHAPTER 14.17 REPEALED 6

PART 14

LAND USE

CHAPTER 14.04 LAND CONSERVATION CONTRACTS

14.04.010 Violation a Misdemeanor

It is unlawful and punishable as a misdemeanor for any person to divide any land in an agricultural preserve and under a land conservation contract with the County into any parcel having less than the minimum acreage specified in the enabling resolution for the preserve in which such land is situated. (Ord. 441, eff. 2/20/ 75, prior Section 87100)

CHAPTER 14.08 OPEN RANGE

14.08.010 Grazing Areas

All lands of any character not enclosed by a lawful fence, which lands lie within the boundaries of the areas designated in this chapter, are declared to be areas devoted chiefly to grazing pursuant to Food and Agriculture Code Section 17124. (Ord. 478, eff. 12/16/76, prior Section 87200)

14.08.020 Lawful Fence

(a) A lawful fence is any fence which is good, strong, substantial, and sufficient to prevent the ingress and egress of livestock. No wire fence is a lawful fence unless it has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four (4') feet 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 lawful fence. The term "lawful fence" includes cattle guards of such width, depth, rail spacing, and construction as will effectively turn livestock.

(b) Any person pasturing livestock that break through a lawful fence shall be responsible for such damage. (Ord. 478, eff. 12/16/76, prior Section 87201)

14.08.030 Rental Fee

(a) The person having ownership or rightful possession of such unfenced lands shall be entitled to a rental fee from any person who pastures livestock thereon. The rental fee shall be comparable to the rental fee paid to pasture livestock on the closest federal lands customarily rented for grazing.

(b) No person having ownership or rightful possession of such unfenced lands shall have the right to take up or impose a lien on any livestock pastured thereon. The compensation of any such person for the pasturing of livestock shall be limited to the rental fee. (Ord. 478, eff. 12/16/76, prior Section 87202)

14.08.040 Boundaries

All that real property situated in the unincorporated territory of the County of Sierra, more particularly described as follows: Beginning at a point which is the Northeast corner of the County; thence from said point beginning Southerly along the East boundary of the County to a point in the South boundary of Section 19, Township 19 North, Range 18 East M.D.M.; thence Westerly along the South boundary of said Section 19 to the Southwest corner of said Section; thence Southerly along the Range line between Range 17 East and Range 18 East M.D.M. to the South line of the County; thence along the Southerly line of the County to the intersection of said County line and the Range line between Range 12 East and Range 13 East M.D.M.; thence Northerly along said Range line to the intersection of the South boundary of the scenic corridor; thence along the South boundary of the scenic corridor to the intersection of State Highway 49; thence along State Highway 49 to the intersection of the North boundary of the County; thence along the Northerly boundary of the County to said point of beginning. Excepting therefrom all that portion of real property in the Sierraville Public Utility District and all that portion of real property in the incorporated City of Loyalton. (Ord. 478, eff. 12/16/76, prior Section 87203)

14.08.050 Storage

It is unlawful and punishable as an infraction for any person or entity to use any real property owned by the County of Sierra for the purpose of storing personal property without first obtaining permission from a person or persons specifically authorized by the Board of Supervisors to grant such permission. Areas specifically designated by the County as public parking areas are exempt from this ordinance. (Ord. 669, eff. 2/7/84)

CHAPTER 14.12 – Repealed by Ordinance 902, eff. 7/6/2000

CHAPTER 14.16 POLICY SUPPORTING NATURAL RESOURCE INDUSTRIES

14.16.010 Purpose and Intent

It is the purpose and intent of this chapter to set forth a policy statement giving constructive notice to potential landowners, lessees and special use permitees of the rural character of Sierra County and the rural uses of property located outside of incorporated areas or townsites within the County. By virtue of such constructive notice, purchasers, renters, and special use permitees of land will better understand the potential impact of living near agricultural operations, timber management areas and mineral extraction areas, and living in an agricultural, timber production and mineral extraction county.

14.16.020 Policy

It is the declared policy of Sierra County to encourage the continued existence within Sierra County of agricultural, timber production and mineral extraction operations. The foregoing is with the understanding that there are inherent potential problems including but not limited to the noises, odors, dust and chemicals, smoke, and inconvenient work hours associated with those operations.

14.16.030 Goals

a. To preserve property values as agricultural, timber management, and mineral extraction lands and uses is essential to the continued economic well-being of the County;

b. To provide social and economic stability for agricultural, timber management, and mineral extraction areas by providing on-going notice to all landowners, lessees and special use permitees that the Board of Supervisors recognizes, protects and preserves viable agricultural, timber management and mineral extraction lands and uses;

c. To protect the health and safety of persons residing in Sierra County by maintaining a comprehensive policy for the protection and preservation of agricultural, timber management and mineral extraction lands and uses which will provide a lasting social, economic and environmental benefit to the peace and welfare of all County residents.

14.16.040 Exemptions

The area of the County which is excluded from the provisions of this chapter is the incorporated City of Loyalton.

14.16.050 Preservation of Rights

This Sierra County Policy Supporting Natural Resource Industries shall not be construed as in any way modifying or abridging State law.

Further, it is not the intent by enactment and maintenance of this policy to take private property, nor is it the intent of the Board of Supervisors that such a comprehensive policy create any limitation on any of the following:

(a) The police power of any city or county or on the power of any city or county to declare, prohibit and abate nuisances.

(b) The power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(c) The power of any city or county to regulate the use of buildings, structures and land.

(d) The right of any person to maintain at any time, any appropriate action for relief against any private nuisance as defined in Part 4 (commencing in Section 3479) of Division 4 of the Civil Code or any other private relief.

14.16.060 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

CHAPTER 14.17 – Repealed by Ordinance 902, eff. 7/6/2000

PART 15
ZONING

Chapters Sections

CHAPTER 15.04 GENERAL PROVISIONS 6
15.04.010 Purpose 6
15.04.020 Interpretation 6
15.04.030 Exceptions to Chapter 7
15.04.040 Inapplicable to Buildings in Construction 7
15.04.050 Effect of Previous Zoning Regulation 7
CHAPTER 15.08 DEFINITIONS 8
15.08.010 General Definitions 8
15.08.020 Agricultural Crop 8
15.08.025 Agricultural Irrigation Conveyance System 8
15.08.030 Agriculture 8
15.08.037 Airport 8
15.08.038 Airport Airspace 8
15.08.039 Airport Approach Zone 8
15.08.040 Airport Clear Zone 8
15.08.050 Airport Conical Zone 8
15.08.068 Airport Glideslope 9
15.08.069 Airport Hazard 9
15.08.070 Airport Horizontal Zone 9
15.08.080 Airport Noninstrument Approach Zone 9
15.08.090 Airport Landing Area 9
15.08.095 Airport Primary Surface 9
15.08.100 Airport Transitional Zone 9
15.08.110 Apartment 9
15.08.112 Base Flood Elevation (BFE) 9
15.08.114 Best Management Practice (BMP) 10
15.08.120 Block 10
15.08140 Building 10
15.08.150 Building, Accessory 10
15.08.160 Building, Accessory, Attached 10
15.08.170 Building Site 10
15.08.180 Bulk Storage 10
15.08.190 Business Supply 10
15.08.200 Campground 11
15.08.205 Community Area 11
15.08.210 Convalescent Home 11
15.08.220 Deleterious 11
15.08.230 Distributorship 11
15.08.232 Diversion 11
15.08.234 Drainage Way 11
15.08.240 Drive-In Restaurant, Store or Theater 11
15.08.250 Dwelling 11
15.08.260 Dwelling Unit 12
15.08.270 Family 12
15.08.280 Flood 12
15.08.290 Flood, Design 12
15.08.295 Flood Insurance Rate Map (FIRM) 12
15.08.300 Flood Plain 12
15.08.305 Flood Zone 12
15.08.307 Flume 12

15.08.310 Forest Product 12
15.08.320 Garage 13
15.08.330 Golf Course 13
15.08.340 Grade 13
15.08.345 Groundwater Transport Facility 13
15.08.350 Guest House 13
15.08.360 Height 13
15.08.365 High Water Line 13
15.08.370 Hospital 13
15.08.380 Hotel 13
15.08.390 Hotel, Resort 13
15.08.400 Junk Yard 14
15.08.405 Lake 14
15.08.410 Loading Space 14
15.08.420 Lot 14
15.08.430 Lot, Panhandle 14
15.08.435 Meadow 14
15.08.440 Mobilehome 14
15.08.450 Mobilehome Park 14
15.08.460 Motel 14
15.08.465 Natural Groundwater Basin 15
15.08.470 Non-Conforming Building 15
15.08.480 Non-Conforming Use 15
15.08.490 Obstruction 15
15.08.500 Parking Space 15
15.08.510 Pasture, Irrigated 15
15.08.512 Pond 15
15.08.514 Potable Water 15
15.08.520 Professional Office 15
15.08.522 Reservoir 15
15.08.524 Riparian Area (Zone) 16
15.08.530 Roomer 16
15.08.540 School 16
15.08.545 Second Dwelling Unit 16
15.08.550 Sign 16
15.08.560 Sign, Advertising 16
15.08.570 Sign, Directional 16
15.08.580 Signs, Illuminated 16
15.08.590 Signs, Informational 16
15.08.595 Spring 17
15.08.600 Story 17
15.08.605 Stream (creek) 17
15.08.610 Street 17
15.08.620 Structure 17
15.08.622 Swale 17
15.08.624 Tail Race 17
15.08.630 Trailer 17
15.08.640 Use 17
15.08.650 Use, Accessory 18
15.08.660 Utility Distribution Facility 18
15.08.670 Warehousing 18
15.08.675 Wetland 18
15.08.680 Width, Required 18
15.08.690 Yard 18

CHAPTER 15.10 SPECIFIC LAND USE REQUIREMENTS AND STANDARDS 20
15.10.010 (reserved) 20
15.10.020 (reserved) 20
15.10.030 Secondary Dwelling Units and Guest Houses 20
15.10.040 Caretaker Residence 22
CHAPTER 15.12 ZONING DISTRICTS 24
15.12.010 Districts Established 24
15.12.020 Land Use Plan Maps 24
15.12.030 Interpretation of District Boundaries 24
15.12.040 Conformity with Regulations 25
15.12.045 Notes on Subdivision Maps 25
15.12.050 Specified Uses 25
15.12.060 Water Resource Setbacks 25
15.12.065 Groundwater Transport 31
15.12.070 Buildings Under Construction 31
15.12.080 R1 Residential One Family District 32
15.12.090 R2 Residential One and Two Family District 32
15.12.100 R3 Residential Multiple Family District 32
15.12.110 CR Commercial Residential District 33
15.12.120 CN Neighborhood Commercial District 34
15.12.130 CC Community Commercial District 35
15.12.135 SHC Stateline Highway Commercial 35
15.12.140 AV Airport District 36
15.12.150 IN Industrial District 37
15.12.155 BP Business Park Combining District 40
15.12.160 A1 Agricultural District 42
15.12.170 GF General Forest District 43
15.12.180 FR Forest Recreation District 43
15.12.190 RR-1 Rural Residential District 44
15.12.195 RR 1.5 Rural Residential District 44
15.12.200 RR-2 Rural Residential District 45
15.12.205 RR 2.5 Rural Residential District 45
15.12.210 RR-4 Rural Residential District 46
15.12.220 RR-5 Rural Residential District 47
15.12.225 RR-10 Rural Residential District 47
15.12.230 OS-20 Open Space Residential District 48
15.12.240 OS-40 Open Space Residential District 48
15.12.250 OS-60 Open Space Residential District 49
15.12.260 OS-80 Open Space Residential District 49
15.12.270 OS-160 Open Space Residential District 50
15.12.280 SC Scenic Highway Corridor District or SH Scenic Highway District 50
15.12.282 Floodplain "-FP" Overlay District 53
15.12.284 Stream Zone "-SZ" Overlay District 55
15.12.286 Open Space "OS" District 57
15.12.290 PD Planned Development District 60
15.12.295 "X" Overlay District 61
15.12.300 CE Community Expansion District 62
15.12.310 TPZ Timberland Production Zone District 62
15.12.320 Zone Amendments 73
15.12.320.10 Amendment to Community Commercial (CC) Zoning District 73
15.12.320.20 Amendment to Agricultural (A 1) Zoning District 73
15.12.320.30 Amendment to General Forest (GF) Zoning District 73
15.12.320.40 Amendment to Rural Residential 1 Acre (RR 1) Minimum Zoning District 76
15.12.320.50 Amendment to Rural Residential 1.5 Acre (RR 1.5) Minimum Zoning District 77

15.12.320.60 Amendment to Rural Residential 2.5 Acre Minimum (RR 2.5) Zoning District 78
15.12.320.70 Amendment to Rural Residential 4 Acre Minimum (RR 4) Zoning Districtd 78
15.12.320.80 Amendment to Rural Residential 5 Acre Minimum (RR 5) Zoning Districtd 79
15.12.320.85 Amendment to Rural Residential - 10 Acres (RR-10)d 80
15.12.320.90 Amendment to Open Space 20 Acre Minimum (OS 20) Zoning District 80
15.12.320.100 Amendment to Open Space 160 Acre Minimum (OS 160) Zoning District 81
15.12.320.110 Amendment to Planned Development (PD) Zoning District 81
15.12.320.120 Amendment to Stateline Highway Commercial Zoning District 81
15.12.320.130 Amendment to Residential Multiple Family (R3) Zoning District 81
15.12.320.140 Amendment to Commercial Residential (CR) Zoning District 82
15.12.320.150 Amendment to R1 Residential One Family Zoning District 82
15.12.320.160 Amendment to X-Overlay Zoning District 83
15.12.320.170 Amendment to Business Park (BP) Combining District 83
15.12.320.180 Amendment to Forest Recreation (FR) District 84
15.12.330 SP – Site Performance Combining District 84
15.12.340 PS – Public Service District 85
CHAPTER 15.16 APPLICATION FEES 89
15.16.010 Fees Required 89
15.16.020 Fee Exemptions 89
CHAPTER 15.20 BUILDING PERMIT 90
15.20.010 Compliance with Zoning Regulations 90
CHAPTER 15.24 VARIANCES 91
15.24.010 Purpose 91
15.24.020 Application Information 91
15.24.030 Application Accompanied by Evidence 91
15.24.040 Review by Planning Director 91
15.24.050 Findings 91
15.24.060 Notification 92
15.24.070 Hearing 92
15.24.080 Conditions 92
15.24.090 Board Review - (Repealed) 92
CHAPTER 15.28 SPECIAL USE PERMITS 93
15.28.010 Request to Planning Department 93
15.28.020 Findings 93
15.28.030 Notification 93
15.28.040 Condition 93
15.28.050 Revocation of Special Use Permits 93
CHAPTER 15.29 SIERRA BUTTES - LAKES BASIN SPECIAL TREATMENT AREA COMBINING DISTRICT (Expired 5/20/2000) 94
CHAPTER 15.32 ZONING AMENDMENT 95
15.32.010 Purpose 95
15.32.020 Method of Initiating Amendment 95
15.32.030 Hearing 95
15.32.040 Findings and Recommendations 95
15.32.050 Board Review 95
15.32.060 Determination 95
CHAPTER 15.34 URGENCY LAND USE STUDY (REPEALED) 96
CHAPTER 15.36 APPEAL OF PLANNING COMMISSION DECISION 97
15.36.010 Appeal Within 15 Days 97
15.36.020 Appellant Defined 97
15.36.030 Written Notice of Appeal 97
15.36.040 Publication of Hearing Notice 97
CHAPTER 15.40 NON-CONFORMANCE 98
15.40.010 Non-Conforming Uses 98
CHAPTER 15.44 ADMINISTRATION AND ENFORCEMENT 99

15.44.010 Authority 99
15.44.020 Violation a Misdemeanor 99
15.44.030 Remedies 99
15.44.040 Zoning Variances 99

PART 15
ZONING

CHAPTER 15.04 GENERAL PROVISIONS

15.04.010 Purpose

This part is adopted pursuant to the Planning and Zoning law of the Government Code to promote the health, safety and general welfare and to achieve the following objectives:

(a) To enhance and implement the General Plan.

(b) To provide a guide for the growth and development of the County of Sierra in accordance with the General Plan.

(c) To secure for the citizens of the County the social and economic advantages resulting from an orderly planned use of its land resources.

(d) To encourage, classify, designate, regulate and segregate the uses of land, buildings and structures to serve the needs of agriculture, commerce, industry, residences and other purposes in appropriate places.

(e) To establish conditions which will allow all of these land uses to exist in harmony within the community.

(f) To prevent the overcrowding of land, to avoid undue concentration of population, and to maintain a suitable balance between the structures and open spaces.

(g) To lessen congestion on streets and to promote a safe, efficient traffic circulation system.

(h) To insure that adequate off-street parking and loading facilities will be installed and maintained.

(i) To facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements.

(j) To protect and enhance real property values.

(k) To promote the stability of existing land uses and to protect them from incompatible and harmful intrusions.

(l) To protect and preserve the stability of fish and wildlife populations for the enjoyment of present and future generations. (Ord. 409, eff. 7/5/73, prior Section 86100)

15.04.020 Interpretation

In interpreting and applying the provisions of this part, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this part to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this part imposes a greater restriction upon the use of buildings or premises or upon height of buildings, 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 part shall govern. (Ord. 409, eff. 7/5/73, prior Section 86102)

15.04.030 Exceptions to Chapter

The provisions of this part 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 buildings, directly or indirectly for service to the public or any portion thereof by persons, firms or corporations. Said persons, firms or corporations shall first obtain a franchise from the County. (Ord. 409, eff. 7/5/73, prior Section 86103)

15.04.040 Inapplicable to Buildings in Construction

Nothing contained in this part shall require any change in the plans, construction or designated use of a building for which a building permit has heretofore been issued and upon which actual construction has begun. "Actual construction" means the actual 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 actual construction or where demolishing or removal of an existing building or structure has been begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing in all cases that actual construction work be diligently carried on until the completion of the building or structure involved. In no case shall actual construction exceed the two (2) year time limit of the original building permit. (Ord. 409, eff. 7/5/73, prior Section 86104)

15.04.050 Effect of Previous Zoning Regulation

Any structure, use, variance, plan, use permit, building permit, etc., granted under provisions of Ordinance Numbers 369, 371, 378 or 401 shall be valid in accordance with the provisions and conditions under which it was originally approved. (Ord. 409, eff. 7/5/73, prior Section 86105)

CHAPTER 15.08 DEFINITIONS

15.08.010 General Definitions

The word "used" includes the words "arranged", "designed", or "intended to be used"; the word "construct" includes the words "erect", "reconstruct", "alter", "move in", and "move upon". "Zone" shall also mean "district" and "district" shall also mean "zone". (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.020 Agricultural Crop

"Agricultural crop" means any annual field product grown and harvested for human consumption in its natural or processed condition. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.025 Agricultural Irrigation Conveyance System

An artificial ditch, channel, or other man-made feature serving as a water conveyance for agricultural irrigation purposes as recognized by the applicable watermaster in the geographical areas covered by an existing surface water decree or other surface water decree that may be in effect or where no surface water decree exists, as recognized by a field inspection by the Planning Department and consultation with the applicable water master and/or the CA. Dept. of Water Resources. (Ord. 1042, eff. 10/18/12)

15.08.030 Agriculture

"Agriculture" means the art and science of large scale cultivation of the ground, including harvesting of crops and rearing and managing livestock; tillage; husbandry; farming; horticulture; and forestry; the art and science of the production of plants useful to man. (Ord. 423, eff. 7/7/74, prior Section 86101)

15.08.037 Airport

"Airport" means an area maintained for the landing, takeoff, storage, repair, and/or shelter of aircraft and so designated by the State of California, Division of Aeronautics and Sierra County. (Ord. 496, eff. 4/14/77)

15.08.038 Airport Airspace

"Airport airspace" means the space lying above and adjacent to an airport. (Ord. 496, eff. 4/14/77)

15.08.039 Airport Approach Zone

"Airport approach zone" means a portion of the airspace, the lower limit being a fan-shaped inclined plane longitudinally centered on the extended runway centerline and located at each end of the primary surface. The slope and horizontal dimensions of the approach zone will vary based on the type of approach available and/or type planned for that runway. The inner end width is that of the primary surface. (Ord. 496, eff. 4/14/77)

15.08.040 Airport Clear Zone

"Airport clear zone" means a rectangular horizontal area located at each end of the primary surface, longitudinally centered on the runway centerline and extending outward along centerline for a distance of 1,000'. The width of the clear zone is that required for the primary surface. (Ord. 409, 496, eff. 4/14/77)

15.08.050 Airport Conical Zone

"Airport conical zone" means a portion of the airspace, the lower limit extending outward and upward from the periphery of the lower limit of the horizontal zone at a slope of 20:1 for a horizontal distance of 4,000 feet. (Ord. 409, eff. 4/14/77)

15.08.068 Airport Glideslope

"Airport glideslope" means the path of flight followed by an aircraft when approaching a runway. This path is aligned above the extended runway centerline and varies in slope according to the type of approach available and/or planned for that runway. (Ord. 496, eff. 4/14/77)

15.08.069 Airport Hazard

"Airport hazard" means any structure or natural feature or use of land which obstructs the required airspace for the flight of aircraft in landing or taking off at an airport. (Ord. 496, eff. 4/14/77)

15.08.070 Airport Horizontal Zone

"Airport horizontal zone" means a portion of the airspace, the lower limit being an oval-shaped horizontal plane 150 feet above the established airport elevation. The perimeter of the horizontal zone is determined by swinging arcs of a specified radii from the center of each end of the primary surface and connecting the adjacent arcs with lines tangent to the arcs. The radius of the arcs varies according to the type of approach available or planned for that runway. (Ord. 409, 496, eff. 4/14/77)

15.08.080 Airport Noninstrument Approach Zone

"Airport noninstrument approach zone" means an area having a width of 250 feet at a point 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,250 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.090 Airport Landing Area

"Airport landing area" means the area in and adjacent the airport for the landing, taxiing, maneuvering, or take-off of aircraft. (Ord. 409, 496, eff. 4/14/77)

15.08.095 Airport Primary Surface

"Airport primary surface" means a rectangular surface longitudinally centered on and extending 200 feet beyond both ends of an airport runway. The elevation of the primary surface is the nearest point on the runway centerline. The width of the primary surface will vary according to the type of approach available and/or type planned for that runway. (Ord. 496, eff. 4/14/77)

15.08.100 Airport Transitional Zone

"Airport transitional zone" means a portion of the airspace, the lower limit being an inclined plane extending outward and upward from the primary surface and lower limits of the approach surface at right angles to the runway centerline. The transitional zone also includes that airspace from the runway centerline extended, at a slope of 7:1, until it intersects with the lower limit of the horizontal zone. (Ord. 409, 496, eff. 4/14/77)

15.08.110 Apartment

"Apartment" means a room, or suite of two or more rooms, which is designated for, intended for, or occupied by one family doing its cooking therein, and containing its own toilet and bathing facilities. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.112 Base Flood Elevation (BFE)

The elevation that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.114 Best Management Practice (BMP)

Generally accepted grading, erosion control and other construction trade processes and procedures which have proven themselves over time for large numbers of people, and been demonstrated repeatedly to be both efficient and effective. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.120 Block

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, water course, or body of water. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.130 Boarder

"Boarder" means a person, other than a family member or guest, who pays for and eats his meals with a family other than his own. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08140 Building

"Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer, mobilehome, or tent. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.150 Building, Accessory

"Building , accessory" means a detached subordinate building, the use of which is customarily associated with, but subordinate and incidental to the primary use of the main building, or potential main building. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.160 Building, Accessory, Attached

"Building, accessory, attached" means an accessory building attached to the main building by a breezeway and/or common wall. To be considered attached by a breezeway, the accessory building shall not be located more than 20 feet from the main building. The breezeway shall have a covering and be attached to a part of the accessory and main building. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.170 Building Site

"Building site" means a parcel of land occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto, including such open spaces as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.180 Bulk Storage

"Bulk storage" means storage in tanks or containers, each of which is larger that 200 gallons capacity. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.190 Business Supply

"Business supply" means a wholesale or retail commercial enterprise whose primary activity is the stocking and supplying of materials, machines, and products which are essential to the operation of other business or service enterprises in the nearby area. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.200 Campground

"Campground" means land or premises which are used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.205 Community Area

This term is used interchangeably with and refers to both “Community Core” and “Community Influence” areas as mapped in the Land Use diagrams in the Sierra County General Plan. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.210 Convalescent Home

"Convalescent home" means a building used primarily for the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.220 Deleterious

"Deleterious" means injurious or harmful to health or well being by virtue of being in excess of, or contrary to established statutes or legislated limits or customary regional norms. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.230 Distributorship

"Distributorship" means a wholesale commercial enterprise whose primary activity is the distribution on a regular basis; by franchise or otherwise, of produce or products to retail outlets whose primary activity is the sale thereof. (Ord 409, eff. 7/5/73, prior Section 86101)

15.08.232 Diversion

The intentional redirection of water from a stream or other body of water into a canal, pipe, or other conduit. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.234 Drainage Way

An artificial channel or ditch in which surface waters collect or flow as a result of rain or melting snow but which is empty at other times. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.240 Drive-In Restaurant, Store or Theater

"Drive-in restaurant, store or theater" means any such activity or service which is (primarily) offered to customers or clients by their driving onto the premises and being serviced while remaining in their vehicle. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.250 Dwelling

"Dwelling" means:

(a) Any building or portion thereof, used exclusively for residential purposes but excluding hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or mobilehomes.

(b) Single family - a building designed and/or used to house not more than one family.

(c) Two family - a building designed and/or used to house not more than two families, living independently of each other.

(d) Multiple - a building designed and/or used to house three or more families, living independently of each other. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.260 Dwelling Unit

"Dwelling unit" means a building or portion thereof designed and/or used to house not more than one family. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.270 Family

"Family" means one person living alone, or two or more persons related by blood, marriage or legal adoption, or a group not exceeding four persons living as a single, non-profit housekeeping unit.
(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.280 Flood

"Flood" means any temporary rise in stream flow or water surface level that is the direct or indirect result of the passage of storm waters in a watercourse, and in a volume that causes significant adverse effects on any improvements located in the flood plain. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.290 Flood, Design

"Flood, design" means the flood of a certain volume which is determined to recur at a given interval of time, normally 100 years, and against which protection of all public and private improvements is deemed necessary for the public safety and general welfare. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.295 Flood Insurance Rate Map (FIRM)

Official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.300 Flood Plain

"Flood plain" means the flat or low-lying area adjacent to a stream or watercourse which is subject to flooding or overflow with the passage of a design flood. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.305 Flood Zone

A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area: Zone A = An area inundated by 100-year flooding for which no BFE's have been established; Zone AO = An area inundated by 100-year flooding (usually shallow) for which average depths have been determined ranging from 1 to 3 feet; and Zone AE = An area inundated by 100-year flooding for which BFE's have been determined. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.307 Flume

An artificial channel or trough for conducting water. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.310 Forest Product

"Forest product" means any perennial crop, natural or cultivated, which is grown or nurtured primarily for its fiber or for use for other than food. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.320 Garage

"Garage" means an accessory building intended and used for the storage or parking of private motor vehicles. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.330 Golf Course

"Golf course" means the area provided for the playing of golf, whether regulation, short, or practice fairway, together with related club houses, locker rooms, maintenance facilities and concessions for commercial sales and merchandise normally related to golfing. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.340 Grade

"Grade" means the elevation on the finished ground located within five (5') feet of the exterior wall of a building, of the lowest point of entry to the building. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.345 Groundwater Transport Facility

"Groundwater Transport Facility" means a pipeline, canal, or other man-made conduit that can be used to transport water from the immediate area of a natural groundwater basin. (Ord. 698, eff. 5/28/85)

15.08.350 Guest House

"Guest House" means detached living quarters of a permanent type of construction, clearly subordinate and incidental to the main building on the same building site, and not to be separately rented, let or leased whether compensation be direct or indirect. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.360 Height

"Height" means the vertical distance from the main ground level or lowest floor of a structure to the highest point on any structure. (Ord. 409, 496, eff. 4/14/77)

15.08.365 High Water Line

The line found by examining the bed and banks and ascertaining where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks evidenced by: a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, or the presence of litter and debris. (Ord 1021, eff. 6/3/10)

15.08.370 Hospital

"Hospital" means a building used for the accommodation and treatment of sick, injured, or infirm persons, including clinics and sanitariums. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.380 Hotel

"Hotel" means a building occupied as a temporary residence of individuals, lodged with or without meals, and where there are generally no provisions for cooking in any unit. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.390 Hotel, Resort

"Hotel, resort" means an hotel with accessory recreational components as well as service uses designed primarily for the convenience and enjoyment of guests, and generally containing separated guest rooms. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.400 Junk Yard

"Junk Yard" means the use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for storage, abandonment of or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Junk yard does not include areas for the storage of machinery, materials and equipment which are accessory to a permitted primary use. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.405 Lake

An expanse of water entirely surrounded by land and unconnected to the sea except by rivers or streams. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.410 Loading Space

"Loading space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while handling merchandise or materials. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.420 Lot

"Lot" means a parcel of land on record in the County under one ownership used or capable of being used under the regulations of this part and including both the building site and all required yards and other open spaces as defined herein, and having a frontage of not less than forty (40') feet. (Ord. 423, eff. 7/7/74, prior Section 86101)

15.08.430 Lot, Panhandle

"Lot, panhandle" means a lot, the main body of which is remote from the abutting access street with the sole access being by means of a driveway which is also a part of the lot. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.435 Meadow

As used in this Part, ‘meadow’ shall refer to ‘wet meadows’ occurring away from water courses, relying on high groundwater or springs for water. Nothing herein shall require a formal delineation to establish existence of a wetland. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.440 Mobilehome

"Mobilehome" means a vehicle other than a motor vehicle which is designed and used for a human habitation, for carrying persons and property on its own structure, and which is equipped with running water, a kitchen and a toilet for sewage disposal. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.450 Mobilehome Park

"Mobilehome park" means a parcel of land under one ownership which has been planned and improved for the placement of mobilehomes and trailers for non-transient use. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.460 Motel

"Motel" means a group of two or more accommodations, guest rooms or apartments with automobile storage space serving accommodations provided in connection therewith, which group is designed and used primarily for the accommodation of transient auto travelers. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.465 Natural Groundwater Basin

"Natural Groundwater Basin" means the geographic area underlain by an aquifer, including recharge and discharge areas. (Ord. 698, eff. 5/28/85)

15.08.470 Non-Conforming Building

"Non-conforming building" means a building structure, or portion thereof, which does not conform to the regulations of the part, for the district in which it is situated and which lawfully existed at the time of the adoption of this part. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.480 Non-Conforming Use

"Non-conforming use" means a building or parcel occupied by a use that does not conform to the regulations as to use for the district in which it is situated. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.490 Obstruction

"Obstruction" means any building or other structure, tree or other object of natural growth, fence or wall which projects within the limits of an area prescribed to be free of obstacles.
(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.500 Parking Space

"Parking space" means a permanently maintained space on a lot or parcel, suitable for the parking of one automobile, including necessary maneuvering space.
(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.510 Pasture, Irrigated

"Pasture, irrigated" means pastureland receiving eighteen (18) inches or more of irrigation water per growing season, at least twenty-five percent (25%) of which is received after July 15. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.512 Pond

A body of water smaller than a lake, sometimes artificially formed, but not under jurisdiction of the State of California. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.514 Potable Water

Water of a quality that meets State Health Department drinking water standards. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.520 Professional Office

"Professional office" means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.522 Reservoir

An artificial lake or pond designed for the storage, regulation, and control of water, and under license issued by the State of California. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.524 Riparian Area (Zone)

The area adjacent to a river, stream, lake, pond, reservoir, or wetland that is influenced by the hydrology of the associated water resource and supports riparian vegetation, which includes trees and other woody vegetation with a differing density, diversity, and productivity relative to nearby uplands. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.530 Roomer

"Roomer" means an individual who rents or otherwise occupies for pay a room in the dwelling of a family other than his own. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.540 School

"School" means an institution of learning, private or public, which offers instruction in the several branches of learning required to be taught in the public school of the State of California. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.545 Second Dwelling Unit

A "second dwelling unit" is either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary unit is situated. (Ord. 781, eff. 1/18/92)

15.08.550 Sign

"Sign" means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise fastened, affixed or made visible for out-of-door informational or advertising purpose in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building structure, or thing whatsoever. For the purpose of this part, the gross surface area of both sides of a double faced sign shall be used in determining the advertising area. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.560 Sign, Advertising

"Sign, advertising" means any sign other than a nameplate, directional or informational sign and being remotely located off the premises where the product or service is available. Such a sign shall not include any pennants, banners, whirligigs, flags, sparklers, horns, sirens, or other similar visual or noise-making attractors.
(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.570 Sign, Directional

"Sign, directional" means any sign which gives directions to a community or public place. Such a sign shall not include any pennants, banners, visual or noise-making attractors. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.580 Signs, Illuminated

"Signs, illuminated" means any sign which is lighted internally or by an outside light source for night-time visibility but not including any flashing, nervous, rotating, "traveler" or moving lights or messages. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.590 Signs, Informational

"Signs, informational" means any sign located on the premises or within 100 feet therefrom, which is confined to identifying the operator and the name of the product, service, or facility, together with trademark or copyright, available on the premises. Such a sign shall not include any pennants, banners, whirligigs, flags, sparklers, horns, sirens, or other similar visual or noise-making attractors.

(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.595 Spring

A concentrated discharge of ground water coming out at the surface as flowing water. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.600 Story

"Story" means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
(Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.605 Stream (creek)

A general term for a body of flowing water. Streams may be classified as follows:

- Perennial. A water course that has water in its channel at all times and flows continuously.
- Intermittent. A seasonal watercourse that has water in its channel for most of the year and which flows only when it receives water from springs or from some surface source such as melting snow.
- Ephemeral. A watercourse that carries only surface runoff and flows during and immediately after periods of precipitation and whose channel is at all times above the water table.

Stream does not include roadside ditches or artificial drainage ways constructed or maintained for site drainage, road drainage or other like purposes. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.610 Street

"Street" means a public thoroughfare 40 feet or more in width which affords a primary means of access to abutting property. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.620 Structure

"Structure" means any object constructed, erected, or installed in any area including structures, buildings, travel trailers, mobilehomes, tents, fences, towers, smoke stacks, and utility lines.
(Ord. 409, 496, eff. 4/14/77)

15.08.622 Swale

A depression or low lying area of land, natural or artificial, that tends to collect water and may be moist or marshy. (Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.624 Tail Race

The race, flume or channel leading away from a waterwheel, hydro-electric facility or other like device.
(Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.630 Trailer

"Trailer" means a vehicle other than a motor vehicle or mobilehome which is designed and used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license as provided it the state Vehicle Code. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.640 Use

"Use" means the purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.650 Use, Accessory

"Use, accessory" means a use customarily associated with, but subordinant and incidental to the principal use of a lot or a building located on the same lot. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.660 Utility Distribution Facility

"Utility distribution facility" means any improvement used for the distribution or conveyance of utilities used by the public, such as water storage tanks and reservoirs, pumping and boosting stations, treatment plants; electrical substations, boosters, and conversion stations, gas storage tanks, communications equipment buildings; radio transmitter towers and stations; and microwave stations, but not including electrical distribution lines or pipes, valves, or transformers. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.670 Warehousing

"Warehousing" means the activity of storing or holding wares, goods and supplies before being distributed to retailers or intermediaries between manufacture and sale to wholesale or retail outlets. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.675 Wetland

An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens and similar areas.
(Ord. 1042, eff. 10/18/12; prior 409, Section 86101)

15.08.680 Width, Required

"Width, required" means the average width of lot, except that the minimum frontage shall not be less than thirty (30%) percent of the required width. (Ord. 409, eff. 7/5/73, prior Section 86101)

15.08.690 Yard

"Yard" means an open space on the same lot or parcel used with the building, extending from the building to the nearest lot line.

(a) Front - a yard lying between the main building and the front line and extending across the full width of the lot or parcel; provided, that if any official plan line has been established for the street upon which the building site faces, then such measurement shall be taken from such official plan line to the nearest line of the building.

(b) Side - a yard lying between the side lot line and the main building and extending from the front yard line to the rear yard line.

(c) Rear - a yard lying between the main building and the rear line and extending across the full width of the lot or parcel.

1. On a corner lot, yards abutting streets shall be considered as front yards.

2. On through lots, either end lot line may be considered the front line, in which case the minimum rear yard shall not be less than the required front yard in the district in which such lot is located.

Where yards are required by this part, they shall be open and unobstructed from the ground to the sky (except as provided in this part). (Ord. 409, eff. 7/5/73, prior Section 86101)

CHAPTER 15.10 SPECIFIC LAND USE REQUIREMENTS AND STANDARDS

15.10.010 (reserved)

15.10.020 (reserved)

15.10.030 Secondary Dwelling Units and Guest Houses

(a) Purpose and Intent: The purpose of this section is to provide a variety of housing options that are subordinate to the primary allowable use on a parcel to provide rental housing; to provide affordable housing; to provide a means for the care of elderly or disabled family members; to meet the needs of renters in various income classifications; and to make better use of the existing inventory of residential lot stock and infrastructure by allowing the creation of secondary dwelling units and guest houses.

(b) Definitions: The following definitions shall apply to secondary dwelling units and guest houses as used in this section:

1. Secondary Dwelling Units: A detached (no common walls) or attached (at least one common wall) dwelling unit which provides complete, independent living facilities for one or more persons. A secondary dwelling shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel upon which the primary residential unit is located.

2. Guest House: A detached (no common wall) living quarter, clearly subordinate and incidental to the primary residential use, not separately rented, let, or leased whether any compensation be direct or indirect, containing sleeping and sanitation facilities but not including any cooking or kitchen facilities, including but not limited to a sink, dishwasher, a cooking stove, an oven, or any other appliance installed for the purpose of food preparation cooking or eating.

(c) Applicable Zoning Districts: Secondary dwelling units shall be allowed in the single family residential (R-1), residential one and two family (R-2), rural residential (RR), and open space residential (OS) zoning districts. Guest houses shall be allowed in all zoning districts, subject to the requirements in this and other sections of the Zoning Code.

(d) Parcel Size and Square Footage Limitations: The following legal parcel size qualifications and limitations to square footage allowed are as follows:

1. Legal parcels less than one (1) acre: An existing residential unit may be altered or expanded to include an attached secondary dwelling unit not to exceed 640 square feet of floor area in size. Detached secondary dwelling units and guest houses are not allowed on parcels of less than one (1) acre, excepting however that second dwelling units and guest houses up to 640 square feet are allowed on parcels of less than one acre if located above an existing or proposed garage, unless such garage is located within that zoning district's front yard setback.

2. Legal parcels one (1) acre or greater: Attached or detached secondary dwelling units may be constructed. Secondary dwelling units are limited to 1200 square feet of floor area in size. Guest houses are allowed, not to exceed 640 square feet of floor area in size.

(e) Standards and Requirements: The following listing of standards and requirements shall apply to secondary dwelling units and guest houses as noted.

1. Detached secondary dwelling units shall be situated, as measured from the primary residence, within a radius of 150 feet for parcels ranging from one (1) to 4.99 acres; 300 feet for parcels ranging in size from five (5) acres to twenty (20) acres; and, 500 feet for parcels in excess of twenty acres. Guest houses shall be within a distance not exceeding fifty (50) feet as measured from a primary residence.
2. Secondary dwelling unit and guest houses shall conform to all required property line setbacks.

3. Secondary dwelling units constructed on parcels in excess of one acre may employ a separate septic system for the unit, subject to review and approval of the County Health Department.

4. Secondary dwelling units and guest houses shall be consistent with the architectural style of the primary residence on the parcel.

5. Secondary dwelling units and guest houses may be constructed as a second floor over an existing or proposed garage serving the primary residential use on a parcel, subject to the requirements of Section (d)1 above.

6. Only one (1) secondary dwelling unit or guest house shall be allowed to be constructed on a legal parcel, regardless of parcel size.

7. Guest houses shall only be allowed if there exists a legal, primary single family residence on the parcel. A "legal" primary single family residence is one that meets County zoning, building, and health requirements in effect at the time of its construction.

8. Secondary dwelling units and guest houses shall be accessed by the primary driveway providing access to the primary residence in existence on the property. Separate driveways and access encroachments shall not be permitted to access these uses.

9. Floor area calculations to determine compliance with square footage requirements shall be measured from exterior walls. Square footage calculations shall not include outdoor decks, covered porches, stairways, landings, and other like features. Outdoor covered or uncovered areas including but not limited to decks, covered porches, stairs, landings, entry ways, and like architectural features shall be allowed on a secondary dwelling unit or guest house provided that such architectural features occupy no greater than twenty-five percent (25%) of the allowable floor area of the secondary dwelling unit, or guest house.

10. Off-street parking shall be identified and provided on a parcel proposed for a secondary dwelling unit or guest house and a minimum of one (1) space shall be required for each second dwelling unit and guest house including the primary residence.

11. If applicable, for property subject to valid deed restrictions, a proposed secondary dwelling unit or guest house shall be demonstrated to be in compliance with any recorded CCRs or deed restrictions.

12. Secondary dwelling units shall not be allowed on dead end roadways or cul-de-sacs that exceed California Department of Forestry and Fire Protection, Section 4290 requirements. Compliance for all fire clearances shall apply to permits issued for secondary dwelling units and guest houses.

13. Secondary dwelling units detached from the primary dwelling may have an attached garage or carport that does not exceed 480 square feet. Alternatively, a detached garage/carport shall be permitted provided that the structure is located within twenty (20) feet of the secondary dwelling unit and the carport or garage contains no additional living or habitable space. This section shall not be construed to limit or otherwise restrict a garage or carport that may be constructed to support the primary single family residence or a single carport/garage constructed to accommodate both the primary single family residence and the secondary dwelling unit on the property.

14. No construction shall be attached to a secondary dwelling unit or guest house in excess of the maximum square footage allowed except for outdoor areas as specified herein.

15. Potable water supply, disposal and treatment of sewage, and sanitation requirements shall conform to the requirements of the County Health Department.

16. Utility installations serving second dwelling units shall be separately metered for utilities and provided through underground service.

17. Secondary dwelling units and guest houses shall not be provided through the use of travel trailers, fifth wheels, mobile homes, campers, yurts, tents, or other non-conventional facilities. This section shall not be constructed to restrict the use of manufactured or modular housing.

(f) Special Requirements:

1. Secondary dwelling units may be prohibited in site specific zoning that is associated with a planned development, master plan, or comprehensive subdivision review including but not limited to adoption of "Site Performance Combining" (SP) District overlay zoning ordinance as upon making findings required by Government Code Section 65852.2(c). (Ord. 1002, eff. 7/17/08, prior 997)

15.10.040 Caretaker Residence

(a) Purpose and Intent: The purpose of this section is to provide residential housing for a caretaker within zoning districts of the County that are established for resource based, industrial, or recreational uses.

(b) Definition: Caretaker Residence shall mean an attached or detached single family dwelling unit of permanent type construction which provides independent living facilities for on-site caretaking of property and improvements.

(c) Applicable Zoning Districts: A caretaker residence shall be a permitted use within the agricultural (A-1), industrial (IN), general forest (GF), and forest recreation (FR) districts.

(d) Development and Standards: The following development standards shall apply to a caretaker residence:

1. All restrictions which are outlined in the underlying zoning district.

2. Number of caretaker residences allowed.

A. One (1) caretaker residence shall be permitted per legal parcel in the industrial (IN), forest recreation (FR) zoning districts.

B. In the agriculture (A1) and general forest (GF) zoning districts multiple caretakers residences may be constructed and grouped together, as follows:

(i) one caretakers residence may be constructed for each contiguous legal parcel that is commonly owned by the same individual or individuals;

(ii) at the time of the application to build one or more caretakers residence, the property owner shall process an application for the merger of the parcel or parcels upon which the caretaker residence is being constructed and the legal parcel that provides the density or basis for the construction of the caretakers residence. The merger application must be approved and finalized as a condition to the approval of the construction of the caretakers residence;

(iii) In no case shall any legal parcel have more than five (5) total caretaker residences.

3. A minimum of ten (10) acres shall be required for a caretaker residence to be permitted on any legal parcel in the agriculture (A1), forest recreation (FR), and general forest (GF) zoning districts and a minimum of five (5) acres shall be required for a caretaker residence to be permitted on any legal parcel in the industrial (IN) zoning district.

4. A caretaker residence shall be situated upon a legal parcel in conformance with the following:

A. In such manner so that the caretaker residence is clearly subordinate to the primary residential or *main structure* located on the legal parcel.

B. So that no new road encroachments are necessary and that new road construction to the caretaker residence is minimized or deemed unnecessary and there is connectivity to any existing access serving the property.

C. Any detached caretaker residence is required to be located within a five hundred (500) foot

radius of the primary residential or main structure located on the legal parcel.

D. The County in approving a caretaker residence shall find that the caretaker residence is necessary and incidental for the management of the land consistent with the permitted uses of the underlying zone.

5. The size of the caretaker residence shall be clearly subordinate to the primary or main structure located on the legal parcel.

6. A caretaker residence shall not be permitted as a travel trailer, motor home, fifth wheel recreational vehicle, mobile home, camper, ten, yurt or other like facility.

7. Alternative location: A property owner may apply for a special use permit to exceed the siting of caretaker residence within the five hundred (500) foot radius of the primary or main structure located on the legal parcel. A special use permit shall only be issued pursuant to Section 15. 28 and upon proper findings made by the Planning Commission as contained in Section 15.28.010.

(Ord. 997, eff. 6.5.08)

CHAPTER 15.12 ZONING DISTRICTS

15.12.010 Districts Established

In order to classify, regulate, restrict and segregate the uses of land, building and structures and to regulate and restrict the height and bulk of buildings and to regulate the area of yards, courts and other open spaces about buildings, the County is hereby divided into the following districts:

(a)	R1		Residential One Family
(b)	R2		Residential One and Two Family
(c)	R3		Residential Multiple Family
(d)	CR		Commercial Residential
(e)	CN		Neighborhood Commercial
(f)	CC		Community Commercial
(g)	AV		Airport
(h)	M1		Industrial
(i)	A1		Agricultural
(j)	GF		General Forest
(k)	FR		Forest Recreation
(l)	RR-1		Rural Residential
(m)	RR-2		Rural Residential
(n)	RR-4		Rural Residential
(o)	RR-5		Rural Residential
(p)	OS-20		Open Space Residential
(q)	OS-40		Open Space Residential
(r)	OS-60		Open Space Residential
(s)	OS-80		Open Space Residential
(t)	OS-16	0	Open Space Residential
(u)	SC		Scenic Highway Corridor
(v)	SH		Scenic Highway
(w)	PD		Planned Development
(x)	CE		Community Expansion
(y)	TPZ		Timberland Preserve Zone

(Ord. 409, 423, 487, eff. 3/3/77, prior Section 86106)

15.12.020 Land Use Plan Maps

(a) There is hereby created in the Planning Director's office a Countywide set of land use plan maps, which shall show the use districts, and specific use districts in which all of the property of Sierra County is classified. Any changes in the classifications shall be made pursuant to the provisions of Government Code Sections 65500 and following and 65853. No ordinance adopted for such use districts and specific use districts shall be required to be codified in the Sierra County Code.

(b) Land use plan maps are hereby incorporated into this part together with all notations, references and dates and other information thereon, and all subsequent changes and amendments thereto, as if the matters and information were all fully described herein.

(c) It is hereby declared that by the adoption of this part and inclusion of the land use plan maps, the Board of Supervisors has given due and careful consideration to the suitability of each district for the regulations applied thereto, the location and extent of each district, and the comprehensive grouping and arrangement of the various uses in accordance with a well-considered plan for the development of the County and the purposes outlined above. (Ord. 409, eff. 7/5/73, prior Section 86106 B,C,D)

15.12.030 Interpretation of District Boundaries

When uncertainty exists as to the boundary of any district as shown on the land use plan maps, the following shall apply:

(a) Boundaries are intended to parallel street lines or to follow lot or property lines or geographical features or section lines or subdivisions of sections. As they exist at the time of passage of this part or amendments hereto, unless specifically shown otherwise.

(b) The Board of Supervisors, upon written application or upon its own notion, shall determine the boundaries of such districts. (Ord. 409, eff. 7/5/73, prior Section 86106 E)

15.12.040 Conformity with Regulations

No building except as herein provided shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, or building be used or designed to be used, for any purpose or in any manner, nor shall any yard, or other open space surrounding any building, be encroached upon or reduced, except as permitted by and in conformity with the regulations specified herein for the district in which such building, or yard, or other space is located. No building shall be erected, reconstructed, or structurally altered to exceed the height limits herein designated for the district in which such building is located. No yard or open space provided about any building for the purpose of complying with provisions of this part shall be considered as providing a yard or open space for any other building or any other lot. (Ord. 409, eff. 7/5/73, prior Section 86211 A)

15.12.045 Notes on Subdivision Maps

Notes that appear on additional information maps which are recorded, pursuant to the provisions of Section 23.07.007 after January 1, 2007, shall constitute supplemental zoning regulations affecting the property shown on the recorded subdivision map and no use of property shall be made in a manner that conflicts with any note on an additional information map. Any such notes shall, as supplemental zoning regulations, be subject to the administrative processes set forth in this Part, including but not limited to the grant of variance or use permit, and may be changed by an amendment to the zoning regulations affecting the property. (Ord. 983, eff. 12/21/06)

15.12.050 Specified Uses

The express enumeration in this part of a particular class of building or use in any district shall be determined a prohibition of such build or use in all other districts unless so specified.

(a) Uses not specifically included in any land use district and not specifically excluded therefrom by this part, may be included in that district, as determined by the Planning Commission, if such uses are similar to and not more obnoxious to the uses specifically included or if such uses are accessory to uses which are specifically included.

(b) The Planning Commission may reclassify a use when such reclassification does not violate the intent of this part and provided said Commission publish newspaper notification and hold at least one public hearing thereon. (Ord. 409, eff. 7/5/73, prior Section 86211 B)

15.12.060 Water Resource Setbacks

(a) Purpose and Intent: This Section is intended to identify requirements for development adjacent or proximate to lakes, ponds, reservoirs, streams, wetlands, swales, springs and other surface water features, whether natural or artificial. This Section implements the goals and policies of the General Plan Land Use, Water Resources, Plants and Wildlife, and Visual Resources elements by establishing setbacks for the protection of these water resources.

This Section is intended to provide Sierra County with the means to:

1. Physically protect and separate lakes, ponds, reservoirs, streams, wetlands and springs from disturbance or destruction.

2. Reduce erosion and sedimentation; protect water quality.

3. Protect wildlife habitat and movement along stream corridors and adjacent to lakes, ponds, wetlands, springs and reservoirs.

4. Protect riparian vegetation, particularly native plant species.

5. Protect recreational uses and opportunities and public access where appropriate.

6. Protect the aesthetic value of these resources.

7. Provide standards to assist the County in its evaluation of reasonable use of property adjacent to or containing lakes, ponds, reservoirs, springs, streams, and/or wetlands.

(b) Applicability:

1. Resources for Which Setback Requirements are Applicable: This Section establishes requirements for structural and sewage disposal system setbacks applicable to lakes, reservoirs, ponds, perennial streams, intermittent streams, wetlands, swales, springs, agricultural irrigation conveyance systems, and meadows as defined in Section 15.08 of the Sierra County Code.

2. Relationship to Other Regulations and Requirements: Development in proximity to water resources and development of sewage disposal facilities is subject to the requirements and standards of other portions of the Sierra County Code, state and federal law, and other local, state, and federal agencies. Nothing in this Section shall alter those requirements, standards, and authorities. These other regulations and requirements include, but are not limited to, the following:

(A) Zoning Regulations: All allowable land uses and required development standards are established by the Zone district and any Overlay Zone district applicable to a property and other zoning regulations as defined in Sierra County Code Chapter 15.

(B) Building and Construction: All building and construction activities are subject to the requirements of Part 12 Building and Construction of the Sierra County Code, including Chapter 12.08 Grading, Erosion and Sediment Control.

(C) Floodplains: Development within the 100-year floodplain, as mapped by the Federal Emergency Management Agency, FEMA, is regulated by the Floodplain (-FP) Overlay District (Sierra County Code Section 15.12.282) and Part 32 Floodplain Management of the Sierra County Code.

(D) Potable, Public and Private Water Systems: Development adjacent to or within areas that contain or support natural springs that are used for potable water supply is subject to the requirements and standards of the California Department of Public Health and Sierra County.

(E) Sewage Disposal Facilities: All sewage disposal facilities shall be subject to the requirements and standards of the California Regional Water Quality Control Board and Sierra County.

(F) Wetlands and Other Waters of the United States: Development adjacent to or within areas that contain wetlands and other waters of the United States may be regulated by the U.S. Army Corps of Engineers under the authority of the Clean Water Act.

3. Resources for Which Setback Requirements are Not Applicable: The structural setback requirements established in this Section are not applicable to the following water resources (but the inapplicability of this Section to these water resources shall not be construed as exemption from requirements for grading permits, other development permits, or other applicable regulations):

(A) Floodplains: There are no structural setback requirements adjacent to the 100-year floodplain.

(B) Ephemeral Streams: There are no structural setback requirements adjacent to ephemeral streams.

(C) Private Water Features: There are no structural setback requirements adjacent to water features that meet all of the following criteria: 1) are privately owned, 2) do not support any public use, 3) do not outflow into a stream, and 4) are not fed by surface or ground water subject to water rights owned by others.

(D) Enclosed Flumes and Tail Races: There are no structural setback requirements adjacent to fully enclosed flumes and/or tail races.

(c) Structural Setbacks. The following minimum structural setbacks shall apply to all development within the unincorporated areas of Sierra County. Unique structural setback requirements for the communities of Downieville and Sierraville are found in sub-section 15.12.060(c)4 below.

1. Lake, Reservoir, and Pond Setback Required: In all unincorporated portions of Sierra County, buildings and structures (other than those exceptions listed below in Section 15.12.060[e](2)) shall be setback a minimum of 150 feet from the high water line of any lake or pond, or from the design high water elevation of any reservoir.

2. Wetland and Swale Setback Required:

(A) Outside of Community Areas. In areas of unincorporated Sierra County outside of Community Areas, buildings and structures shall be setback 50 feet from any wetland or swale.

(B) Within Community Areas. In areas of unincorporated Sierra County within Community Areas, buildings and structures shall be placed outside of any wetland or swale, except on existing legal lots where there is no alternative space available. In such instances, buildings and structures shall be designed and located with consideration of maximum feasible avoidance of wetlands. Best Management Practices consistent with Sierra County Code Section 12.08.590 shall be implemented to minimize impacts to any wetland or swale.

3. Stream Setback Required:

(A) Outside of Community Areas. In areas of unincorporated Sierra County outside of Community Areas, buildings and structures shall be:

(1) Setback from the high water line of a perennial stream by a minimum of 150 feet.

(2) Setback from the high water line of an intermittent stream by a minimum of 50 feet.

(3) Setback from the high water line of an agricultural conveyance system by a minimum of 50 feet.

(B) Within Community Areas. In areas of unincorporated Sierra County within a Community Area, excluding Downieville and Sierraville:

(1) Buildings and/or structures shall be setback from the high water line of a perennial stream or intermittent stream by a minimum of 50 feet; and

(2) Best Management Practices to control erosion shall be implemented for any grading, landscaping, storage tanks or structures placed closer than 100 feet from the high water line of a perennial stream. The Best Management Practices used shall be sufficient to achieve compliance with Sierra County Code Section 12.08.590.

4. Structural Setback Criteria for Downieville and Sierraville: Structural setbacks within the Community Areas of Downieville and Sierraville shall be determined on a case-by-case basis in accordance with the following criteria. Procedural requirements for issuance of development permits are provided in Section 15.12.060(f).

   (A) Structural setbacks shall provide for the maximum feasible avoidance of impacts to intermittent and perennial streams, lakes, ponds, reservoirs, springs, wetlands, swales, riparian areas and meadows in consideration of site-specific conditions while allowing reasonable use of the property. Site-specific conditions that shall be considered may include lot dimensions, existing vegetation, soils, slopes, and location of existing structures or development.

   (B) Structural setbacks shall be consistent with and reasonably suited to the character of, and existing setbacks within, the immediate neighborhood and adjacent land uses.

   (C) Structural setbacks need not exceed 50 feet, but Best Management Practices shall be implemented to reduce disturbance and erosion for any structures placed closer than 100 feet from the high water line of perennial streams. Best Management Practices shall be sufficient to achieve compliance with Sierra County Code Section 12.08.590.

   (D) Structural setbacks shall minimize the potential for increased erosion due to removal of vegetation and considering soil and slope stability.

(d) Sewage Disposal Setbacks: The following minimum sewage disposal facility setbacks shall apply to all development within the unincorporated areas of Sierra County.

1. Outside of Community Areas. In areas of unincorporated Sierra County outside of Community Areas, sewage disposal facilities shall be setback a minimum of 50 feet from the high water line of intermittent streams, wetlands and swales. Sewage disposal facilities shall be setback a minimum of 150 feet from the high water line of perennial streams, lakes, ponds, and reservoirs, unless a greater setback is required by the County Environmental Health Department or State Regional Water Quality Control Board.

2. Within Community Areas. In areas of unincorporated Sierra County within a Community Area, sewage disposal facilities shall be setback a minimum of 50 feet from the high water line of intermittent streams, wetlands and swales. Sewage disposal facilities shall be setback a minimum of 100 feet from the high water line of perennial streams, lakes, ponds, reservoirs, and other existing or potential potable water sources unless a lesser setback has been approved by the County Environmental Health Department, the California Department of Public Health, and/or the California Regional Water Quality Control Board, as appropriate.

(e) Permitted Uses Within Required Minimum Setback Areas:

1. Permitted Within All Water Resource Setbacks:

   (A) Maintenance and repair of existing structures and facilities, including septic systems, with no further encroachment into the setback area.

   (B) Remodeling without expansion of the existing footprint.

   (C) New roads, bridges, and utility crossings provided they do not involve any physical alteration of a watercourse; or provided appropriate permits are obtained from the County and other authorities having jurisdiction where hydrologic modifications are proposed.

   (D) Retaining walls and landscape walls less than four feet in height and not located in a FEMA-mapped floodplain.

   (E) Wells and pump facilities including a well-house not exceeding 64 square feet in size.

2. Permitted Within Lake, Reservoir, or Pond Setbacks: Construction of docks, piers, boat launches, marinas, boathouses, and similar structures and facilities is permitted within any lake, reservoir, or pond setback provided such activities do not involve any physical alteration of a watercourse; or with appropriate permits from other authorities having jurisdiction where hydrologic modifications are proposed. Location and design of these structures shall be controlled by applicable state and local regulations.

3. Permitted Within Stream Setbacks: Enclosed conveyance facilities, impoundments, and diversion structures are permitted within stream setback areas provided appropriate permits from other authorities having jurisdiction are obtained to authorize any proposed hydrologic modifications.

(f) Procedures For Issuance of Development Permits For Lands Affected By Water Resource Setbacks Established In This Section:

1. Site Plans Required: Prior to the issuance of any grading or building permit or commencement of any grading or construction within a property adjacent or proximate to a water resource regulated by this Section, a site plan of the proposed development shall be reviewed and approved by Sierra County. Applications for site plan approval shall be accompanied by such maps, plans, drawings, and sketches as necessary to show:

(A) the parcel boundaries;

(B) the proposed site layout including proposed buildings, structures, sewage disposal facilities, grading, paving, drainage facilities, and signs;

(C) existing buildings, structures, sewage disposal facilities, paving, drainage facilities, and signs on the project site and each adjacent parcel within 100 feet;

(D) the high water line of all lakes, ponds, reservoirs, and/or streams and the location of springs within and adjacent to the site;

(E) the required setbacks from the high water line of any water resource regulated under this Section; or for proposed development within the Community areas of Downieville or Sierraville, the proposed setbacks from any water resource regulated under this Section;

(F) the extent of natural features within the project site, including topography, and the approximate boundaries of riparian areas, wetlands and swales;

(G) indication of any applicable Overlay Zone; and

(H) Best Management Practices that will be implemented with the project to control erosion and sedimentation.

2. Site Plan Review and Approval by Planning and Building Department:

(A) The Planning and Building Department shall approve a proposed site plan and issue grading and building permits if all of the following conditions are met:

(1) The proposed Site Plan meets the setback requirements established under Section 15.12.060(c); and

(2) The proposed project is permitted in the base district; and

(3) The proposed development protects all riparian areas within the setback established under Section 15.12.060(c) to the maximum extent feasible; and

(4) The proposed development includes Best Management Practices sufficient to achieve compliance with Sierra County Code Section 12.08.590; and

(5) The proposed development is consistent with the Sierra County General Plan, Zoning Code, and Building Code.

(B) For development on land that is within an -SZ Overlay or OS Zoning District, the Planning and Building Department shall approve the proposed site plan and issue grading and building permits if all of the conditions in Section 15.12.060(f)(2)(A) are met, and all of the conditions in Section 15.12.284(c)(2)(A) are met for land within the –SZ Overlay, and all of the conditions in Section 15.12.286(c(2)(A) are met for land within the OS Zoning District, and the proposed use is permitted within the Zoning District applying to the property.

(C) Any determination by the Planning Director approving or rejecting a proposed Site Plan may be appealed to the Planning Commission in accordance with Sierra County Code Chapter 20.13.

3. Site Plan Review and Approval by Planning Commission:

(A) When approval is required by the Planning Commission on appeal of a decision by the Planning Director, the application shall include a site plan review by the Planning Commission. The site plan shall be accompanied by such maps, plans, drawings, and sketches as necessary to show those details defined in Section 15.12.060(f)(1).

(B) The Planning Commission may grant a variance from the stream setback requirements in accordance with Section 15.12.060(g).

(g) Variances from Setback Requirements: The Planning Commission may approve Variances from the setback requirements established in this Section.

1. General Procedures:

(A) Information Required: In addition to the information required under Section 15.24.020, any application for a variance from a setback established in this Section shall include a Site Plan meeting the requirements identified in Section 15.12.060(f)(1).

(B) The Planning Director shall investigate each application to assure that the proposal is consistent with the intent and purpose of this Section, make recommendations to the Planning Commission, and follow the procedures outlined in Chapter 15.24 of this Part.

2. Findings: The Planning Commission shall consider the request for a variance from the water resource setbacks provided herein at a public hearing, and may approve the variance only if all of the determinations identified in Section 15.24.070 as well as all of the following findings can be made:

(A) General Findings:

(1) Approval of the proposed variance is consistent the Sierra County General Plan, Zoning Code, and Building Code.

(2) Approval of the proposed variance is consistent with the applicable policies and regulations of the Sierra County Grading Ordinance.

(3) The proposed variance does not result in any new development located within an adopted regulatory floodway, and does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effects 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.

(4) The proposed development will be compatible with the proximate land use pattern.

(5) The proposed use will not impair the function and/or viability of water resources, water quality, and wildlife habitat and movement along regulated water resources.

(B) Special Findings for approval of reduced setbacks outside of Community Areas: Setbacks may be reduced by as much as 50 percent (but in no case to less than 50 feet) if all of the following findings are made:

(1) The narrower setback would not increase potential for erosion due to substantial modifications to existing vegetation cover and soil and slope stability, or the project has incorporated sufficient Best Management Practices to ensure that the narrower setback would not increase potential for erosion.

(2) The narrower setback would not fall within the 100-year floodplain, unless no reasonable alternative exists on the parcel.

(3) The narrower setback would fully protect existing riparian areas at the site, unless no reasonable alternative exists on the parcel.

(C) Special Findings for approval of reduced setbacks inside Community, excluding Downieville and Sierraville: Setbacks may be reduced by as much as 50 percent (but in no case to less than 25 feet) if all of the following findings are made:

(1) The narrower setback avoids impacts to water resources regulated under this Section to the maximum extent feasible in consideration of site-specific conditions while allowing reasonable use of the property.

(2) The narrower setback would not increase potential for erosion due to substantial modifications to existing vegetation cover and soil and slope stability, or the project has incorporated sufficient Best Management Practices to ensure that the narrower setback would not increase potential for erosion; and

(3) The narrower setback would fully protect existing riparian vegetation at the site, unless no reasonable alternative exists on the parcel.

(4) The proposed development will be compatible with the proximate land use pattern.

(Ord. 1042, eff. 10/18/12; prior 423, Section 86211.1)

15.12.065 Groundwater Transport

A special use permit shall be required in all zoning districts enumerated and identified in this part wherein it is proposed by any person, firm, corporation, partnership, association or other entity that groundwater transport facilities be constructed or that groundwater is proposed to be transported from the overlying parcel of property from which groundwater is withdrawn to any other parcel or parcels of property except for agricultural purposes. This section shall not apply to property within the boundaries of the Sierra Valley Groundwater Basin Act (Statutes 1980, Chapters 449-986) and to individual residential-domestic water service of four (4) or fewer residences. (Ord. 698, eff. 5/28/85)

15.12.070 Buildings Under Construction

Any building for which a lawful permit has been issued which is in conflict with this part, or any amendments hereto, and on which substantial work has been performed before the effective date of this part, or any amendments thereto, may be continued and completed in accordance with the plans and specifications upon which basis the permit was issued. (Ord. 409, eff. 7/5/73, prior Section 86211 C)

15.12.080 R1 Residential One Family District

(a) Purpose and Intent: To stabilize and protect the residential characteristics of the zone and to promote and encourage a suitable environment for family life.

(b) Permitted Uses: One single family dwelling per lot or parcel.

(c) Accessory Uses: Rooming and boarding of not more than two (2) persons. Household pets not to exceed two (2) in number. Private garage, garden houses, workshops and play houses customarily appurtenant to a permitted use subject to special requirements.

(d) Conditional Uses: Public and quasi-public uses of a recreational, educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards, warehouses, and similar uses. Communications equipment buildings. All uses subject to the issuance of a use permit.

(e) Height Limitation: Two stories not to exceed 35 feet.

(f) Minimum Area, Width and Open Space: 8,000 square feet when connected to an approved public water system and sewerage system; 10,000 square feet when connected to an approved public water system and individual sewerage disposal system; one acre when an individual private well and an individual sewerage disposal system is used. Lot or parcel width of sixty (60) feet. Sixty percent (60%) of lot or parcel shall be open and clear of structures.

(g) Minimum Yards: Front yard, 20 feet; Side yard, 5 feet, 15 feet on street side of corner lot; Rear yard, 25 feet.

15.12.090 R2 Residential One and Two Family District

(a) Purpose and Intent: To stabilize and protect the residential characteristics where a compatible mingling of single family dwellings and two family dwellings is likely to occur and to promote and encourage a suitable environment for family life.

(b) Permitted Uses: One single family dwelling or two one-family attached units (duplex) per lot or parcel.

(c) Accessory Uses: Rooming and boarding of not more than two (2) persons. Household pets not to exceed two (2) in number. Private garage, garden houses, workshops and play houses customarily appurtenant to a permitted use subject to special requirements.

(d) Conditional Uses: Public and quasi-public uses of a recreational, educational, religious, cultural or public service type, but not including corporation yards. storage or repair yards, warehouses, and similar uses. Communications equipment buildings. All uses subject to the issuance of a use permit.

(e) Height Limitation: Two stories not to exceed 35 feet.

(f) Minimum Area, Width and Open Space: 8,000 square feet when connected to an approved public water system and sewerage system; 10,000 square feet when connected to an approved public water system and individual sewerage disposal system; one acre when an individual private well and an individual sewerage disposal system is used.

(g) Minimum Yards: Front yard, 20 feet; Side yard, 5 feet, 15 feet on street side of corner lot; Rear yard, 25 feet.

(h) Parking: One off-street parking space for each dwelling or housing unit or guest house and adequate parking facilities for use requiring a use permit under special section. (Ord. 409, eff. 7/5/73, prior Section 86116-86124)

15.12.100 R3 Residential Multiple Family District

(a) Purpose and Intent: To provide rental housing to meet the need of renters in various income groups and at various age levels, and to stabilize and protect the residential characteristics of the area.

(b) Permitted Uses: One family or two family dwellings, or multiple family dwellings.

(c) Accessory Uses: Rooming and boarding of not more than two (2) persons. Household pets not to exceed two (2) in number. Private garage, garden houses, workshops and play houses customarily appurtenant to a permitted use subject to special requirements.

(d) Conditional Uses: A mobilehome used as a single family dwelling. All uses subject to the issuance of a use permit. Public and quasi-public uses of a recreational, educational, religious, cultural or public service type; but not including corporation yards, storage, or repair yards, warehouses and similar uses. Rooming and boarding houses for any number of guests. Licensed nursing homes. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit. Mobilehome parks, with a maximum density of ten (10) units per gross acre and subject to other requirements. Day nurseries and foster homes subject to the licensing requirements of the county and the state. Professional offices including offices of accountants, architects, attorneys, chiropodists, dentists, engineers, insurance agents, opticians, optometrists, osteopaths, physicians, real estate brokers. Home occupations, off street public parking areas on sites contiguous with non-residential zones.

(e) Height Limitation: No main building shall exceed forty (40') feet in height, and no accessory building shall exceed twenty-five (25') feet in height.

(f) Minimum Area, Width and Open Space: 8,000 square feet when connected to an approved public water system and sewerage system; 10,000 square feet when connected to an approved public water system and individual sewerage disposal system; one acre when an individual private well and an individual sewerage disposal system is used. Lot or parcel width of sixty (60) feet. Sixty percent (60%) of lot or parcel shall be open and clear of structures.

(g) Minimum Yards: Front yard, 20 feet, Side yard, 5 feet, 15 feet on street side of corner lot; Rear yard, 20 feet.

(h) Lot Area per Housing or Dwelling Unit: 2,000 square feet.

(i) Distance Between Buildings on Same Lot or Parcel: Minimum distance of twenty (20') feet between buildings used for dwelling purposes. Minimum distance of ten (10') feet between a building used for dwelling purposes and an accessory building. Minimum distance of six (6') feet between accessory buildings.

(j) Parking: One off-street parking space for each dwelling or housing unit or guest house and adequate parking facilities for use requiring a use permit under special section. (Ord. 409, 428, eff. 9/19/74, prior Section 86125-86135)

15.12.110 CR Commercial Residential District

(a) Purpose and Intent: To provide for transient residential and retail commercial and amusement uses which are appropriate to highway location and dependent on highway travel.

(b) Permitted Uses: Motels, hotels, lodges, campgrounds, restaurants, refreshment stands, cocktail lounges. Automobile service stations, auto laundries and garages for minor repair only. Commercial recreation facilities such as swimming pools, bowling alleys, skating rinks, dance halls. Retail shops for the sale of souvenirs, curios, and other products primarily to meet the needs of the traveling public. Public or quasi-public uses intended primarily to meet the needs of the traveling public.

(c) Accessory uses: Accessory uses and buildings customarily appurtenant to a permitted use.

(d) Conditional Uses: All uses subject to the issuance of a use permit. Animal hospitals and veterinarians, clinics, drive-in theatres, mobilehome parks with a maximum density of twelve (12) units per gross acre and subject to other requirements to be set forth. Signs appurtenant to any permitted use not to exceed forty (40) square feet in aggregate area, or one (1) square foot of aggregate area for each two (2) linear feet of frontage, whichever is greater.

(e) Height Limitation: No main building shall exceed forty (40') feet in height, and no accessory building shall exceed twenty-five (25') feet in height.

(f) Minimum Area, Width and Open Space; 12,000 square feet when connected to an approved public water system and sewerage system; 24,000 square feet when connected to an approved public water system and individual sewage disposal system; one acre when an individual private well and an individual sewage disposal system is used.

(g) Minimum Yards: Front Yard, 15 feet; Side yards, 15 feet when abutting a residential zone; Rear yard, 20 feet when abutting a residential zone.

(h) Parking and Loading: In accordance with residential zones, plus any additional as per a schedule to be developed pertinent to other uses. Parking and loading facilities shall not be located in the required front yard area. (Ord. 409, eff. 7/5/73, prior Section 86136-86144)

15.12.120 CN Neighborhood Commercial District

(a) Purpose and Intent: To provide a center for convenient shopping and service in a residential area or to serve a large rural or recreation area. Zones shall have a minimum area of two (2) acres, in locations where analysis of residential population, rural population or recreation visitor demand demonstrates that such facilities are required.

(b) Permitted Uses: Retail business or service such as grocery, fruit or vegetable stores, bakeries, drug stores, barber and beauty shops, florists, clothes cleaning and laundry pickup stations, laundromats, variety stores and the like. Business, professional and medical offices. Restaurants, cafes and cocktail lounges subject to obtaining a use permit for the sale of liquor, beer or other alcoholic beverages by the glass, or for consumption on the premises. Social halls, lodges, fraternal organizations, and clubs.

(c) Accessory Uses: Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities. Living quarters when accessory to the principal permitted use.

(d) Conditional Uses: Auto service stations, free standing signs, signs which pertain only to a permitted use on the premises which do not project above the highest point of the roofs, which are integral with the building or attached flat against the buildings or suspend entirely beneath the canopy of the building. The aggregate area of said sign shall not exceed one (1) square foot for each one (1) linear foot of building frontage. Moving signs, flashing or oscillating lights are prohibited. Illumination of signs shall not be permitted when said uses are not open for business.

(e) Height Limitations: No main building shall exceed forty (40') feet, and no accessory building fifteen (15') feet.

(f) Minimum Area, Width and Open Space: 12,000 square feet when connected to an approved public water system and sewerage system; 24,000 square feet when connected to an approved public water system and individual sewage disposal system; one acre when an individual private well and an individual sewage disposal system is used.

(g) Minimum Yards: Front yard, 10 feet; Side yards, none, except when abutting a residential zone, then not less than that required for the abutting residential zone; Rear yard, 10 feet, except when abutting a residential zone, then not less than twenty (20') feet.

(h) Parking and Loading: In accordance with residential zones, plus any additional as per a schedule to be developed pertinent to other uses. Parking and loading facilities shall not be located in the required front yard area.

(i) Other Required Conditions: All uses shall be conducted within a completely enclosed building, except for service stations, off-street parking and loading facilities in any part of a CN zone, directly across the street from any residential zone, no parking or loading facilities shall be located within the required front yard. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises. Not more than three (3) persons shall be engaged in the fabrication, repair, and other processing of goods in any establishment. (Ord. 409, eff. 7/5/73, prior Section 86145-86154)

15.12.130 CC Community Commercial District

(a) Purpose and Intent: To stabilize, improve and protect the community business districts of the County. The CC designation shall only be applied in the general location of such centers either in urban areas or as designated in the General Plan.

(b) Permitted Uses: Permitted uses are as follows: Stores, shops and offices supplying commodities and performing services, such as department stores, grocery stores, furniture stores, specialty shops, banks and other financial institutions, business offices, personal services, antique shops, artists' supply stores, restaurants, cocktail lounges, theatres, and similar enterprises, provided that such enterprises are conducted within a completely enclosed building, business and technical schools, schools and studios for art, music, dance and photography, commercial parking lots, hotels, motels, motor hotels, sales and service of new and used cars, mobilehomes and boats, automobile service stations, public and quasi-public uses appropriate to the community business district, including communication equipment buildings, bowling alleys, billiard parlors, garages for minor repairs, night clubs, dance halls, skating rinks, laundry, cleaning and dyeing establishments.

(c) Accessory Uses: Accessory uses and buildings customarily appurtenant to permitted use. Living quarters when accessory to the principal permitted use.

(d) Conditional Uses: Cabinet shops, electrical, plumbing, air conditioning, upholstery, printing and publishing shops, mortuaries, wholesale bakeries and creameries. Drive-in food and refreshment stands where the use is not confined to the enclosed area of the building.

(e) Height Limitation: Two (2) stories or forty (40') feet.

(f) Minimum Area, Width and Open Space: Lot or parcel of not less than 5,000 square feet when connected to an approved public water system and sewerage system; 10,000 square feet when connected to an approved public water system and an individual sewerage system, one acre when an individual private well and individual sewage system is used.

(g) Minimum Yards: Front yard, none; Side yards, none, except when abutting a residential zone, then not less than that required for the abutting residential zone; Rear yard, none, except when abutting a residential zone, then not less than twenty (20') feet.

(h) Parking and Loading: In accordance with residential zones, plus any additional as per a schedule to be developed pertinent to other uses. Parking and loading facilities shall not be located in the required front yard area.

(i) Other Required Conditions: All uses shall be conducted within a completely enclosed building, except for service stations, off-street parking and loading facilities, and other recreational uses appropriate to the area. In any part of a CC zone directly across the street from any residential zone, the parking and loading facilities shall be at least ten (10') feet from said street, and the buildings and structures at least twenty (20') feet from said street. (Ord. 409, eff. 7/5/73, prior Section 86155-86164)

15.12.135 SHC Stateline Highway Commercial

(a) This zoning district is intended to provide a limited range of commercial locations for highway related retail and tourist services within the Verdi Specific Plan area. Standards will require that locations and areas indicated as ”Visitor-Stateline Highway Commercial District” on the Verdi Specific Plan shall conform with the provisions of this district.

(b) Permitted Uses: One single family residence.

(c) Conditional Uses: The following uses shall be subject to a special use permit and include restaurants, food and beverage sales, tourist and souvenir retail sales, visitor information centers, tourist specialty shops, parking areas, directional signs, and one (1) caretakers residence as an appurtenant and secondary use of property, animal and veterinary clinics, medical offices.

(d) Site Development Standards:

1. Maximum building height is one story not exceeding twenty five (25) feet). Maximum sign height is fifteen (15) feet.

38)

2. Setbacks shall be as follows: Front shall be twenty five (25) feet from property line as measured from the frontage access to the retail use; side shall be fifteen (5) feet from property line; rear shall be thirty (30) feet from property line; and if public roads exist adjacent to rear or side lines, setbacks for these areas shall be increased by ten (10) feet from property line.

39)

3. All sales, displays and storage shall be conducted within an enclosed building.

4. Building areas or lot coverage shall be limited to 40% for lots of 10 acres or less and 20% for lots exceeding 10 acres.

5. Maximum building coverage is 10,000 square feet.

6. Signs are limited to identification of products, sales or service provided on the premises on which the sign is located. Signs shall be limited to a cumulative total of 80 square feet, with the maximum single sign square footage being 32 square feet.

7. Off street park, loading, lighting, walls/fences, points of ingress and egress, internal circulation, site landscaping, residential and street screening, architectural design, and other conditions to use and occupancy shall be approved as part of a site plan which is required prior to commencement of any use and prior to issuance of any building permit. This site plan shall be submitted to the Planning Department for review and approval. (Ord. No. 855, eff. 9/04/97)

15.12.140 AV Airport District

(a) Purpose: To implement regulations for the use of land and air spaces in airport zones by preventing the creation or establishment of airport hazards and by preventing the destruction and/or impairment of the utility of the airports of the County. This section shall be applied to properties used or planned to be used as airport or related uses and where the imposition of such regulations is necessary to promote the health, safety and general welfare of the users of airports and related uses and the inhabitants of the County and necessary to protect the public investment therein.

(b) Permitted Uses: Include airports, heliports and accessory uses.

(c) Accessory Uses: Include paved runways, taxiways, aprons, and landing strips.

(d) Conditional Uses: All uses requiring the issuance of a special permit from the Planning Commission, including, but not limited to, aircraft storage, service, repair and fueling structures; passenger and/or freight loading and unloading structures; airport lighting, aircraft tiedowns; radio, radar and other communication related structures; aircraft or aircraft accessory sales; and residences required for the operation and/or maintenance of the airport.

(e) Non-Permitted Uses: Include those uses which occur on land or in airspace, within any airport approach zone, in such a manner as to:

1. Create electrical interference with radio communication between an airport and aircraft in the vicinity;

2. Make it difficult for aircraft pilots to distinguish between airport lighting and any other lighting;

3. Impair pilot and airport visibility in the vicinity of any airport;

4. Otherwise endanger or interfere with the landing, maneuvering or take-off of aircraft.

(f) Height Limitation: The following height limits are hereby established and no structure shall be altered, maintained, or erected in excess of the height limits herein provided:

1. Horizontal Zone: One hundred fifty (150') feet.

2. Conical Zone: One hundred fifty (150') feet at the inner perimeter and increasing in height at a ratio of twenty-to-one (20:1) glideslope and in no event to exceed one hundred fifty (150') feet.

3. Transitional Zone: A ratio of seven-to-one (7:1) commencing at the boundary of the landing area(s) as determined by the Planning Commission.

In addition, residential structures shall be limited to a height of two stories, not exceeding thirty-five (35') feet. All other structures shall be limited to heights as determined by the Planning Commission in the issuance of a special use permit.

(g) Required Conditions: Land use and design criteria including but not limited to minimum acreage, open space, property line setback, parking, loading, access, designation of building sites, signs, and architectural review shall be considered by the Planning Commission and shall appear as conditions to the issuance of any special use permit for any airport related use.

15.12.150 IN Industrial District

(a) Purpose and Intent: The purpose of the "Industrial (IN) Zoning District" is to designate areas in the "Industrial Land Use District" of the General Plan that are appropriate for accommodating areas for the production, repairing, distribution and warehousing of goods and equipment that may involve the use or storage of hazardous materials or that may produce visible gases, particulates, steam heat, odor, dust or excessive noise. It is the intent of the IN zoning district to accommodate those uses that are found to be inappropriate in other locations based on the incompatibility with surrounding uses and the potential for greater impacts on the environment.

Also, it is appropriate for accommodating a limited group of business, professional, research and technical, light manufacturing, light industrial, and commercial uses whose operations are clean and quiet and provide an innovative, spacious, and creative design, in a planned setting, with extensive landscaping or open space.

(b) Allowable Land Uses and Permit Requirements

1. Permitted Uses Requiring Zoning Clearance: None

2. Permitted Uses Requiring an Administrative Special Use Permit: manufacturing clothing, furniture and fixtures, commercial bakeries, printing and publishing facilities, sheet metal shops and vehicle freight terminals, caretakers quarters.

3. Permitted Uses Requiring a Special Use Permit: animal sales yards, feed lots, stockyards, auto body and painting shops, auto wrecking yard, biomass fuel production, cement and asphalt batch plants, contractor equipment yards, canneries, bottling plants, dismantling yards/salvage enterprises, electric generating plants and utility distribution centers, utility storage yards, food processing, fertilizer plants, pellet and presto log manufacturing, hazardous waste management facilities, commercial laundries and dry cleaning, liquefied petroleum and pressurized gas products storage and wholesale, lumber yards, manufacturing chemicals, concrete, plaster, paper products, paving materials, plastics and rubbers, stone products, glass products, metal products, motor vehicles, electrical equipment and food products, sawmill and wood processing plants, secondary milling and processing uses of timber or sawmill products, outdoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods, recycling facilities, slaughterhouses and rendering plants. Business parks including the following uses: mini storage facilities; indoor recycling collection; research and development; data processing centers; day care centers; fitness centers; emergency services; janitorial and restaurant supplies; veterinarian services; trade schools; printing and publishing facilities; support uses for primary light industrial – offices, services and retail sales associated with marketing products produced on-site not in excess of ten percent (10%) of the gross area;

restaurants, day care centers, recreational facilities and services incidental to and directly supportive of the permitted uses, farm, timber, and mining supplies and services; wholesale lumber and hardware; meat cutting and packing (excluding slaughtering); clothing, electrical or electronic equipment, furniture or cabinet shops, wood or metal working products; light machine shops, laundries, in door warehousing, communications facilities, vehicle storage, nursery or garden supply and services, glass or sign shops. Similar and related uses as determined by the Planning Commission.

(c) Site Plan Requirements: A site plan shall be submitted for all development proposals with the IN zoning district. The site plan shall include location and identification of all structures, parking lots, loading areas, driveways, pathways and landscaped areas, design features of landscaping, lighting, signing and proposed fencing or screening. The site plan shall include grading requirements for site development preparation and a comprehensive drainage plan identifying collection and discharge systems.

(d) Architecture and site planning. Proposed buildings and structures shall be designed in accordance with the following provisions:

1. Loading bays and doors. Loading bays and roll-up doors shall not be located on any building face adjacent to a street frontage. Such bays and doors may be located on the side of a building away from a street frontage only where proposed on-site screening and fencing will be adequate to minimize the visibility from the view of any street.

2. Trash enclosures shall be designed to accommodate all trash receptacles needed on site and shall be surrounded with a solid wall six (6) feet in height and be provided with a solid gate at least five (5) feet in height. Trash enclosures shall not be located within a front setback.

3. Outdoor lighting of the site shall be restricted to directional lighting for security and safety purposes. This includes but is not limited to lighting of doorways, pathways and parking lots.

4. An architectural and design plan specifying, but not limited to, building materials, design, colors and other features shall be provided for each application for special use permit and shall be approved by the approving authority.

(e) Development Standards:

1. **Minimum lot size**: Two (2) acres.

2. **Minimum lot width:** Two hundred (200) feet

3. **Maximum building height**: Forty (40) feet. Maximum building height may be increased when project features required as environmental health or safety mitigation measures.

4. **Maximum lot coverage**: No more than seventy-five percent (75%) of the area of the site shall be covered by buildings, structures, or other impervious surfacing or materials. The remainder of the site shall be permanently maintained as naturally vegetated open space, landscaped areas, drainage retention/detention facilities, and/or wetland or wildlife preserve areas.

5. **Floor Area Ratio**: No more than fifty percent (50%) of lot area shall be covered by the buildings, structures or facilities.

6. **Minimum Yards**: Minimum yards shall be measured from the affected property line, right-of-way line, easement line or other recognized official boundary or line. Except for fencing for aesthetic or safety purposes, yards must remain open and clear of any structure from the ground level to sky. Minimum yard setbacks shall be sixty (60) feet for all yards.

7. **Landscaping**: Sites within the IN zone shall be provided with landscaping which shall be permanently maintained. The project application shall include a proposed landscaping plan illustrating a landscaping theme complementary to the surrounding landscape that shall emphasize

native plant species. A minimum of twenty-five percent (25%) of the total area of each project site shall be maintained as open space with an approved landscaping plan.

8. **Parking and circulation**: On-site parking areas, and vehicular and pedestrian circulation systems shall be designed and provided as follows:

(A) Location of parking areas. No vehicle parking shall be located adjacent to a street frontage unless adequately screened through landscape design to minimize visual impact to passing traffic.

(B) Number of parking spaces required. Proposed uses in the IN zone shall be provided the following number of off-street parking spaces, provided that a proposed use that is not listed in this subsection shall be provided the number of spaces required for the use determined to be most similar:

Industrial uses: One (1) per 1,500 square feet of floor area or improvements

Business Park: One (1) per 400 square feet

9. **Caretakers quarters for security personnel.** Caretakers units shall not be used for employee housing, no separate water or sewer connections from the permitted uses are allowed, the size is limited to 1,200 square feet. The residence cannot be the first use or development on property and must be clearly subordinate and incidental to the permitted uses, in a location that does not detract from the permitted uses and may not provide ancillary retail or commercial uses to the development or public.

10. **Signs.** Signs shall be limited to one (1) detached sign introducing the business not to exceed forty (40) square feet in size and six (6) feet in size. Any attached sign must be located below the roof structure. No off-site signs are permitted.

Business Parks: Signs shall be limited to one (1) detached sign introducing the businesses located within the business park not to exceed forty (40) square feet in size and six (6) feet in height and one (1) attached sign for each business located within the park not to exceed twenty (20) square feet in size. An attached sign must be located below the roof structure and the location of the individual attached signs must be uniform throughout the development. No off-site signs are permitted.

11. **Hazardous waste business plan and fire protection plan.** Operations requiring the use or storage of hazardous or dangerous materials shall prepare a hazardous waste business plan as part of the use permit application. The hazardous waste business plan shall include information on the type(s) of materials, transport, storage, and use during operations of all hazardous materials on site involved in the operation of the business and shall be prepared o an annual basis. The fire protection plan must meet PRC 4290 guidelines and local serving fire agency requirements. If there is no local serving agency, the County shall impose requirements for the protection of life and property as deemed appropriate.

(f) Properties within Industrial Zone:

004-190-033-0	006-020-006-0	016-040-072-0
004-190-036-0	016-040-082-0	016-090-038-0
006-020-004-0	016-040-084-0	012-140-038-0
006-020-005-0	016-040-085-0	018-030-018-0

30 Acres within the NW Corner of 004-190-092;
One Acre within 002-140-009-0 located South of 002-140-046-0 adjacent to Goodyears Creek Road;
Four Acres within 004-100-035-0 adjacent to Goodyears Creek Road;
016-040-083-0 except the NW portion within the NE 1/2 of section 13;
30 Acres within 016-090-037-0 adjacent to Garbage Pit Road;

10 Acres within 018-030-026-0 South and adjacent to Deerwater Airport

(Ord. 917, eff. 1/18/01, prior 409, Section 86165-86172)

15.12.155 BP Business Park Combining District

(a) Purpose and Intent: The "BP" combining district is designated to provide areas in the "Industrial" land use district of the County General Plan that are appropriate for accommodating a limited group of business, public, professional, research, light manufacturing, and commercial uses whose operations are clean and quiet, providing an innovative, spacious and creative design within a planned setting, with landscaping. The intent of the district is to provide employment oriented uses with performance standards precluding any uses which include outdoor manufacturing or storage or which create noise, fumes gasses, dust, particulates, heat, glare, or other obnoxious elements. Standards are to be customized to each individual development with consideration given to requiring minimal wastewater generation, minimal use of hazardous materials, and a minimum of disturbance to the natural setting. It is not the intent of the district to accommodate residential developments, housing of any nature, or single use developments which can be more appropriately located within other land use or zoning districts.

(b) Permitted Uses: The following uses are permitted within the district; those uses where there is no storage or disposal of hazardous materials or the storage and disposal of hazardous materials occurs at an approved off site facility: professional offices, research and development facilities, warehousing including storage and distribution, small scale manufacturing and fabrication of wood or metal products, repair services, paper products, car wash, day care center , recreation and fitness centers, recycle stations, food service, laundries, business support services, hand craft industries, glass products, stone or concrete products, clothing services, commercial or retail services primarily for employees of the permitted use including coffee shops, cafeterias, administrative and sales offices, merchandise showrooms, tire shops, sign and electrical component assembly or service, bottling plants, farm or timber supplies, mining supplies, and other uses determined to be similar in character as provided in this chapter.

(c) Conditional Uses: The following uses are permitted with the issuance of a special use permit; storage and disposal of hazardous materials on site through an approved treatment method: vehicle storage, card lock fuel stations, printing and publishing, vehicle or transit terminal, mini storage, veterinary services, meat cutting or packing, fruit or vegetable packing and processing, public utility uses, communication towers or facilities, sawmill or similar processing plant, medical labs, dental labs, storage of oil or other petroleum products for commercial purposes, storage of explosives, and other uses determined to be similar in character as provided in this chapter.

(d) Prohibited Uses: The following uses are prohibited from the district including those uses that use and/or storage of Extremely Hazardous Materials listed as part of Section 302 of the Emergency Planning and Community Right-to-Know Act: Animal raising and keeping, residential or caretaker uses, employee housing, junk yards, outdoor storage, salvage enterprises or auto wrecking yards, uses generating hazardous wastes, tanneries, refining of petroleum products, rendering plants, mobile structures, single purpose developments or solely retail uses that would be more appropriate in other land use or zoning districts and other uses determined to be similar in character as provided in this chapter.

(e) Determination of Similar or Equivalent Uses: The Planning Director may identify uses that are similar in character to those uses identified as permitted, conditional, or prohibited if it is found that:

1. the proposed use is consistent with the goals, objectives, and policies of the general plan; and

2. the proposed use will meet the purpose and intent of the "BP" zoning district; and

3. the proposed use will share characteristics common with those listed in the "BP" zoning district and will not be of greater intensity, density, or generate more environmental impact that the uses listed within the district as permitted, conditional, or prohibited.

The Planning Director may forward the question about equivalent use directly to the Planning Commission for determination at a public hearing.

(f) Business Operation Plan Required: The improvement of property for a new business, a new business within an improved property or an expansion of an existing business as authorized in this chapter shall require the submittal of a business operation plan, which contains sufficient project information including owner and operator of business, description of business, a detailed site plan, Hazardous Waste Business Plan, evidence of meeting the Northern Sierra Air Quality Management District's requirements for business operations and evidence of meeting the Regional Water Quality Control Board requirements. The business operation plan shall be updated to reflect any change in ownership or operator or operation of the established business.

(g) Parcel Minimum Standards:

1. Minimum parcel size is one half acre

2. Maximum building height allowed is 40 feet

3. Lot coverage shall be no more than 60% (includes structures, overhangs and canopies, impervious surfaces including but not limited to driveways, decks, walkways)

4. Minimum building size shall be 1500 square feet

5. Minimum parcel width is 60 feet

6. Minimum setbacks shall be as follows and shall be measured from the property line and any easement line, whichever is the greatest distance:

   i. Front yard-30 feet from property line
   ii. Side yard-20 feet from property line
   iii. Rear yard-30 feet from property line

(h) Site Development Standards: All uses within the "BP" zoning district shall conform to the following development standards:

1. All uses (excepting vehicle parking, loading zones, signs, and landscaping) including sales, displays, and storage shall be conducted within an enclosed building

2. Hours of operation are unrestricted except that uses which generate sound which is audible from off site shall be limited to the hours of 7:00am to 10:00pm and in all cases, uses and noise generation shall comply with the Noise Element of the General Plan

3. Off street parking shall be provided on the basis of three (3) spaces for every two (2) employees and handicap parking shall be provided as required by the Planning Director. Each use that depends upon deliveries shall have a loading space that is off-street and that is unobtrusive to surrounding uses. A parking layout shall be submitted as part of the required site plan/business plan for review and approval of the Planning Department.

4. All parking areas and access roads shall be paved. Landscaping shall be established and maintained by the property owner or assigned manager within the front and side yard areas. Landscaping may be live or inert, however any grading scars or other disturbed areas shall be adequately restored.

5. Site development shall be designed to accommodate truck delivery vehicles, and other like maneuvers of vehicles to avoid the need for backing maneuvers and to prohibit entering any road serving the business park.

6. Loading bays and doors shall not be located on any building face adjacent to any street frontage. Such bays may be located on the side of a building and away from a street frontage only where on-site screening and fencing will be adequate to minimize the visibility from the view of any street.

7. Trash and waste enclosures shall be designed and located to accommodate all trash receptacles needed on site and shall be within a solid enclosure with a solid gate or access point and in no case shall these enclosures be located within any front setback.

8. Lighting shall be directional in nature to provide safe access for employees and visitors and for security and safety. Open, non-directional site lighting is prohibited.

9. Signs shall be attached to a building and shall not extend above the eave of any building. Signs shall be limited to two signs containing no more than 80 square feet of aggregate area. Lighting of signs shall be directional only. A street location sign may also be erected at the point of entry to the property provided that the sign may also not be higher than six (6) feet and shall not exceed eight (8) square feet.

10. Utility services to any structure shall be provided by underground service except for surface mounted pedestals, fire hydrants, and street lighting.

11. Stacks, baghouses, and filter systems that are part of environmental mitigation are allowed but must be screened from view from any street.

12. Architectural features are intended to ensure attractive, well-designed structure while recognizing their basic industrial nature. Proper site screening promoted over architectural design themes and all construction shall be subject to an administrative design review and shall include but not be limited to construction materials being new and earth colors; fencing shall be solid and limited to six (6) feet in height; roof-mounted equipment shall be screened by architectural features from the view of abutting streets; a-grade equipment located on the ground and adjacent to a building shall be screened from the view of surrounding properties or street by a fence, solid wall or landscaping. The main elements of the business park site design should include emphasis on main building entry and landscaping; placement of buildings to provide plazas and courtyards; screening of work areas and equipment; prohibition of outdoor storage; convenient access, visitors parking and on-site circulation; service areas located at side or rear of buildings; and easily identifiable site access. Undesirable elements of design include large blank and unarticulated wall surfaces, exposed block walls, false front materials requiring high levels of maintenance, mirror window glazing, and reflective materials. (Ord. 950, eff. 1/1/04)

15.12.160 A1 Agricultural District

(a) Purpose and Intent: The A1-160 zone is established to protect and preserve land that is most suited to agricultural use and other uses compatible therewith. It is intended that this district be utilized in conjunction with appropriate state and federal legislation to preserve and protect agricultural pursuits from encroachment by industrial, commercial and residential use.

(b) Permitted Uses: General farming including all types of crop and tree farming, commercial livestock, animal husbandry, and poultry farms. All animals shall be cared for in a manner that does not create a public health problem, a public nuisance or interfere with the public welfare of surrounding properties. Single family residences and accessory buildings. Public utility distribution facilities, but not including major transmission facilities.

(c) Conditional Uses: A mobilehome used as a single family dwelling, airports and heliports, animal clinics and livestock hospitals, any type of non-agricultural enterprise, campgrounds, cemeteries, churches, kennels, packing plants for agricultural crops, community centers and grange halls, country clubs, golf courses, educational institutions, farm equipment sales and service, feed lot operations, mining, quarrying, extraction of rock, sand, gravel or similar material for the reclamation thereof, museums, public utility buildings and uses. Upon proper findings by the Planning Commission other uses similar to those enumerated and consistent with the purpose and intent of the open space and conservation element of the General Plan and compatible with the A1 zone.

(d) Non-Permitted Uses: All uses which are not consistent with the open space and conservation element and purpose and intent of the A1 zone.

(e) Property Development Standards: Lot area 160 acres.

(f) Population Density: One residence per one hundred and sixty (160) acres except where cluster type development providing one hundred sixty (160) acres per unit is approved by the Planning Commission.

(g) Height Limitation: No building may exceed two (2) stories or thirty-five (35') feet in height, whichever is less, excepting non-dwelling structures.

(h) Minimum Yards: Front yard, sixty (60') feet as measured from the center line of abutting street; Side and rear yard, none, all set back must meet the County building code. (Ord. 409, 428, eff. 9/19/74, prior Section 86173-86181)

15.12.170 GF General Forest District

(a) Purpose and Intent: The GF zone is established to promote development in Sierra County which is compatible with and preserve the natural environment and will provide for the long run maintenance of natural resources.

(b) Permitted Uses: Growing and harvesting of agricultural and forest products, grazing of livestock, single family residences and accessory buildings. Public utility distribution facilities but not including major transmission facilities.

(c) Conditional Uses: A mobilehome used as a single family dwelling, public parks and recreation uses, reservoir for water storage, public utility buildings and uses, camping and picnic areas, private country clubs, golf courses, guest ranches, riding stables, mines, quarries, gravel pits, sawmills, summer home tracts, mobilehome parks, travel trailer parks, recreational trailer parks, airports and heliports. Upon proper findings by the Planning Commission other uses similar to those enumerated and consistent with the purpose and intent of the open space and conservation element of the General Plan and compatible with the purpose and intent of the GF zone.

(d) Property Development Standards: Lot area, 640 acres.

(e) Population Density: One residence per 640 acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: No building may exceed two (2) stories or thirty-five (35') feet in height, whichever is less excepting non-dwelling structures.

(g) Minimum Yards: Front, side and rear yard, 60 feet as measured from the center line of abutting streets.

(h) Lake, Reservoir or Stream Setback: The area within 100 feet of the high water line of any lake, reservoir, river or stream shall be maintained clear or any buildings, structures, or sewerage facilities, except for boat docks and boathouses. (Ord. 409, 428, eff. 9/19/74, prior Section 86182-86190)

15.12.180 FR Forest Recreation District

(a) Purpose and Intent: The Forest Recreation District is established to protect, enhance, and provide suitable low intensity commercial uses in the General Forest areas of the County. This district recognizes tourism as a major industry and preservation of our natural forests as a major resource to this industry. This district is intended to encourage attractive development compatible with adjacent land uses.

(b) Conditional Uses: All uses subject to the issuance of a use permit and shall include resort hotels, motels, recreational cabins, picnic areas, riding stables, riding and hiking trails, private parks, required single family dwellings, public parks, public campgrounds, golf courses, restaurants, small stores, gift shops, organizational clubs and lodges, and upon proper findings buy the Planning commission and Board of Supervisors, other uses similar to those enumerated and consistent with the purpose and intent of this section shall be permitted.

(c) Height Limitation: Two story building, not to exceed thirty-five (35') feet.

(d) Minimum Yards: Front yard, setback of fifty (50') feet from centerline of local street; Side yard, setback of ten (10') feet; Rear yard, setback of twenty (20') feet.

(e) Parking: One off-street garage, carport, or parking space per dwelling unit.

(Ord. 423, eff. 7/7/74, prior Section 86190.1-86190.6)

15.12.190 RR-1 Rural Residential District

(a) Purpose and Intent: to provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County.

(b) Permitted Uses: shall include one family dwelling, private automobile garage and/or carport, and accessory structures which are customarily appurtenant to the primary use of residential.

(c) Conditional Uses: shall include one (1) single family dwelling consistent with the County "second unit ordinance".

(d) Non-Permitted Uses: shall include all uses which are not consistent with the purpose and intent of the Rural Residential Zoning District, the Open Space and Conservation Element of the General Plan, and the Seismic Safety Element of the County General Plan and the keeping of raising of exotic, poisonous, or endangered species of animals.

(e) Property Development Standards: One (1) single family residence per **parcel** and minimum parcel size shall be one (1) acre.
40)

(f) Height Limitations: Structures shall not exceed two (2) stories in height and shall not exceed thirty-five (35) feet.

(g) Minimum Yard Areas Required: Minimum yard and setbacks from property lines for all structures shall be: front yard shall be sixty (60) feet as measured from the centerline of any front-abutting road or thirty five (35) feet from the front property line, whichever is greatest; side yard shall be fifteen (15) feet from property lines; rear yard shall be thirty (30) feet from property lines. Corner lots shall maintain property line setbacks of thirty (30) feet for all property lines.

(h) Parking requirements: Each parcel shall maintain one garage, carport, or off street automobile parking space per single family dwelling unit

(i) Household and Non-Household Animals: The keeping of household animals (dogs, cats, guinea pigs, hamsters, pot belly pigs, rabbits, birds, fish and similar types of animals) readily classifiable as being customarily incidental and accessory to the permitted residential use shall be permitted without restriction. Any and all structures appurtenant to the keeping of household or non-household animals shall meet yard setback requirements of this zone. The keeping of household and non-household animals shall not include any commercial or retail use associated with the keeping of said animals. The keeping of animals, household or non-household, associated with a school, 4-H Club, Future Farmers of America, or similar organization shall be permitted and shall not be considered a retail or commercial use. (Ord. 843, eff 11/1/96, 423, 428, prior Section 86190.10-86190.18)

See Ordinance No. 978 for additional properties included in the RR-1 zoning district.

15.12.195 RR 1.5 Rural Residential District

(a) Purpose and Intent: To provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zoned CE Community Expansion Districts at or near population centers.

(b) Permitted Uses: Single family homes, accessory buildings and uses.

(c) Conditional Uses: Schools, public service structures, libraries, temporary real estate offices, cemeteries, golf courses, stables, kennels for raising and/or boarding of animals.

(d) Non Permitted Uses: All uses which are not consistent with any adopted general or specific plan.

(e) Property Development Standards:

1. Density - One single family residence per 1.5 gross acres

2. Lot Size - 1.5 net acres

3. Height - Two (2) story building not exceeding thirty-five (35') feet

4. Yards - Front yard, thirty (30') feet; side yard, fifteen (15') feet; rear yard, thirty (30') feet; and for corner lots, all setbacks shall be thirty (30') feet. Setbacks shall be measured from property lines.

(f) Parking: Two (2) off-street parking spaces per single family residence.

(g) Special Requirements: Special requirements shall be as follows:

1. Any vehicles and/or travel trailers, camp trailers or the like shall be stored within enclosed structures or in the rear yard area.

2. Any raising and/or boarding of poultry, swine, hoofed animals, domesticated birds or small mammals, or other animals not considered as household pets shall only be allowed upon issuance of a permit issued in accordance with a resolution of the Board of Supervisors. (Ord. 624, eff. 5/18/82)

15.12.200 RR-2 Rural Residential District

(a) Purpose and Intent: To provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zoned CE Community Expansion Districts at or near population centers.

(b) Conditional Uses: A mobilehome used as a single family dwelling. All uses are subject to the issuance of a use permit. Conditional uses include one single family dwelling and any accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the RR and CE zones, the open space and conservation element, and the seismic safety element.

(d) Property Development Standards: One residence per two (2) acres.

(e) Population Density: One single family dwelling per two (2) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yards, sixty (60') feet as measured from the center line of any abutting roads; Side and rear yards, thirty (30') feet; Corner lots front, side, and rear yards, sixty (60') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit. (Ord.423, 428, eff. 9/19/74, prior Section 86190.20-86190.28)

15.12.205 RR 2.5 Rural Residential District

(a) Purpose and Intent: To provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zone CE Community Expansion Districts at or near population centers.

(b) Permitted Uses: Single family homes, accessory buildings and uses.

(c) Conditional Uses: Schools, public service structures, libraries, temporary real estate offices, cemeteries, golf courses, stables, kennels for raising and/or boarding of animals.

(d) Non Permitted Uses: All uses which are not consistent with any adopted general or specific plan.

(e) Property Development Standards:

1. Density - One single family residence per 2.5 gross acres

2. Lot Size - 2.5 net acres

3. Height - Two and one-half (2-1/2) story building not exceeding thirty-five (35') feet

4. Yards: Front yard, thirty (30') feet; side yard, fifteen (15') feet; rear yard, thirty (30') feet; and for corner lots, all setbacks shall be thirty (30') feet. Setbacks shall be measured from property lines.

(f) Parking: Two (2) off-street parking spaces per single family residence.

(g) Special Requirements: Special requirements shall be as follows:

1. Any vehicles and/or travel trailers, camp trailers or the like shall be stored within enclosed structures or in the rear yard area.

2. Any raising and boarding of poultry, swine, hoofed animals, domesticated birds or small animals, or other animals not considered as household pets shall only be allowed upon issuance of a permit issued in accordance with a resolution of the Board of Supervisors. (Ord. 624, eff. 5/18/82)

15.12.210 RR-4 Rural Residential District

(a) Purpose and Intent: to provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zoned CE Community Expansion Districts at or near population centers.

(b) Conditional Uses: A mobilehome used as a single family dwelling. All uses are subject to the issuance of a use permit. Conditional uses include one single family dwelling and any accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the RR and CE zones, the open space and conservation element, and the seismic safety element.

(d) Property Development Standards: One residence per four (4) acres.

(e) Population Density: One single family dwelling per four (4) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yards, sixty (60') feet as measured from the center line of any abutting roads; Side and rear yards, thirty (30') feet; Corner lots front, side, and rear yards, sixty (60') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit. (Ord. 423, 428, eff. 9/19/74, prior Section 86190.30-86190.38)

15.12.220 RR-5 Rural Residential District

(a) Purpose and Intent: To provide for and encourage low density intermediate lot sizes for single family homes in semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zoned CE Community Expansion Districts at or near population centers.

(b) Conditional Uses: A mobilehome used as a single family dwelling. All uses are subject to the issuance of a use permit. Conditional uses include one single family dwelling and any accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the RR and CE zones, the open space and conservation element, and the seismic safety element.

(d) Property Development Standards: One residence per five (5) acres.

(e) Population Density: One single family dwelling per five (5) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yards, sixty (60') feet as measured from the center line of any abutting roads; Side and rear yards, thirty (30') feet; Corner lots front, side, and rear yards, sixty (60') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit. (Ord. 423, 428, eff. 9/19/74, prior Section 86190.40-86190.48)

See Ordinance 984 for further changes.

15.12.225 RR-10 Rural Residential District

(a) Purpose and Intent: To provide for and encourage low density intermediate lot sizes for single family homes in a semi-rural setting in an orderly fashion around existing communities within the County. It is intended that this zone be applicable to those areas zoned CE Community Expansion District at or near population centers.

(b) Permitted Uses: Single family homes, accessory buildings and uses, guest houses for non-commercial use, orchards, kennels for boarding and/or raising of household pets.

(c) Conditional Uses: Schools, public service structures, libraries, temporary real estate offices, cemeteries, golf courses, stables.

(d) Non-Permitted Uses: All uses which are not consistent with any adopted general or specific plan.

(e) Property Development Standards:

1. Density - One single family residence per 10 gross acres

2. Lot Size - 10 net acres

3. Height - Two and one-half (2-1/2) story building not exceeding thirty-five (35') feet.

4. Yards - Yard setbacks shall be sixty (60') feet on all sides.

(f) Parking: Two (2) off-street parking spaces per single family residence.

(g) Special Requirements: Special requirements shall be as follows:

1. Any vehicles and/or travel trailers, camp trailers or the like shall be stored within enclosed structures or in the rear yard area.

2. Any raising and boarding of poultry, swine, hoofed animals, domesticated birds or small mammals, or other animals not considered as household pets shall only be allowed upon issuance of a permit issued in accordance with a resolution of the Board of Supervisors. (Ord. 624, eff. 5/18/82)

15.12.230 OS-20 Open Space Residential District

a) Purpose and Intent: to provide for and encourage low intensity large lot developments for single family homes in an orderly fashion in the applicable open areas of the County which are particularly suited to such uses. It is intended that this zone be applicable in the A1 Agricultural and GF General Forest Districts within the County. This district recognizes the need to protect and enhance our natural forests and agricultural lands.

(b) Conditional Uses: A mobilehome uses as a single family dwelling. All uses are subject to the issuance of a use permit and include one single family dwelling and accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the OS, A1, and GF districts, open space and conservation element and the seismic safety element.

(d) Property Development Standards: One residence per twenty (20) acres.

(e) Population Density: One single family residence per twenty (20) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yard, one hundred (100') feet as measured from the center line of abutting roads; Side and rear yards, sixty (60') feet; Corner lots, front, rear and side yards, one hundred (100') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit.

(Ord. 423, 428, eff. 9/19/74, prior Section 86190.50-86190-58)

See Ordinance 984 for further changes.

15.12.240 OS-40 Open Space Residential District

(a) Purpose and Intent: To provide for and encourage low intensity large lot developments for single family homes in an orderly fashion in the applicable open areas of the County which are particularly suited to such uses. It is intended that this zone be applicable in the A1 Agricultural and GF General Forest Districts within the County. This district recognizes the need to protect and enhance our natural forests and agricultural lands.

(b) Conditional Uses: A mobilehome used as a single family dwelling. All uses are subject to the issuance of a use permit and include one single family dwelling and
accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-permitted Uses: All uses which are not consistent with the purpose and intent of the OS, A1 and Gf districts, open space and conservation element and the seismic safety element.

(d) Property Development Standards: One residence per forty (40) acres.

(e) Population Density: One single family residence per forty (40) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yard, one hundred (100') feet as measured from the center line of abutting roads; Side and rear yards, sixty (60') feet; Corner lots, front, rear, and side yards, one hundred (100') feet.

(h) Parking: one (1) garage, carport, or off street parking space per dwelling unit.

(Ord. 423, 428, eff. 9/19/74, prior Section 86190.60-86190.68)

15.12.250 OS-60 Open Space Residential District

(a) Purpose and Intent: To provide for and encourage low intensity large lot developments for single family homes in an orderly fashion in the applicable open areas of the County which are particularly suited to such uses. It is intended that this zone be applicable in the A1 Agricultural and GF General Forest Districts within the County. This district recognizes the need to protect and enhance our natural forests and agricultural lands.

(b) Conditional Uses: A mobilehome uses as a single family dwelling. All uses are subject to the issuance of a use permit and include one single family dwelling and accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the OS, A1, and GF districts, open space and conservation element and the seismic safety element.

(d) Property Development Standards: One residence per sixty (60) acres.

(e) Population Density: One single family residence per sixty (60') acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yard, one hundred (100') feet as measured from the center line of abutting roads; Side and rear yards, sixty (60') feet; Corner lots, front, rear, and side yards, one hundred (100') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit.

(Ord. 423, 428, eff, 9/19/74, prior Section 86190.70-86190.78)

15.12.260 OS-80 Open Space Residential District

(a) Purpose and Intent: To provide for and encourage low intensity large lot developments for single family homes in an orderly fashion in the applicable open areas of the County which are particularly suited to such uses. It is intended that this zone be applicable in the A1 Agricultural and GF General Forest Districts within the County. This district recognizes the need to protect and enhance our natural forests and agricultural lands.

(b) Conditional Uses: A mobilehome used as a single-family dwelling. All uses are subject to the issuance of a use permit and include one single-family dwelling and accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the OS, A1 and GF districts, open space and conservation element and the seismic safety element.

(d) Property Development Standards: One residence per eighty (80) acres.

(e) Population Density: One single family residence per eighty (80) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yard, one hundred (100') feet as measured from the center line of abutting roads; Side and rear yards, sixty (60') feet; Corner lots, front, side and rear yards, one hundred (100') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit. (Ord. 423, 428, eff. 9/19/74, prior Section 86190.80-86190.88)

15.12.270 OS-160 Open Space Residential District

(a) Purpose and Intent: To provide for and encourage low intensity large lot developments for single family homes in an orderly fashion in the applicable open areas of the County which are particularly suited to such uses. It is intended that this zone be applicable in the A1 Agricultural and GF General Forest Districts within the County. This district recognizes the need to protect and enhance our natural forests and agricultural lands.

(b) Conditional Uses: A mobilehome used as a single-family dwelling. All uses are subject to the issuance of a use permit and include one single-family dwelling and accessory structures customarily appurtenant to the primary use and subject to special requirements.

(c) Non-Permitted Uses: All uses which are not consistent with the purpose and intent of the OS, A1, and G1 districts, open space and conservation element and the seismic safety element.

(d) Property Development Standards: One residence per one hundred sixty (160) acres.

(e) Population Density: One single family residence per one hundred sixty (160) acres except where cluster type development has been approved by the Planning Commission.

(f) Height Limitation: Two (2) story building not to exceed thirty-five (35') feet.

(g) Minimum Yards: Front yard, one hundred (100') feet as measured from the center line of abutting roads; Side and rear yards, sixty (60') feet; Corner lots, front, side, and rear yards, one hundred (100') feet.

(h) Parking: One (1) garage, carport, or off street parking space per dwelling unit.

(Ord. 423, 428, eff. 9/19/74, prior Section 86190.90-86190.98)

15.12.280 SC Scenic Highway Corridor District or SH Scenic Highway District

(a) Purpose: To protect the scenic qualities of public highways designated a scenic highway by the State of California and/or the Board of Supervisors. To protect the recreational, social and economic values derived from the protection and enhancement of the scenic qualities of the County for the benefit of residents and visitors. It is intended that this zone be an overlay zone, and that its provisions shall modify and supplement and provisions of the basic underlying zone to assure the inclusion of compatible uses and structures and perpetuation of scenic highway corridors. Further, it is intended that if any regulations specified in this zone are more restrictive than the regulations of the zone overlaid, the regulations of the SC or SH zone shall govern.

(b) Permitted Uses: Any use permitted in the underlying zone, except offsite signs, subject to the same conditions and restrictions applicable in such underlying zone and to all requirements and regulations of this zone. All uses shall be conducted entirely within enclosed buildings except agriculture, off-street parking and loading, trailer courts and camps, camping and picnicking facilities, outdoor theatres, and similar uses which are of an open land use type.

(c) Conditional Uses: Any use permitted in the underlying zone by any type of use permit, provided that the Planning Commission, or in the event of an appeal, the Board of Supervisors, determines that such use is consistent with the intent and purpose of the SC or SH zone. A directional panel, not to exceed 32 square feet in area, giving motorists directional information to three or more enterprises, and so located that it is not readable by a person of normal visual acuity from the right of way of any scenic highway.

(d) Signs:

1. For signs pertaining to uses conducted on the same premises the following restrictions shall be applied in addition to all conditions and restrictions contained in the regulations governing the underlying zone. If the restrictions of the underlying zone are greater they shall apply.

2. The aggregate area of all signs on each lot or parcel shall not exceed 80 square feet, and no single sign shall exceed 40 square feet.

3. One free standing sign may be erected on each lot or parcel and not to exceed a height of twenty-five (25') feet.

4. Signs attached to buildings shall not project more than sixteen (16") inches from any wall, nor above the parapet or eaves of the building to which attached. No sign visible from the right-of-way of any scenic highway shall display any flashing or intermittent lights, or be animated or appear to be animated.

5. Signs advertising the sale, lease or rental of the use on the lot or parcel or of the lot or parcel shall not exceed an aggregate area of 20 square feet.

(e) Sign Defined:

1. "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of a window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or any other thing whatsoever in such manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, illuminated device, trademark, or other representation used as, or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry. Sign shall include any portable sign.

2. Sign shall not mean any directional, warning or informational sign required or authorized by law which is erected by federal, state, county or municipal officials; nor any official notices, issued by a court or public body or office and posted in the performance of a public duty; nor danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety; nor house number, no trespassing, no parking and similar warning signs.

3. The term off-site sign shall mean any sign as herein defined that does not refer to a use or uses conducted on the same premises, except that signs offering premises for sale, lease or rent shall not be considered off-site signs.

(f) Grading: No grading, removal or deposit of natural materials for which a grading permit is required shall take place on any lot or parcel in the SC or SH zone except by a grading permit in connection with a building permit issued for construction which conforms to the provisions of this chapter; or by a grading permit not in connection with construction that is issued with the concurrence of the Planning Commission; or if no grading permit is required, by an application to do minor grading which has been approved by the Planning Commission. The following activities are exempt from the requirements of this section:

1. Tilling or preparation of land for agricultural purposes.

2. Minor excavation or placement of natural materials, incidental to the planting of trees, shrubs, and other plant materials, and to the installation of minor structural features not requiring a grading permit such as fences, walls, walkways, patios and similar elements customarily accessory to permitted use, provided such excavation or placement of materials does not alter the general overall topographical configuration of the land.

(g) Site Plans Required: Prior to the issuance of any building permit or commencement of any construction of any building or structure, except one and two family dwellings and structures appurtenant thereto which meet all requirements of this zone, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. Applications for site plan approval shall be accompanied by such maps, plans, drawings, and sketches as necessary to show;

1. Boundaries and existing topography of the property and adjoining or nearby streets.

2. Location and height of all existing buildings and structures, stands of trees and specimen trees, and the proposed disposition or use thereof.

3. Location, heights, and proposed use of all proposed structures, including walls, fences, and free-standing signs, and location and extent of individual building sites.

4. Location and dimensions of ingress and egress points, interior roads and driveways, parking areas, and pedestrian walkways.

5. Location and proposed treatment of important drainageways.

6. Proposed grading and removal or placement of natural materials, including finished topography of the site.

7. Proposed landscaping plan.

(h) Review of Site Plan by Planning Commission: The Planning Commission shall review applications for site plan approval and in carrying out such review, the Commission shall consider, but not be limited to, the following criteria:

1. All elements of the proposed development shall be consistent with the intent and all requirements of the SC or SH zone.

2. Buildings and structures shall be so designed and located on the site as to create a generally attractive appearance and a harmonious relationship with surrounding development and the natural environment.

3. Buildings, structures and plant materials shall not be so constructed, installed or planted so as not to unnecessarily obstruct scenic views visible from the scenic highway.

4. Potentially unsightly features shall be located so as to be inconspicuous from the scenic highway or effectively screened from view by planting and/or fences, walls or grading.

5. Insofar as feasible, natural topography, vegetation and scenic features of the site shall be retained and incorporated into the proposed development.

6. Any grading or earth-moving operation in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site, and vegetation cover shall be provided to hide scars on the land resulting from such operations.

7. Upon completion of its review, the Planning Commission shall approve, conditionally approve or disapprove a site plan.

8. No building permit shall be issued, except for a one and two family dwelling or structure appurtenant thereto, for the construction of any building or structure in the SC or SH zone except pursuant to a site plan which has been approved by the Planning Commission.

9. The Planning Commission may waive the requirements of this section when it finds that the provisions of this zone have been or will be fulfilled by the conditions of a special use permit or by other means.

10. Upon request of the applicant, modification of an approved site plan may be made by the Planning Commission if it finds that the modification is consistent with the intent and the requirements of the SC or SH zone.

11. Any approval of a site plan shall expire within one year of such approval except where construction and/or use in reliance on such site plan has commenced prior to its expiration. If construction and/or use in reliance thereupon has not commenced within the one-year period, said period may be extended by the Planning Commission at any time prior to the original expiration date. (Ord. 409, eff. 7/5/73, prior Section 86192-86199)

(i) The following uses shall not be permitted within any Scenic corridor or Scenic Highway zoning district shown on the official County zoning maps: Overnight occupancy by any person or persons in any campsite,

tent, vehicle, or trailer except within those areas officially designated as federal campgrounds or areas designated by special use permit issued by Sierra County.

Any violation of this ordinance is punishable as an infraction pursuant to Section 1.16.030 of the Sierra County Code. (Ord. 572, eff. 2/19/80)

15.12.282 Floodplain "-FP" Overlay District

(a) Purpose:

1. Establishment: The "-FP" Overlay zoning district is established in order to combine with and modify the base zoning district for the property. All of the provisions of the base zoning district will continue to apply, except as modified by the provisions of this section. The "-FP" Overlay zoning district shall be applied to any portion of property located in unincorporated Sierra County within the Special Flood Hazard Area ("100-year floodplain") as mapped by the Federal Emergency Management Agency (FEMA).

2. Purpose and Intent: The "-FP" Overlay zoning district shall be applied to property to implement the goals and policies of the County General Plan to assure adequate protection of people and property from flooding and flood-related hazards.

(b) Uses Regulated:

1. Permitted Uses: The following uses are allowed in the Floodplain Overlay District:

(A) Maintenance, remodeling and repair of existing structures and facilities provided there is no expansion of the existing footprint of the applicable structure. (Ord. 1045, eff. 6/6/13; prior 1042)

(B) Temporary (duration of 12 months or less) and/or non-structural uses allowed in the base zoning district, and any applicable overlay district, when the activity in question would not have a significant effect on neighboring property in the event of a flood.

(C) Maintenance, repair, or replacement of existing on-site waste disposal systems on an existing parcel. When a replacement is being proposed, such replacement shall meet applicable water resource setbacks. (Ord. 1045, eff. 6/6/13; prior 1042)

2. Conditionally Permitted Uses:

(A) All uses not otherwise specified herein as permitted or prohibited shall be permitted only upon issuance of a Conditional Use Permit processed in compliance with Sierra County Code Section 20.14, 15.12.282(c); and, shall meet all requirements of Part 32 - Floodplain Management of the Sierra County Code.

3. Prohibited Uses:

(A) Any uses prohibited in the underlying zoning district.

(B) Construction of new schools, hospitals, or public safety buildings.

(c) Procedures:

1. Site Plans Required: Prior to the issuance of any building permit or commencement of any construction of any building or structure within the "-FP" Overlay zone, a site plan of the proposed development shall be submitted for approval by Sierra County meeting the requirements set forth in Sierra County Code Section 15.12.060(f)(1).

2. Site Plan Review and Approval by Planning and Building Department:

(A) For development on land that is within the Floodplain Overlay Zoning District, the Planning and Building Department shall approve the proposed site plan and issue grading and building permits if all of the following conditions are met:

(1) The proposed Site Plan meets the requirements established under Section 15.12.060(f)1; and

(2) The proposed project is permitted in the base district; and

(3) The proposed project is permitted in any applicable Overlay Zoning districts including the Floodplain Overlay District; and

(4) The proposed project is consistent with the Sierra County General Plan, Zoning Code, and Building Code and;

(5) The proposed project meets the requirements of Section 15.12.060; and

(6) The proposed project meets the requirements of Part 32 of the Sierra County Code.

(B) Any determination by the Planning Director approving or rejecting a proposed Site Plan required by this section may be appealed to the Planning Commission in accordance with Sierra County Code Chapter 20.13.

3. Site Plan Review and Approval by Planning Commission:

(A) When approval is required by the Planning Commission, either for a Conditional Use Permit in an Overlay District or on appeal of a decision by the Planning Department, the application shall include a site plan review by the Planning Commission. The site plan shall be accompanied by such maps, plans, drawings, and sketches as necessary to show those details defined in Section 15.12.060(f)(1).

(B) The Planning Commission may approve, conditionally approve, or deny the project application following its review in accordance with the standards set forth in section 15.12.282(c)(4).

4. Findings: In addition to the requirements of this part, the Planning Commission shall not issue a permit for any use or development regulated by this part unless it finds that:

(A) The proposed development avoids or reduces impacts to the floodplain to the extent feasible;

(B) The proposed development avoids or reduces impacts to riparian vegetation, riparian habitat, and/or wetlands to the extent feasible;

(C) The proposed development or use complies with the requirements of Part 32 Floodplain Management.

(D) The proposed development or use complies with the requirements of this part and the Stream Overlay Zone.

(E) Approval of the proposed development is consistent the Sierra County General Plan, Zoning Code, and Building Code.

(F) Approval of the proposed development is consistent with the applicable policies and regulations of the Sierra County Grading Ordinance.

(G) The proposed development does not result in any new development located within an adopted regulatory floodway, and does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effects 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.

(H) The proposed development will be compatible with the proximate land use pattern.

(I) The proposed use will not impair the function and/or viability of water resources, water quality, and wildlife habitat and movement along regulated water resources.

(Ord. 1042, eff. 10/18/12)

15.12.284 Stream Zone "-SZ" Overlay District

(a) Purpose:

1. Establishment: The Stream Zone "-SZ" Overlay zoning district is established in order to combine with and modify the base zoning district for any property to which this overlay district is applied. All of the provisions of the base zoning district will continue to apply, except as modified by the provisions of this section. The "-SZ" Overlay zoning district shall be applied to any portion mapped in the Sierra County General Plan Countywide land use maps found on pgs. 1-35 & 1-36 and all areas located within Community Core or Influence Areas on the individual Community land use maps and designated as a "Stream Zone" Special Treatment Area (STA); and shall also include 'meadows' as defined in chapter 15.08.

2. Purpose and Intent: The "-SZ" Overlay zoning district shall be applied to property to implement the goals and policies of the County General Plan to assure adequate protection of riparian resources. These zones are along streams where retention of native vegetation, natural contours, and low erosion and sedimentation rates are desired.

(b) Uses Regulated:

1. Permitted Uses: The following uses are allowed in the Stream Zone Overlay District:

(A) Preservation of natural resources including, but not limited to: preservation of plant and animal life, including habitat for fish and wildlife species; ecologic and other scientific study purposes; rivers, streams, and estuaries; lake shores, banks of rivers and streams, and watershed lands.

(B) Recharge of groundwater basins, marshes, rivers and streams.

(C) Low intensity outdoor recreation, including scenic, historic and cultural areas; low intensity park and recreation purposes, including access to lake shores, and river and streams; and links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(D) Management for public health and safety, including, but not limited to areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

(E) Dredging under a valid permit issued by the Department of Fish and Game or other State or Federal agency having jurisdiction.

(F) Maintenance and repair of existing structures and facilities.

(G) Remodeling without expansion of the existing footprint.

(H) New septic systems on existing legal lots with approval by the County Environmental Health Department, where there is no suitable alternative area on the same lot.

(I) Private driveways meeting minimum firesafe standards under PRC 4290, footbridges, utility crossings, and retaining walls not over four (4) feet in height, provided the proposed development does not involve any physical alteration of a watercourse.

(J) Wells and pump facilities including a well-house not exceeding 64 square feet in size.

(K) Grazing.

(L) Any non-structural uses allowed in the base zoning district when it can be conclusively demonstrated that the activity in question would not have a significant effect on the stream overlay zone.

(M) Residences and other structures consistent with the County General Plan Land Use designation.

2. Conditionally Permitted Uses: All uses allowed in the underlying base district not otherwise specified herein as permitted or prohibited shall be permitted only upon issuance of a Conditional Use Permit.

3. Prohibited Uses: The following uses are prohibited:

(A) Removal of native vegetation except when done in conjunction with a permitted or conditionally permitted use.

(B) Installation of new or expansion of existing sewage disposal facilities, except in cases where there is no suitable area on the same lot, and with approval by the County Environmental Health Department.

(C) Industrial uses.

(D) Storage and/or disposal of hazardous materials.

(c) Procedures:

1. Site Plans Required: Prior to the issuance of any building permit or commencement of any construction of any building or structure within the "-SZ" Overlay zone, a site plan of the proposed development shall be submitted for approval by Sierra County meeting the requirements of Sierra County Code Section 15.12.060(f)(1).

2. Site Plan Review and Approval by Planning and Building Department:

(A) For development on land that is within the Stream Zone Overlay District, the Planning and Building Department shall approve the proposed site plan and issue grading and building permits if all of the following conditions are met:

(1) The proposed Site Plan meets the requirements established under Section 15.12.060(f)(1); and

(2) The proposed project is permitted in the base district; and

(3) The proposed project is permitted in any applicable Overlay Zoning districts, including the Stream Zone Overlay District; and

(4) The proposed development is consistent with the Sierra County General Plan, Zoning Code, and Building Code; and,

(5) The proposed project meets the requirements of Section 15.12.060.

(B) Any determination by the Planning Director approving or rejecting a proposed Site Plan may be appealed to the Planning Commission in accordance with Sierra County Code Chapter 20.13.

3. Site Plan Review and Approval by Planning Commission:

(A) When approval is required by the Planning Commission, either for a Conditional Use Permit in this District or on appeal of a decision by the Planning Department, the application shall include a site plan review by the Planning Commission. The site plan shall be accompanied by such maps, plans, drawings, and sketches as necessary to show those details defined in Section 15.12.060(f)(1).

(B) The Planning Commission may approve, conditionally approve, or deny the project application following its review in accordance with section 15.12.284(c)(4).

4. Findings: The Planning Commission shall consider the request for a Conditional Use Permit at a public hearing. Upon completion of its review, the Planning Commission shall approve, conditionally approve, or deny the request. The Planning Commission may approve or conditionally approve the request only if all of the following findings are made:

(A) Approval of the proposed development is consistent with the Sierra County General Plan, Zoning Code, and Building Code.

(B) Approval of the proposed development is consistent with the applicable policies and regulations of the Sierra County Grading Ordinance.

(C) The proposed development will be compatible with the proximate land use pattern.

(D) The proposed use will not impair the function and/or viability of water resources, water quality, and wildlife habitat and movement along regulated water resources.

(E) The proposed development has considered retention of native vegetation and natural contours.

(F) Best Management Practices (BMPs) to reduce erosion and sedimentation rates are incorporated into the project.

(G) The proposed development prevents significant impacts on riparian and aquatic habitat unless the development occurs on existing legal lots where there is no alternative space available.

(H) The proposed development does not occur in a meadow as defined in section 15.08.

(I) The development satisfies the requirements of Sierra County Code Section 15.12.060.

(Ord. 1042, eff. 10/18/12)

15.12.286 Open Space "OS" District

(a) Purpose:

1. Establishment: The Open Space zoning district is established to implement the Open Space designation of the Sierra County General Plan. The "OS" zoning district shall be applied to any

portion of property identified on the Countywide Land Use Maps in the Sierra County General Plan as Open Space found on pages 1-35 & 1-36 and also those areas identified as Open Space within the Community Core and Influence Areas on the individual Community land use maps and shall also include all areas along streams and rivers which are identified as floodplains outside of Community Areas.

2. Purpose and Intent: The "OS" zoning district shall be applied to property to implement the goals and policies of the County General Plan to preserve, protect, and provide for the management of sensitive areas and resources which are identified in the Sierra County General Plan as having particular value to the County.

(b) Uses Regulated:

1. Permitted Uses: The following uses are allowed in the Open Space District:

(A) Preservation of natural resources including, but not limited to preservation of plant and animal life, including habitat for fish and wildlife species; ecologic and other scientific study purposes; rivers, streams, and estuaries; lake shores, banks of rivers and streams, and watershed lands.

(B) Recharge of groundwater basins, marshes, rivers and streams.

(C) Low intensity outdoor recreation, including scenic, historic and cultural areas; low intensity park and recreation purposes, including access to lake shores, and river and streams; and links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(D) Management for public health and safety, including, but not limited to areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, floodplains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

(E) Dredging under a valid permit issued by the Department of Fish and Game or other State or Federal agency having jurisdiction.

(F) Maintenance and repair of existing structures and facilities, including septic systems.

(G) Remodeling without expansion of the existing footprint of the existing structure.

(H) New septic systems on existing legal lots with approval by the County Environmental Health Department, where there is no suitable alternative area on the same lot.

(I) Retaining walls and landscape walls less than four feet in height.

(J) Grazing

(K) Temporary roads, bridges and culvert crossings associated with agricultural and timber operations.

2. Conditional Uses:

(A) All new structures, including barns, unless the proposed use is prohibited in this district.

(B) Sand and gravel operations.

(C) New roads, bridges, and utility crossings.

(D) Power poles and other utility facilities subject to County jurisdiction.

3. Prohibited Uses:

(A) Residences.

(B) Commercial uses.

(C) Industrial uses.

(D) Storage and/or disposal of hazardous materials.

(E) Signs.

(c) Procedures:

1. Site Plans Required: Prior to the issuance of any building permit or commencement of any construction of any building or structure within the "OS" zone, a site plan of the proposed development shall be submitted for approval by Sierra County. Applications for site plan approval shall be accompanied by such maps, plans, drawings, and sketches as necessary to show:

(A) the parcel boundaries;

(B) the proposed site layout, including proposed buildings and structures, sewage disposal facilities, grading, paving, and drainage facilities;

(C) existing buildings, structures, and sewage disposal facilities on the project site and each adjacent parcel within 100 feet;

(D) the limits of the 100-year floodplain within the site;

(E) the high water line of all lakes, ponds, reservoirs, intermittent streams, and/or perennial streams within and adjacent to the site;

(F) the required setbacks from the high water line as established under Section 15.12.060(c);

(G) natural features within the project site, including topography, riparian vegetation and wetlands; and

(H) Best Management Practices that will be implemented with the project to control erosion and sedimentation.

(I) Any applicable Overlay Zones.

2. Site Plan Review and Approval by Planning and Building Department:

(A) For development on land that is within the Open Space Zoning District, the Planning and Building Department shall approve the proposed site plan and issue grading and building permits if all of the following conditions are met:

(1) The proposed Site Plan meets the requirements established under Section 15.12.286(c)(1); and

(2) The proposed development is consistent with the Sierra County General Plan, Zoning Code, and Building Code.

(B) Any determination by the Planning Director approving or rejecting a proposed Site Plan may be appealed to the Planning Commission in accordance with Sierra County Code Chapter 20.13.

3. Site Plan Review and Approval by Planning Commission:

(A) When approval is required by the Planning Commission, either for a Conditional Use Permit or on appeal of a decision by the Planning Department, the application shall include a site plan review by the Planning Commission. The site plan shall be accompanied by such maps, plans, drawings, and sketches as necessary to show those details defined in Section 15.12.286(c)(1).

(B) The Planning Commission may approve, conditionally approve, or deny the project application following its review in accordance with section 15.12.286(c)(4).

4. Findings: The Planning Commission shall not issue a permit for any use or development regulated by this part unless it finds that:

(A) Approval of the proposed development is consistent the Sierra County General Plan and Zoning Code.

(B) Approval of the proposed development is consistent with the applicable policies and regulations of the Sierra County Grading Ordinance.

(C) The proposed development will be compatible with the proximate land use pattern.

(D) The proposed use will not impair the function and/or viability of water resources, water quality, and wildlife habitat and movement along regulated water resources.

(E) The proposed development considers protection of the underlying resource.

(Ord. 1042 eff. 10/18/12)

15.12.290 PD Planned Development District

(a) Purpose: This zone classification is intended to be applied on parcels of not less than two acres and which, in the opinion of the Planning Commission, are suitable for the proposed development for which detailed development plans have been submitted and approved.

(b) Procedure:

1. Application for the establishment of a PD zone shall be made by owners of all property to be contained therein, and shall include an application for a zone change and an application for a use permit for all proposed developments within the zone, the use permit application shall be considered concurrently with the zoning request, and must be approved concurrently with establishment of the zone.

2. When such a zone has been established it shall be designated on the official zone map by the symbol "PD" and by an identifying serial number immediately following the letters "PD". Such identifying serial numbers shall refer to the precise plans for the particular PD zone.

3. Minor revisions in any such use permit may be approved by the Planning Commission, provided that changes proposed in PD zone plans which are determined by the Planning Commission to be substantial changes, may only be processed as new rezoning applications.

(c) Contents of Application: An application for a PD zone and use permit shall include the following:

1. Topography of the land and contour intervals as required by the Planning Commission.

2. Proposed access, traffic and pedestrian ways, easements and lot design.

3. Areas proposed to be dedicated or reserved for open space, parks, parkways, playgrounds, school sites, quasi-public or public buildings and other such uses.

4. Areas proposed for commercial uses, off-street parking and loading, multiple and single-family dwellings, and all other uses proposed to be established within the zone.

5. Proposed locations of buildings on the land, including all dimensions necessary to indicate size of structure, setbacks and yard areas.

6. Proposed landscaping, fencing and screening.

7. The Planning Commission may require detailed elevations, construction, improvements, utility and drainage plans, geologic, soil, slope, vegetative cover, water resource and water rights, sewerage analysis, impact analysis, schedule of development and occupation of development, and any other information it deems necessary to adequately consider the proposed development and to insure that environment and ecology of the area is protected.

(d) Principal Permitted Uses: Any use or combination of uses which are so arranged and/or designed as to result in an overall development which is found to be in conformity with standards, intent and purposes of the General Plan.

(e) Height, Area, Lot and Yard Requirements: All uses shall conform to the height, area, lot and yard requirements normally required for such uses except where the total development will be improved by a deviation from these standards. In all cases each structure and use must conform to the precise development plan which is a part of the approved use permit.

(f) Other Required Conditions: The proposed planned development shall provide economic design and location of public and private utilities and community facilities and insure adequate standards of design, construction, and planning a safe and efficient system for pedestrian and vehicular traffic. The Planning Commission may apply additional conditions to the granting of the required use permit to insure compliance with the intent and purpose of the General Plan and purpose of this zone and this part. (Ord. 409, eff. 7/5/73, prior Section 86200-86206)

(g) Designated Parcels: The following properties are zoned PD or PD-SP. Reference to the "Ordinance #" following the property identification is to the number of the ordinance as adopted by the Board of Supervisors providing for the zoning of the property.

Assessors Parcels 013-110-126-0; 013-110-127-0; 013-110-128-0; 013-110-129-0
(Ordinance 932, eff. 4/25/2002)

15.12.295 "X" Overlay District

(a) Definition: The "X" Overlay zoning district is established as a zoning designation that is combined with and modifies the base-zoning district for the property. The "X" Overlay is to be used in combination with a base zoning district and when so used, all of the provisions of the base zoning district will continue to apply, except as modified by the provisions of this section, providing for the "X" Overlay zone.

(b) Purpose and Intent: The "X" Overlay zoning district shall be applied to property as necessary to implement the goals and policies of the County General Plan to assure that land areas outside the Community Core and Community Influence boundaries are protected and maintained for natural resource industry growth and enhancement; for the protection of the County's rural lifestyle; and to protect environmental quality and mitigate identified environmental impacts resulting from potential land divisions and other forms of development. The "X" Overlay zoning district designation may also be applied to property within Community Core and Community Influence areas of the County General Plan.

(c) Permitted and Conditional Uses: All uses permitted and all uses which are conditional within the underlying or base zoning district and any development standards applying to the subject property shall remain in effect for property within the "X" Overlay zoning district except as otherwise provided in this section.

(d) Special Conditions: The following special conditions shall apply to all property designated "X" Overlay zoning district:

1. All property within the "X" Overlay zoning district shall not be further divided.

2. Any requested rezoning from the "X" Overlay zoning district shall not be approved unless the following findings are made:

   A. It is in the public interest; and
   B. It is not inconsistent with the County General Plan; and
   C. It will not result in growth inducement or cumulative impacts; and
   D. It will not result in discontiguous patterns of community development; and
   E. It will not conflict with the maintenance, operation or viability of natural resource-based industries including timber, agriculture, mining, and recreation.

3. The uneconomic character of, or any financial hardship with, the existing parcel which is designated as "X" Overlay zoning district shall not by itself, be sufficient reason for a rezoning from the "X" Overlay zoning district. (Ord. 895, eff. 3/2/00)

15.12.300 CE Community Expansion District

(a) Purpose and Intent: To provide for and encourage development in an orderly fashion around the existing communities. It is intended that this zone be an overlay zone, and that its provisions shall modify and supplement the provision of the basic underlying zone. Further, it is intended that this zone be reevaluated to establish an orderly community development pattern.

(b) Uses: All those uses and development standards as described by the underlying zone. The provision of Sierra County Ordinance 401 shall remain in effect for those areas, described in section one and shall take precedence over the underlying zone for a period of one year.

(c) Property Development Standards: Lot area, 10 acres.

(Ord. 409, eff. 7/5/73, prior Section 86207-86210)

15.12.310 TPZ Timberland Production Zone District

(a) Purpose: The purpose for establishing the Timberland Production Zone (TPZ) District is to implement the Forest Taxation Reform Act of 1976 and the California Timberland Productivity Act of 1982 by administering the zone to maintain the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses; to discourage premature or unnecessary conversion of timberland to urban or other uses; to discourage expansion of urban services into timberland; and, to encourage investment in timberlands based upon reasonable expectation of harvest.

(b) Definitions: For the purpose of the Timberland Production Zone the following words shall have the respective meaning ascribed to them:

1. "Act" means the Forest Taxation Reform Act of 1976 and the California Timberland Productivity Act of 1982.

2. "Anniversary date" means the date on which timberland was initially zoned by the County as a timberland production zone pursuant to Section 51112 or 51113 of the Act.

3. "Board" means the Board of Supervisors.

4. "Commission" means the Planning Commission.

5. "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

6. "Contiguous" means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other as determined by the Board to be manageable forest unit.

7. "Mined lands" means the surface, subsurface and groundwater of an area where surface mining operations will be, are being or have been conducted including all accessory access roads, land excavations, workings, mining wastes, and areas where structures, facilities and surface mining equipment, machines, tools, or other materials or property are located.

8. "Nonconforming use" means any use within a timberland production zone which lawfully existed on the effective date of zoning established pursuant to Section 51112 and 51113 of the Act and continuing since that time which is not a compatible use.

9. "Permitted uses" are the uses which are allowed in the timberland production zone as of right without the necessity for issuance of a Special Use Permit.

10. "Reclamation" means the process of land treatment that minimizes and mitigates otherwise unavoidable or existing water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface or underground mining operations, including adverse surface effects incidental to underground mines so that mined lands are reclaimed and restored to a useable condition readily adaptable for alternate land uses and that will constitute no danger to public health or safety. The process may extend to affected lands surrounding mined lands and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization or other measures.

11. "Recreation" means the use of land by the public with or without charge for any of the following: environmental studies or educational uses, walking, hiking, skiing, picnicking, camping, swimming, snowmobiling, horseback riding, pack trains, shooting, boating, fishing, hunting, or other outdoor games or sports.

12. "Run of the river hydroelectric project" means all facilities appurtenant to its development and operation including generation facilities, power transmission system, access roads, conduits, diversions, penstocks and tailraces.

13. "Surface mining operation" means all or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mined by the auger method, dredging and quarrying, or surface work incidental to an underground mine. In addition, surface mining operations include but are not limited to: (a) in place distillation restoring or leaching, (b) the production and disposal of mining wastes, (c) prospecting and exploratory activities, (d) extractions of natural materials for building constructions and so forth.

14. "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted, stocked or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but excluding nursery stock.

15. "Timberland" means land privately owned or land acquired for state forest purposes which is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses and which is capable of growing an average annual volume of wood fiber of at least fifteen (15) cubic feet per acre.

16. "Timberland Production Zone" or “TPZ” means timberland as defined which has been zoned pursuant to Government Code Sections 51112 and 51113 and is devoted to and used for growing and harvesting of timber or for growing and harvesting of timber and compatible uses.

(c) Compatible Uses: A compatible use is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

1. Management for watershed not involving the construction of facilities.

2. Management for fish and wildlife habitat for hunting and fishing.

3. A use integrally related to the growing, harvesting and processing of forest products including but not limited to roads, log landings, log storage areas, temporary portable wood processing equipment and fuel wood operations.

4. The erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities of public agencies.

5. Grazing.

6. A residence or other structure necessary for the management of land zoned as timberland production.

(d) Permitted Uses: The following shall be permitted uses so long as such use or uses do not significantly detract from the use of the property for or inhibit growing and harvesting timber:

1. One single family dwelling necessary for the management of land zoned as timberland production, including an attached or detached garage, on a legally created parcel consisting of a minimum of 80 acres.

2. Construction and use of non-habitable structures for storage of equipment necessary for the management of land zoned as timberland production.

3. Management of land and forests primarily for the commercial production and harvest of forest products, including grazing, beekeeping, horticulture, tree crops, watershed management, fish and wildlife habitat, and any uses directly incidental to and wholly compatible with the primary uses.

4. Management of land and forests in a manner designated to protect them from fire, insects, disease, or other potential or existing catastrophe.

5. Timber removal, including necessary access roads, log landing and storage areas provided such are constructed and maintained in accordance with the forest practice rules adopted by the State Board of Forestry.

6. Hunting, fishing, camping and other similar recreational uses as defined, not requiring any permanent structures.

7. Temporary or mobile living quarters appurtenant to timber management, said uses only occurring during harvest operations.

8. Minor maintenance, reconditioning, minor alterations and emergency activities, including the maintenance of existing vegetation clearances, of electric, water or communication facilities by public agencies under the jurisdiction of the California Public Utilities Commission.

9. Reforestation projects, projects under the auspices of the California Forest Improvement Program (CFIP), or other like local, state, or federal reforestation project or environmental enhancement program.

10. Conservation easements, wildlife preserves, wildlife management areas, and like uses and improvements.

11. Erosion control projects.

12. Equestrian uses including horseback riding, trails, corrals, and temporary boarding, not involving permanent structures.

13. Weather, stream, and other hydrological data collection stations.

14. Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operation or forest management on land owned by the same person or entity, and transported no further than Counties bordering or immediately adjacent to Sierra County. Limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes. Permitted only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. Subject to the issuance of a grading permit.

(e) Conditional Uses: The following uses shall be allowed only after application and issuance of a Special Use Permit:

1. Erection, construction, relocation of gas, electric, water, geothermal, oil or other transmission facility including communication transmission facilities and minor utility buildings for private utility companies and excluding individual service drops to a parcel.

2. Run-of-the-river hydroelectric projects including all facilities appurtenant to its development and operation including generation facilities, power transmission system, access roads, conduits, diversions, penstocks and tailraces. Special Use Permits for this category of project shall be valid for a term not to exceed three (3) years, with extensions of up to five year increments, and extensions may only be granted by the Commission after an inspection of the property by County staff has been conducted to evaluate the compliance of the project with project conditions and to assure that the findings required by subsection (g) continued to be made in the affirmative.

3. Heliports and accessory uses not including any structures.

4. Processing plants and packaging plants for forest products, including the necessary buildings and support facilities.

5. Commercial gas, oil, geothermal, wind, solar, water and other well construction and related facilities.

6. Surface mining operations except as provided in (d)14, including but not limited to management, development, and use of mineral resources such as sand, gravel, cinders, rock, ore, minerals and steam in limited areas within a timberland production zone when the areas proposed for use is: (1) not productive timberland; (2) deemed to have been used historically as mined lands as defined herein and due to this historical use, and land and/or area proposed for use is not productive timberland; or (3) a finding can be made that reclamation as defined herein shall ultimately enhance, reclaim and develop the property into productive timberland as defined herein. Special use permits for this category of project shall be valid for a term not to exceed three (3) years, with extensions of up to five (5) year increments and extensions may only be granted by the Commission after an inspection of the property by County staff has been conducted to evaluate the compliance of the project with project conditions and to assure that the findings required by subsection (g) continue to be made in the affirmative.

7. Organized camps.

8. Fire stations, information centers, ranger stations, forestry conservation camps, environmental education centers, field stations, and trailhead facilities, including trails.

9. Shooting and target ranges and fishing ponds.

10. Campgrounds, equestrian uses, hunting, fishing, or other forms of recreational use involving the construction of primitive/minor improvements to support the seasonal recreation use which are clearly secondary and incidental to the timberland production uses occurring on the property.

11. Cultural events whether public or private.

12. Ponds.

13. Communication towers.

(f) Special Requirements for a Single Family Residence: The following development standards shall be required for any single family residence:

1. Setbacks for any portion of a structure to all property lines shall be 100 feet.

2. Height limitation for residential and residential accessory structures shall be thirty-five (35) feet and not exceeding two stories.

3. Off street parking shall be provided for a minimum of two (2) vehicles.

4. The applicant shall provide evidence satisfactory to the Planning Department of legal and physical access to the proposed building site.

5. Accessory structures associated with a single family dwelling and attached or detached garage shall be allowed only for a generator, well, vehicles, and any required utility storage and/or protection, and a single equipment storage structure or other like structure deemed consistent with this section by the Sierra County Planning Department. The private garage, if detached, shall not be constructed in advance of the single family dwelling.

6. A certification executed by the California Department of Forestry and Fire Protection shall accompany any application for a single family residence attesting to the compliance with any requirements in place for fire protection, clearances, water supply, and access.

(g) Findings Required: The following findings shall be required to be made by the Planning Director, the Planning Commission, the Board of Supervisors, or other agency in the issuance of any grant, lease, permit, license or other form of entitlement involving a parcel of land in the timberland production zone:

1. Such issuance or grant of entitlement shall not significantly detract from the use of the property for or inhibit growing and harvesting of timber.

2. Such issuance or grant of entitlement shall not preclude forest management within the timberland production zone.

3. The issuance or grant of entitlement involves an area which is located and designed to minimize interference with timber harvesting operations and which does not render significant amounts of timber or forest products as inaccessible or unharvestable by virtue of physical impediment or increased costs.

4. The issuance of grant of entitlement involves a use of the parcel which has been located and designed to minimize negative impacts to the removal of timber; has been located and uses existing cleared or open-space areas incidental to forest production.

(h) Minimum Parcel Size and Area:

1. Parcels in the Timberland Production Zone shall have a minimum acreage of 80 acres.

2. Parcels zoned as Timberland Production Zone may not be subdivided into parcels of less than 640 acres. Any such action to divide or otherwise modify a parcel zoned Timberland Production Zone shall be in strict conformance with the County General Plan.

(i) Parcel Qualifications:

The following standards are required to be met by parcels being considered for inclusion in the Timberland Production Zone. Persons wishing inclusion of their parcels in the Timberland Production Zone shall demonstrate conformance of their parcels with such standards:

1. The land shall be site quality Class III or higher according to the rating classification of the State Board of Forestry.

2. The land shall meet or exceed minimum parcel size specified by this part.

3. The existing uses shall be compatible, permitted, or conditional uses as set forth in this chapter.

4. The parcel shall meet the timber stocking standards as set forth in Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel, upon the fifth anniversary of the signing of the agreement, has been determined by the Board not to meet the sticking standards in effect on the date that the agreement was signed, the Board shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the County General Plan and whose primary uses are other than timberland.

5. A plan for forest management of the parcel shall be prepared or approved as to content by a Registered Professional Forester. Such plan shall provide for the eventual harvest of timberland within a reasonable period of time as determined by the Registered Professional Forester.

6. The owner of the parcel shall accomplish or be in the process of accomplishing any three (3) of the following:

   A. Conducted commercial harvesting operations on the property.
   B. Provide legal and physical access to the property so commercial operations can be carried out.
   C. Located the boundaries of the property.
   D. Conducted disease or insect control work on the property.
   E. Performed thinnings, slash disposal, pruning and other appropriate silvacultural work on the property.
   F. Developed a fire protection system on the property or has a functioning fire protection plan.
   G. Provided for erosion control on existing roads and skid trails, and has maintained existing roads.
   H. Planted a significant portion of the unstocked areas of the parcel.

(j) Application, Application Contents and Hearings:

Application forms for inclusion in the Timberland Production Zone shall be provided by the County Planning Department and the following information shall be provided:

1. List of all owners of record interest in the parcel.

2. Copies of all deeds and leases affecting the parcel considered for inclusion in the Timberland Production Zone.

3. Map identifying the boundaries of the property showing topography, vegetative types, site classification, timberland areas and non-timberland areas.

4. Legal description or assessor's parcel number of the parcel.

5. A plan for forest management and all information as outlined in subsection (i) of this chapter.

6. Any fees required by resolution or ordinance of the Board.

The Planning Department shall process all applications for inclusion of property in the Timberland Production Zone in compliance with Section 51113 of the Act.

(k) Effect of Zoning and Removal from Zone:

1. Parcels included in Timberland Production Zone shall be zoned for an initial term of ten (10) years. On the first and each subsequent anniversary date of the initial zoning, one (1) year shall be added to the initial term of ten (10) years, unless a notice of rezoning is provided in conformance of the Act.

2. Parcels zoned as Timberland Production Zone shall be restricted as to their use of growing and harvesting of timber and compatible uses. This zoning shall give rise to the presumption that timber operations may reasonably be expected to and will occur on the parcel(s). If it is determined by the County that such property is not being managed consistent with this part and/or the Act, the County may initiate proceedings to rezone the property out of Timberland Production Zone.

3. Any rezoning of a parcel from Timberland Production Zone to another zoning district shall be in strict conformance with the County General Plan and Act.

4. The Board or a landowner may petition for a rezone of property in a Timberland Production Zone which shall become effective ten (10) years from the date of approval as provided in Sections 51120 and 51121 of the Act.

5. The landowner of property within a Timberland Production Zone may petition for an immediate rezoning of the property as provided in Section 51130 of the Act.

6. Pursuant to Section 51142 of the Act, in the case of approval of an immediate rezoning, the landowner may submit a written application, requesting the waiver of tax recoupment fees and explaining the reasons therefore, to the Board as authorized in County resolution 95-120. The Board upon receiving an application may, if it determines that it is in the public interest, waive all or any portion of the fees.

(l) Records:

A notice of Timberland Production Zone status, together with all information required by the Act, shall be filed for record with the County Recorder as provided in Section 51117 of the Act when land is zoned as Timberland Production or subsequently rezoned from Timberland Production Zone.

(m) Designated Parcels: The following assessor parcels (APN's), or portions thereof, are zoned as Timberland Production Zone:

001-010-002	001-100-005	002-020-005
001-020-001	001-110-004	002-020-008
001-020-003	001-120-001	002-020-011
001-030-007	001-130-002	002-020-013
001-070-003	002-020-002	002-020-015

002-020-018
002-040-002
002-040-004
002-040-005
002-040-011
002-050-008
002-080-004
002-110-017
002-140-028
002-150-004
004-060-018
004-060-020
004-060-021
004-070-005
004-070-008
004-070-009
004-070-013
004-070-014
004-070-015
004-080-002
004-080-009
004-080-010
004-080-014
004-080-016
004-080-017
004-090-004
004-090-007
004-090-008
004-100-008
004-100-009
004-100-013
004-150-008
004-150-009
004-150-011
004-150-017
004-150-029
004-150-032
004-150-033
004-160-006
004-160-008
004-170-002
004-170-003
004-170-007
004-170-009
004-180-006
004-180-007
004-180-008
004-180-011
004-190-006
006-010-006
006-010-007
006-010-008
006-010-024
006-010-026
006-010-029
006-010-043
006-010-044
006-010-047
006-020-001
006-020-002
006-020-003
006-020-005
006-020-009
006-020-012
006-020-014
006-030-001
006-030-011
006-030-114
006-040-001
006-040-005
006-080-017
006-080-028
006-080-029
006-100-002
006-100-015
007-050-007
007-050-009
007-050-010
007-080-009
007-100-003
007-100-004
007-100-005
007-110-001
007-110-008
008-010-005
008-030-006
008-030-010
008-040-002
008-040-003
008-040-007
008-040-012
008-040-013
008-040-017
008-040-018
008-050-005
008-050-006
008-050-007
008-050-010
008-050-022
008-050-023
008-060-027
008-060-034
008-070-002
008-070-007
008-070-008
008-070-022
008-070-024
008-070-027
008-090-027
008-110-007
008-110-011
008-120-013
008-120-015
008-120-017
008-130-010
008-130-012
009-150-028
009-150-029
010-010-003
010-010-007
010-010-009
010-010-010
010-010-013
010-010-015
010-010-016
010-010-017
010-020-001
010-020-003
010-020-004
010-020-005
010-020-008
010-030-004
010-030-008
010-030-012
010-030-013
010-030-015
010-040-001
010-040-002
010-040-004
010-040-006
010-040-008
010-040-010
010-050-005
010-050-007
010-050-009
010-050-012
010-050-013
010-050-015
010-060-001
010-070-004
010-070-008
010-070-009
010-070-016

010-070-017
010-080-001
010-080-006
010-110-002
010-110-006
010-110-010
012-010-003
012-010-008
012-010-012
012-010-013
012-020-002
012-020-005
012-020-006
012-020-009
012-020-010
012-030-004
012-040-001
012-060-005
012-060-009
012-060-009
012-070-007
012-070-008
012-070-009
012-070-012
012-070-018
012-070-019
012-090-107
012-090-107
012-090-112
012-090-113
012-140-008
012-140-008
012-140-032
012-140-054
013-010-005
013-010-008
013-020-005
013-020-007
013-020-009
013-030-002
013-030-004
013-030-006
013-040-001
013-040-003
013-040-007
013-040-008
013-050-002
013-050-004
013-050-006
013-060-001
013-060-004
013-060-005
013-060-007
013-070-003
013-070-004
013-070-005
013-070-011
013-070-014
013-070-015
013-070-016
013-100-001
013-100-002
013-100-004
013-110-001
013-110-152
013-120-001
013-130-001
014-010-002
014-010-004
014-010-006
014-020-001
014-020-003
014-020-006
014-030-008
014-030-009
014-040-001
014-040-003
014-040-005
014-040-006
014-050-005
014-050-006
014-050-007
014-060-001
014-060-003
014-060-005
014-060-006
014-070-002
014-070-004
014-070-006
014-090-002
014-090-004
014-090-007
014-090-008
014-100-001
014-100-005
014-110-002
014-110-003
014-110-006
014-110-010
014-110-011
014-110-012
014-110-013
014-120-002
014-120-010
014-140-001
014-140-003
014-140-006
014-150-002
014-150-004
014-150-006
014-160-004
016-040-001
016-040-091
016-040-092
016-060-013
016-090-054
016-120-007
016-120-008
016-240-001
018-010-005
018-010-008
018-010-013
018-030-009
018-050-028
018-050-037
018-080-004
019-030-014
019-030-015
019-050-001
019-110-005
019-110-007
019-120-014
019-130-008
019-130-012
019-130-013
019-140-001
019-140-002
019-140-003
019-140-004
019-140-005
019-140-006
019-140-007
021-030-007
021-040-001
021-040-016
021-040-017
021-050-004
021-060-001
021-100-004
023-040-004
023-040-007
023-110-010
023-110-012

and, a 400 foot corridor described as follows:

Beginning at a point lying on the east line of said Section 22, bearing North 00”17’ West, approximately 1886 feet from the southeast corner of said Section 22, said POINT OF BEGINNING being further described as lying on the southerly line of a four hundred foot wide access corridor as described below;

Thence along said southerly line the following courses:

South 74”32’45” West 69.45 feet;
North 85”49’33” West 245.04 feet;
North 77”23’28” West 244.55 feet;
North 89”07’10” West 252.14 feet;
South 86”52’29” West 544.51 feet;
South 76”37’46” West 220.79 feet;
North 81”33’32” West 295.19 feet;
South 89”15’05” West 235.21 feet;
North 62”12’47” West 256.37 feet;
South 69”31’25” West 236.24 feet;
South 71”44’43” West 276.56 feet;
South 86”33’54” West 243.99 feet;
North 86”46’05” West 243.47 feet;
North 72”24’59” West 130.15 feet;
North 60”11’28” West 114.17 feet;
South 51”33’08” West 174.54 feet;
South 50”50’54” West 207.63 feet;
South 57”23’30” West 253.04 feet;
South 73”52’54” West 215.45 feet;
South 83”02’10” West 308.64 feet;
South 88”27’28” West 130.13 feet;
North 52”43’36” West 150.88 feet;
North 32”04’30” West 253.31 feet;
North 70”12’41” West 609.55 feet;
North 49”37’45” West 96.82 feet;
North 68”18’02” West 112.56 feet;
North 77”40’47” West 84.50 feet;
South 56”54’09” West 349.64 feet;
South 79”02’59” West 220.20 feet;
South 59”49’29” West 581.49 feet;
South 72”06’54” West 259.73 feet;
South 68”44’10” West 175.86 feet;
South 83”37’57” West 280.25 feet;
North 74”16’38” West 867.55 feet;
North 74”07’19” West 289.54 feet;
North 64”41’29” West 221.42 feet;
North 81”40’38” West 331.48 feet;
North 72”14’43” West 55.17 feet;
North 86”36’59” West 160.36 feet;
North 75”32’25” West 251.04 feet;
North 44”40’42” West 118.86 feet;
North 47”10’11” West 133.49 feet;
North 66”31’54” West 151.47 feet;
North 87”01’57” West 81.73 feet;
South 79”13’07” West 337.38 feet to the west line of said Section 21:

Thence North 01”20’23” East along said west line 409.12 feet to the northerly line of said 400 foot wide access corridor;

Thence along said northerly line in the following courses:

North 79”13’07” East 299.69 feet;
South 87”01’57” East 202.29 feet;
South 66”31’54” East 292.04 feet;
South 47”10’11” East 210.43 feet;
South 75”32’25” East 101.84 feet;
South 86”36’59” East 172.01 feet;
South 72”14’43” East 72.60 feet;
South 81”40’38” East 358.21 feet;
South 64”41’29” East 248.16 feet;
South 74”27’43” East 244.62 feet;
North 83”37’57” East 150.55 feet;
North 68”44’10” East 135.36 feet;
North 72”06’54” East 228.46 feet;
North 59”49’29” East 606.17 feet;
North 79”02’59” East 209.66 feet;
North 56”54’09” East 438.75 feet;
South 77”40’47” East 284.71 feet;
South 68”18’02” East 211.13 feet;
South 66”20’01” East 788.87 feet;
South 32”04’30” East 231.93 feet;
South 83”02’10” West 204.86 feet;
North 73”52’24” East 125.46 feet;
North 57”23’30” East 172.24 feet;
North 50”50’54” East 187.22 feet;
North 51”33’08” East 448.11 feet;
South 60”11’28” East 343.04 feet;
South 72”24’59” East 36.95 feet;
South 86”46’05” East 169.81 feet;
North 86”33’54” East 168.67 feet;
North 71”44’43” East 216.79 feet;
North 69”31’25” East 407.77 feet;
South 62”12’47” East 333.85 feet;
North 89”12’05” East 165.64 feet;
South 81”33’32” East 250.27 feet;
North 76”37’46” East 179.60 feet;
North 86”52’59” East 394.36 feet;
South 89”07’10” East 307.19 feet;
South 77”23’28” East 256.14 feet;
South 85”49’33” East 146.35 feet;
North 74”32’45” East 96.01 feet;
North 66”00’04” East 13.39 feet to said east line of Section 22;

Thence South 00’17” West along said east line, 416.51 feet to said POINT OF BEGINNING.

The basis of bearings for this description is an assumed bearing of North 00’17” West for said east line of Section 22, as digitized from the U.S.G.S. Quadrangle map of this area.

(Ord. 1032, eff. 3/11; prior 1031, 1030, 981, 974, 959, 933, 919, 914, 874, 873, 782, 640, 603, 586, 522, 518, 500, 488, 487, Section 15.12.310)

15.12.320 Zone Amendments

15.12.320.10 Amendment to Community Commercial (CC) Zoning District

(a) The following County Assessor Parcel(s) shall be zoned Community Commercial District (CC) in compliance with Sierra County Code Section 15.12.130:

012-122-003-0

As said parcel is shown on the "Official Land Use Maps of the County of Sierra".

(b) Subsection 10 of the Sierra County Code is hereby amended to add the following parcel to the properties zoned Community Commercial (CC):

Property Description: Assessor's Parcel No. 015-010-012-0

(Ord. 897, eff. 3/2/00)

(c) Subsection 10 of the Sierra County Code is hereby amended to add the following parcel to the properties zoned Community Commercial (CC):

Property Description: Assessor's Parcel No. 015-010-012-0

(Ord. 921), eff. 10/5/01)

15.12.320.20 Amendment to Agricultural (A 1) Zoning District

(a) The following County Assessor Parcels shall be zoned Agricultural District (A1), in compliance with Sierra County Code Section 15.12.160:

Portion of 21-100-02 Portion of 21-100-07 016-070-003-0

As said parcels are shown on the "Official Land Use Maps of the County of Sierra". (Ord. No. 832, eff. 10/5/95)

(b) The following described parcel, being 240 acres and a portion of County Assessors Parcel 016-030-004-0, is zoned "A-1 Agricultural District" in compliance with Sierra County Code Section 15.12.160:

Parcel Description

A 240 acre parcel of land south of State Route 49 and west of the City of Loyalton, more particularly described as the southeast one quarter of Section 16 and the south one half of the northeast one quarter of Section 16, T. 21 N., R. 15E., MDB&M. (Ord. 841, eff. 9/19/96)

15.12.320.30 Amendment to General Forest (GF) Zoning District

(a) The following County Assessor Parcels shall be zoned General Forest District (GF), in compliance with Sierra County Code Section 15.12.170:

21-100-06

As said parcels are shown on the "Official Land Use Maps of the County of Sierra".

(b) The following described parcels and property being real property situated in the unincorporated areas of Sierra County with T. 21 N., R. 17 E. MDB&M. And more particularly described as follows:

41)

Property Description

021-030-002	021-030-003	021-030-005
021-030-006	021-050-001	021-051-003
021-050-009	021-050-011	021-050-013
021-050-014	021-060-010	

and, a 400 foot corridor described as follows:

Beginning at a point lying on the east line of said Section 22, bearing North 00 □17 West, approximately 1886 feet from the southeast corner of said Section 22, said POINT OF BEGINNING being further described as lying on the southerly line of a four hundred foot wide access corridor as described below;

Thence along said southerly line in the following courses:

South 74”32’45” West 69.45 feet;
North 85”49’33” West 245.04 feet;
North 77”23’28” West 244.55 feet;
North 89”07’10” West 252.14 feet;
South 86”52’29” West 544.51 feet;
South 76”37’46” West 220.79 feet;
North 81”33’32” West 295.19 feet;
South 89”15’05” West 235.21 feet;
North 62”12’47” West 256.37 feet;
South 69”31’25” West 236.24 feet;
South 71”44’43” West 276.56 feet;
South 86”33’54” West 243.99 feet;
North 86”46’05” West 243.47 feet;
North 72”24’59” West 130.15 feet;
North 60”11’28” West 114.17 feet;
South 51”33’08” West 174.54 feet;
South 50”50’54” West 207.63 feet;
South 57”23’30” West 253.04 feet;
South 73”52’54” West 215.45 feet;
South 83”02’10” West 308.64 feet;
South 88”27’28” West 130.13 feet;
North 52”43’36” West 150.88 feet;
North 32”04’30” West 253.31 feet;
North 70”12’41” West 609.55 feet;
North 49”37’45” West 96.82 feet;
North 68”18’02” West 112.56 feet;
North 77”40’47” West 84.50 feet;
South 56”54’09” West 349.64 feet;
South 79”02’59” West 220.20 feet;
South 59”49’29” West 581.49 feet;
South 72”06’54” West 259.73 feet;
South 68”44’10” West 175.86 feet;
South 83”37’57” West 280.25 feet;
North 74”16’38” West 867.55 feet;
North 74”07’19” West 289.54 feet;
North 64”41’29” West 221.42 feet;
North 81”40’38” West 331.48 feet;

North 72”14’43” West 55.17 feet;
North 86”36’59” West 160.36 feet;
North 75”32’25” West 251.04 feet;
North 44”40’42” West 118.86 feet;
North 47”10’11” West 133.49 feet;
North 66”31’54” West 151.47 feet;
North 87”01’57” West 81.73 feet;
South 79”13’07” West 337.38 feet to the west line of said Section 21:

Thence North 01”20’23” East along said west line 409.12 feet to the northerly line of said 400 foot wide access corridor;

Thence along said northerly line in the following courses:

North 79”13’07” East 299.69 feet;
South 87”01’57” East 202.29 feet;
South 66”31’54” East 292.04 feet;
South 47”10’11” East 210.43 feet;
South 75”32’25” East 101.84 feet;
South 86”36’59” East 172.01 feet;
South 72”14’43” East 72.60 feet;
South 81”40’38” East 358.21 feet;
South 64”41’29” East 248.16 feet;
South 74”27’43” East 244.62 feet;
North 83”37’57” East 150.55 feet;
North 68”44’10” East 135.36 feet;
North 72”06’54” East 228.46 feet;
North 59”49’29” East 606.17 feet;
North 79”02’59” East 209.66 feet;
North 56”54’09” East 438.75 feet;
South 77”40’47” East 284.71 feet;
South 68”18’02” East 211.13 feet;
South 66”20’01” East 788.87 feet;
South 32”04’30” East 231.93 feet;
South 83”02’10” West 204.86 feet;
North 73”52’24” East 125.46 feet;
North 57”23’30” East 172.24 feet;
North 50”50’54” East 187.22 feet;
North 51”33’08” East 448.11 feet;
South 60”11’28” East 343.04 feet;
South 72”24’59” East 36.95 feet;
South 86”46’05” East 169.81 feet;
North 86”33’54” East 168.67 feet;
North 71”44’43” East 216.79 feet;
North 69”31’25” East 407.77 feet;
South 62”12’47” East 333.85 feet;
North 89”12’05” East 165.64 feet;
South 81”33’32” East 250.27 feet;
North 76”37’46” East 179.60 feet;
North 86”52’59” East 394.36 feet;
South 89”07’10” East 307.19 feet;
South 77”23’28” East 256.14 feet;
South 85”49’33” East 146.35 feet;
North 74”32’45” East 96.01 feet;
North 66”00’04” East 13.39 feet to said east line of Section 22;

Thence South 00’17” West along said east line, 416.51 feet to said POINT OF BEGINNING.

The basis of bearings for this description is an assumed bearing of North 00’17” West for said east line of Section 22, as digitized from the U.S.G.S. Quadrangle map of this area.

The property identified above is hereby zoned as general forest. It is the intent of the Board that the general forest zoning for the above-described property shall serve as an interim zoning district unless and until a proposal in the form of a specific plan for the development of the property is approved for a destination resort consistent with the county general plan. For the purpose of this ordinance the term "interim zoning district" is intended to recognize that the uses and restrictions in the general forest zone are not intended as the ultimate use of the property and that the ultimate use is intended as a destination resort consistent with the general plan. (Ord. 873, eff. 1/1/99)

(c) The following described parcel, being 520 acres and identified as County Assessor Parcel Number 008-060-034 shall be zoned General Forest District (GF), in compliance with Sierra County Code Section 15.12.170:

Parcel Description

The North one-half, the North one-half of the South one-half, and the Southwest one-quarter of the Southwest one-quarter of Section 25, Township 20 North, Range 11 East, M.D.M.

(Ord. 989, eff. 5/3/07)

(d) The following described parcels, being approximately 7083 acres and identified as County Assessor Parcel Numbers 014-030-009, 014-030-008, 014-040-003, 014-110-006, 014-040-005, 014-060-001, 014-090-002, 014-100-005, 014-120-001, 014-100-001, 014-090-004, 014-110-002, 014-090-007, located in the Jackson Meadow area are hereby added to Section 15.12.320.30 and designated as within the General Forest zoning district as described in Section 15.12.170 of the Sierra County Code.

(The above-described action is a long term 10 year rezone from TPZ to GF zoning district designation.) (Ord 999, eff. 5/20/08)

(e) The following described parcel, being 114 acres and identified as County Assessor Parcel Number 012-140-008, located approximately 3 miles west of the Community of Sattley, is hereby added to Section 15.12.320.30 of the Sierra County Code, and designated General Forest zoning district as described in Section 15.12.170 of the Sierra County Code, effective June 17, 2018. (Ord. 1000, eff. 6/18/08)

15.12.320.40 Amendment to Rural Residential 1 Acre (RR 1) Minimum Zoning District

(a) The following County Assessor Parcels shall be zoned Rural Residential 1 Acre (RR1) in compliance with the Sierra County Code Section 15.12.190:

12-140-021 12-190-01

As said parcel is shown on the "Official Land Use Maps of the County of Sierra".

(b) The following described parcel, being a 1.04 acre portion of the northeast corner of County Assessor’s Parcel 016-040-077-0, is zoned “RR-1 Rural Residential District” in compliance with Sierra County Code Section 15.12.190:

Parcel Description

A 1.04 acre parcel of land south of State Route 49 and contiguous to the west boundary of the City of Loyalton described as part of the North West one quarter of Section 13, T21N, R15E Mount Diablo Base and Meridian, more particularly described as:

Beginning at a point monumented with a found iron pipe as described on the subdivision map for Smithneck Village recorded in Sierra County at Book 6, Page 77 of Maps and Surveys, as a 1 1/4 inch iron pipe in concrete with no tag and proceeding S 89°52'52"W, 230.0 feet; thence S 0˚40'42"W, 194.45 feet; thence N 89°52'52"E, 230.0 feet +/- to the west line of the adjoining parcel described in the Official Records of Sierra County, Number 0116198; thence N 0°40'42"E, 194.45 feet to the point of beginning, which parcel is 1.03 +/- acres. (Ord. No. 832, eff. 10/5/95)

(c) All residential parcels shown on the Subdivision Map for Sierra Brooks Unit No. 1 recorded in Book 3, Pages 76-80, Record of Surveys, Sierra County, California, excepting therefrom Parcel "A" (public facility/common area property). (Ord. No. 847, eff. 12/05/96)

(d) All residential parcels shown on the Subdivision Map for Sierra Brooks Unit No. 2-A recorded in Book 3, Pages 90-95, Record of Surveys, Sierra County, California, excepting therefrom Parcel "A", "B" and "C" (public facility/common area property). (Ord. No. 847, eff. 12/05/96)

(d) A single parcel of land located in the unincorporated area of Sierra County and within the community of Sierraville, consisting of 5.22 acres, in Section 13, T 20 N, R 14 E, MDB and M and more particularly described as County Assessor Parcel 015-023-001-0. (Ord. No. 970, eff. 12/15/05)

(e) The real property identified as Assessor's Parcel Number 015-101-021 and 015-010-022, legally described as parcels 3 and 4 as shown in the official map recorded in Book 4 of Maps and Surveys, at page 60. (Ord. 978, eff. 9/14/06)

(f) All that portion of Parcel 1, as shown on the Parcel Map for Lauren Johnson, filed August 23, 1977, in Book 5 of Maps and Surveys, Page 51, Sierra County Records, lying west of Sierraville Creek. (Ord. 1023, eff. 9/16/10)

15.12.320.50 Amendment to Rural Residential 1.5 Acre (RR 1.5) Minimum Zoning District

(a) The following County Assessor Parcels shall be zoned Rural Residential 1.5 Acre Minimum (RR 1.5) in compliance with Sierra County Code Section 15.12.195:

23-07-07	23-09-21	23-10-12
23-07-08	23-09-22	23-10-16
23-08-14	23-09-24	23-13-04
23-09-02	23-09-25	23-13-05
23-09-03	23-09-26	23-13-08
23-09-04	23-09-27	23-13-11
23-09-05	23-10-01	23-13-12
23-09-10	23-10-04	23-13-15
23-09-11	23-10-05	23-13-16
23-09-12	23-10-07	23-13-20
23-09-16	23-10-09	23-13-23
23-09-18	23-10-10	23-13-24
23-09-20	23-10-11	23-13-25

23-13-26	23-14-04	23-15-08
23-13-27	23-14-05	23-15-17
23-13-28	23-14-06	23-15-18
23-13-29	23-14-07	23-15-19
23-13-32	23-14-08	23-15-20
23-13-33	23-14-09	23-15-21
23-13-34	23-14-10	23-15-22
23-13-35	23-14-11	23-15-23
23-13-36	23-14-12	23-15-24
23-13-37	23-14-13	Portion of 23-08-03
23-13-38	23-14-14	Portion of 23-08-11
23-13-39	23-14-15	Portion of 23-15-16
23-13-40	23-15-01	Portion of 23-08-20
23-13-41	23-15-02	Portion of 23-08-10
23-14-01	23-15-04	
23-14-02	23-15-05	
23-14-03	23-15-07	

As said parcels are shown on the "Official Land Use Maps of the County of Sierra".

15.12.320.60 Amendment to Rural Residential 2.5 Acre Minimum (RR 2.5) Zoning District

(a) The following County Assessor Parcels shall be zoned Rural Residential 2.5 Acre Minimum (RR 2.5) in compliance with Sierra County Code Section 15.12.205:

16-220-16	Portion of 23-080-19
23-080-08	Portion of 23-080-06
23-080-13	Portion of 23-080-03
Portion of 23-080-20	Portion of 23-080-05
Portion of 23-080-11	Portion of 23-080-10

As said parcels are shown on the "Official Land Use Maps of the County of Sierra".

(b) The following described parcels being real property situated in the unincorporated area of Sierra County located immediately north of the Township of Downieville in Section 26, Township 20 North, Range 10 East, MDB & M and more particularly described as follows:

Parcel Description

Portions of County Assessor Parcels 002-130-016-0, 002-130-023-0 and 002-160-007-0 consisting of 10.09 acres comprised of Parcel 1 of +/- 3.18 acres and Parcel of 3 +/- 2.56 acres of that tentative parcel map approved by Resolution 97-206 of the Sierra County Board of Sup0ervisors dated November 18, 1997. (Ord. 860, 01/01/98)

(c) The following described parcels being real property situated in the unincorporated area of Sierra County located immediately south of the Township of Calpine in Section 20, Township 21 North, Range 14 East, MDB&M and more particularly described as follows:

Parcel Description

County Assessor Parcel 012-180-014-0 consisting of +/- 5.00 acres.
(Ord. 866, 05/21/98)

15.12.320.70 Amendment to Rural Residential 4 Acre Minimum (RR 4) Zoning District

(a) The following County Assessor Parcel shall be zoned Rural Residential - 4 Acre Minimum (RR-4) in compliance with Sierra County Code Section 15.12.210:

As said parcel is shown on the "Official Land Use Maps of the County of Sierra".

15.12.320.80 Amendment to Rural Residential 5 Acre Minimum (RR 5) Zoning District

(a) The following County Assessor Parcels shall be zoned RR-5 Rural Residential 5 Acre Minimum in compliance with Sierra County Code Section 15.12.220:

12-190-001	23-07-50	23-07-64
13-110-076	23-07-51	23-07-65
13-110-082	23-07-52	23-08-22
13-110-090	23-07-56	23-15-12
13-110-091	23-07-57	23-15-13
13-110-096	23-07-58	23-15-14
13-110-130	23-07-61	23-15-25
13-110-131	23-07-62	23-15-26
15-023-001	23-07-63	23-15-27
18-060-007		Portion of 23-15-16
18-060-008		
23-07-47		
23-07-48		

As said parcels are shown on the "Official Land Use Maps of the County of Sierra". (Ord.984, eff. 12/21/06, prior, 980, 955, 944, 922, 898)

(b) Sierra County Code, Section 15.12.320.80 is hereby amended by adding the following described parcel, being approximately 23.51 acres an identified as Sierra County Assessor Parcel Number 013-110-132 to the Rural Residential-5 (RR-5) Zoning District:

> Real property located in the unincorporated area of Sierra County, State of California, as described as follows: Lot 7, as shown upon the Amodei Ranch Subdivision map, recorded August 14, 2000, in Book 11 of Maps and Surveys, Pages 18, 19 and 20 of Official Records, and situated in Section 23, T20N, R. 14E, M.D.B. &. M. (Ord. 1014, eff. 6/18/09)

(c) The following described property, being 5.1 acres and identified as a portion of County Assessor Parcel Number 013-070-019, more fully described as:

> A 5.1 acre portion of 013-070-019 lying northwest of Westside Rd/A-23 and entirely within the Sattley Community Core identified in the Sierra County General Plan land use map Fig. 1-13, located at 127 A-23 in the vicinity of Sattley Cemetery road shall be zoned RR-5 Rural Residential District in compliance with Section 15.12.220 of the Sierra County Code. (Ord. 1049, eff. 10/31/13)

(d) The following described property, being 18.38 acres and identified as County Assessor Parcel Numbers 012-180-013 and 012-180-015:

> Being a portion of the Northwest quarter of Section 20, Township 21 North, Range 14 East, M.D.M., more particularly described as follows:
>
> Commencing at the Northwest corner of said Section 20; thence along the North line thereof, South 89° 59’ 42” East 935.93 feet; thence leaving said line, South 36° 02’ 40” East 7.32 feet; thence South 53° 57’ 20” West 140.00 feet; thence South 36° 02’ 40” East 797.47 feet;

thence South 34° 05’ 34” West 630.57 feet; thence South 67.37 feet to a point on the Northline of the South half of the Northwest quarter of said Section 20, said point being the true point of beginning for the parcel herein described; thence from said true point of beginning, along said North line, South 89° 58’ 15” East 909 .64 feet; thence leaving said line, North 68° 03’ 22” East 994.21 feet to the South line of the Northeast quarter of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 20; thence along said South line, South 89° 58’ 37” East 4.60 feet to the East line of said Northwest quarter of said Section 20; thence along said East line, South 0° 28’ 14” West 106.32 feet; thence South 68° 03’ 22” West 20.08 feet; thence along an existing fence line, South 1° 17’ 0” West 285.45 feet; thence along the centerline of an existing road, South 69° 32’ 26” West 517.39 feet; thence South 14° 02’ 04” West 105.99 feet; thence South 13° 01’ 09” West 117.96 feet; thence South 41° 05’ 29” West 77.47 feet; thence South 74° 35’ 54” West 87 feet; thence North 87° 52’ 49” West 113.38 feet; thence North 78° 12’ 42: West 493.78 feet; thence South 79° 55’ 18” West 446.88 feet; thence leaving said centerline of road, Northwesterly 522.46 feet more or less to the point of beginning. (Ord. 1051, eff. 2/6/14)

15.12.320.85 Amendment to Rural Residential - 10 Acres (RR-10)

(a) The following described parcel, being 10.39 acres and a portion of County Assessors Parcel 016-090-052-0, is zoned Rural Residential-10 Acres (RR-10) in compliance with Sierra County Code Section 15.12.225:

Parcel Description

A 10.39 acre parcel of land southwest of Smithneck Road and Southeast of the City of Loyalton, more particularly described as the N 2 of NE 1/4 of NE 1/4, T. 21N., 16E., MBD & M. (Ord. No. 857, eff. 9/04/97)

Sierra County Assessor’s Parcel No. 012-180-003-0

(Ord. 896, eff. 3/2/00)

(b) The following parcel to the properties zoned RR-10: Assessors Parcel Number 012-180-064. (Ord. 954, eff. 4/15/04)

(c) The following described parcel, being 27.71 acres and identified as County Assessor Parcel Number 002-130-028, more fully described as : “Designated Remainder Parcel as per Parcel Map for Ed and Jane Carrier, filed on March 16, 2001, in Book 11 of Maps and Surveys, Page 29, Sierra County Records”, is hereby added to Section 15.12.320.85 and is designated within the RR-10 zoning district as described in Section 15.12.225 of the Sierra County Code.

(The above-described property is hereby removed from the GF zoning district designation.) (Ord. 998, eff. 6/5/08)

15.12.320.90 Amendment to Open Space 20 Acre Minimum (OS 20) Zoning District

(d) The following County Assessor Parcels shall be zoned Open Space 20 Acre Minimum (OS 20) in compliance with Sierra County Code Section 15.12.230:

42)

13-090-020	23-07-69
21-100-05	Portion of 23-08-06
23-07-19	Portion of 21-100-02

23-07-21	Portion of 23-08-19
23-07-67	Portion of 21-100-07
23-07-68	

As said parcels are shown on the "Official Land Use Maps of the County of Sierra".

(e) The following County Assessor Parcel being real property situated in the unincorporated area of Sierra County located in eastern Sierra County within T. 20 N., R. 14 E. MDB&M and more particularly described as follows:

Property Description

013-110-121-0

(Ord. 882, eff. 4/1/99)

15.12.320.100 Amendment to Open Space 160 Acre Minimum (OS 160) Zoning District

(a) The following County Assessor Parcels shall be zoned Open Space 160 Acre Minimum (OS 160) in compliance with Sierra County Code Section 15.12.270:

23-07-11	Portion of 23-08-03
23-07-12	Portion of 23-08-05

As said parcels are shown on the "Official Land Use Maps of the County of Sierra".

15.12.320.110 Amendment to Planned Development (PD) Zoning District

(a) The following County Assessor Parcel shall be zoned Planned Development (PD) District, in compliance with Sierra County Code Section 15.12.290:

19-02-0-17

As said parcel is shown on the "Official Land Use Maps of the County of Sierra". (Ord. 798, eff. 11/28/92, prior Ord. 638)

(b) Repealed. (Ord 1003, eff. 7/31/08, prior 996)

15.12.320.120 Amendment to Stateline Highway Commercial Zoning District

(a) The following County Assessor's Parcel 023-100-006 is zoned "SHC Stateline Highway Commercial" in compliance with Sierra County Code Section 15.12.135:

Parcel Description

The 0.65 acre portion situated within California of a 2.0 acre parcel divided by the California/Nevada State border located within the northeast quarter of Section 19, T. 19 N., R. 18 E., MDB&M. (Ord. No. 856, eff. 9/4/97)

15.12.320.130 Amendment to Residential Multiple Family (R3) Zoning District

(a) The western portion of Sierra County Assessors Parcel 012-180-007-0 zoned "R3 Residential Multiple Family" in compliance with Sierra County Code Section 15.12.100.

As said parcel is shown on the "Official Land Use Maps of the County of Sierra." (Ord. 862, eff. 03/05/98)

15.12.320.140 Amendment to Commercial Residential (CR) Zoning District

(a) The following County Assessor Parcel Commercial Residential (CR), in compliance with Sierra County Code Section 15.12.110:

Parcel Description

Sierra County Assessor's Parcel Number 021-080-015-0 consisting of 4.58 acres and a one Acre portion of Sierra County Assessor's Parcel Number 021-080-008, both properties lying within Section 19, Township 21N, Range 18 E., MDB&M east of the Union Pacific Rail Road Co. right-of-way and west of United States Highway 395. (Ord. 885, eff. 06/17/99)

15.12.320.150 Amendment to R1 Residential One Family Zoning District

(a) The following County Assessor's Parcel 008-250-002-0 is zoned Residential One Family District in compliance with Sierra County Code Section 15.12.080.

As said parcel is shown on the "Official Land Use Maps of the County of Sierra".

(Ord. 888, eff. 8/19/99)

The following County Assessor's Parcels are added to parcels zoned as Residential One Family:

008-210-002-0	008-210-028-0	008-210-051-0
008-210-003-0	088-210-029-0	008-210-052-0
008-210-004-0	008-210-030-0	008-210-053-0
008-210-005-0	008-210-031-0	008-210-054-0
008-210-006-0	008-210-032-0	008-210-055-0
008-210-007-0	008-210-033-0	008-210-056-0
008-210-008-0	008-210-034-0	008-210-057-0
008-210-009-0	008-210-035-0	008-210-058-0
008-210-010-0	008-210-036-0	008-210-059-0
008-210-072-0	008-210-037-0	008-210-060-0
008-210-015-0	008-210-038-0	008-210-061-0
008-210-016-0	008-210-039-0	008-210-062-0
008-210-017-0	008-210-040-0	008-210-063-0
008-210-018-0	008-210-041-0	008-210-064-0
008-210-019-0	008-210-042-0	008-210-065-0
008-210-020-0	008-210-043-0	008-210-066-0
008-210-021-0	008-210-044-0	008-210-067-0
008-210-022-0	008-210-045-0	008-210-068-0
008-210-023-0	008-210-046-0	008-210-069-0
008-210-024-0	008-210-047-0	008-210-070-0
008-210-025-0	008-210-048-0	008-210-071-0
008-210-026-0	008-210-049-0	013-080-012-0
008-210-027-0	008-210-050-0	

(Ord. 948, eff. 9/18/03; prior 928)

(b) The following described parcel, being 0.883 acres and identified as County Assessor Parcel Number 003-050-038, more fully described as Parcel "B" of the Parcel Map for Cornelia Johnson, filed August 7, 1973 in Book 4 of Maps and Surveys, Page 40, located at 37 Johnson Way in Downieville, Sierra County, is hereby added to Section 15.12.320.150 and designated as within the Residential One Family (R-1) District zoning district as described in Section

15.12.080 of the Sierra County Code. (The above-described property is hereby removed from the GF zoning district designation.) (Ord. 1004, eff. 7/31/08)

(c) The following described parcel, being approximately 0.6597 acres and identified as County Assessor Parcel Number 002-190-001 to the Residential-One Family (R-1) Zoning District. (Ord. 1013, eff. 6/4/09)

15.12.320.160 Amendment to X-Overlay Zoning District

(a) The following described County Assessor Parcel being real property situated in the unincorporated area of Sierra County shall be zoned X-Overlay in compliance with Sierra County Code Section 15.12.295:

012-180-003-0
001-030-024

(Ord. 951 eff. 12/18/03, prior 896)

(b) Property Removed from X-Overlay Zoning District:

All that real property shown as the remainder parcel of Parcel Map Book 11 page 23, 24, and 25 of the Maps and Surveys as recorded in the Official Records of the Sierra County Clerk-Recorder's Office. (Said property remains zoned RR-10 Rural Residential 10 acre minimum.)

(Ordinance 964, eff. 3/16/05)

15.12.320.170 Amendment to Business Park (BP) Combining District

(a) The following described real property situated in the unincorporated area of Sierra County shall be zoned BP-Business Park Combining District in compliance with Sierra County Code Section 15.12.155:

Property Description

An area of land situated in the East ½ of Section 13, Township 21, North, Range 15 East, M.D.M., Sierra County California, said area being more particularly described as follows:

Commencing at the East ¼ of Section 13, Township 21 North, Range 15 East, M.D.M., Sierra County, California as shown on a Record of Survey for Sierra Pacific Industries recorded in Volume 8 of Maps and Surveys page 117, Official Records, Sierra County, California, and considering the Basis of Bearing of this description to be identical with the Basis of Bearing shown on said Record of Survey, Volume 8 Maps and Surveys Page 8:

Thence North 89°04'23" East 60.00 feet to the East Right of Way line of Railroad Avenue and the POINT OF BEGINNING:

Thence North 00°55'23: West 614.85 feet along the East Right of Way line of Railroad Avenue to an angle point;

Thence South 89°04'10" West 110.00 feet to the Northeast corner of Sierra Pacific Industries-Industrial Park Phase 1a;

Thence continuing South 89°04'10" West 625.35 feet to an angle point;

Thence South 89°04'02" West 20.76 feet to an angle point;

Thence South 00°55'58" East 17.68 feet to an angle point;

Thence South 37°17'13" West 313.39 feet to an angle point;

Thence South 13°58'15" East 780.00 feet to an angle point;

Thence South 36°04'25" East 216.08 feet to an angle point;

Thence South 53°32'55" West 100.04 feet to an angle point;

Thence North 88°39'39" East 569.87 feet to an angle point;

Thence North 00°54'39" West 642.30 feet to the POINT OF BEGINNING.

Said area contains 1,039,963 square feet more or less, or 23.87 acres more or less. (Ord. 990, eff. 7/19/07)

15.12.320.180 Amendment to Forest Recreation (FR) District

(a) The following described real property situated in the unincorporated area of Sierra County shall be zoned FR-Forest Recreation District in compliance with Sierra County Code Section 15.12.180: (Ord. 1018, eff. 12/31/09)

Property Description

Those portions of Assessor's Parcel Numbers 004-060-020 and 004-060-021 within the General Plan Community Core Boundary of Indian Valley, Sierra County; being more particularly described as:

The West ½ of the Northwest ¼ of Section 16,

Together with that portion of the Southeast ¼ of the Northeast ¼ lying Northeasterly of the North Yuba River, in Section 17,

Together with that portion of the Southwest ¼ of the Northeast ¼ lying northerly of the North Yuba River, in Section 17,

All in Township 19 North, Range 9 East, M.D.B. & M. (Ord. eff. 12/1/2019)

15.12.330 SP – Site Performance Combining District

(a) Purpose: The "SP" - Site Performance Combining District is established to provide specialized consideration of unique or sensitive areas and/or to allow the refinement and tailoring of specific use standards and regulations for property when the County determines that general provisions and regulations do not address all of the issues that may arise affecting the development and use of the property. When added to a base zoning district, the standards established in the "SP" 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.

(b) Establishment of "SP" Regulations

1. The "SP" District shall provide for the use of land and/or structures and establish all other conditions in accordance with the specific ordinance establishing the "SP" zone district for the affected property or land area. The ordinance shall have the ability to establish the permitted uses of the land, provided that the land use under the "SP" District is not less restrictive than the base zoning district. The ordinance may also establish site development standards, public service and utility requirements, and size and height limitations. Establishment of the "SP" combining district for any property shall be by adoption of a zoning ordinance for property which shows by the inclusion on the zoning district map of the "SP" designation following the designation of the base zoning district; for example "CC-SP" would reflect the establishment of the community commercial – site performance zoning for property.

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 uses(s), site development standards, such as set back, open space restrictions and/or other 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.

3. 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)".

4. Notwithstanding any other provision of this Chapter, when a "SP" combining district is applied to property that is within the "PD" Planned Development base zoning district, a use permit shall not be required for property zoned "PD", as the planned use of the property, and/or special considerations and restrictions for the use of the property may be developed and applied through use of the "SP" combining district.

(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. Any amendment to the provisions of the ordinance covered by land zoned with the "SP" District will require a rezoning petition. (Ordinance 931, eff. 4/25/2002)

15.12.340 PS – Public Service District

(a) Purpose. The Public Services District applies to property used for public and quasi-public community facilities including institutional, public service, and auxiliary uses that are established in response to the civic, cultural, recreational, safety, service and welfare needs of a particular community or of the County. This district is typically applied to property occupied by Federal, State and local government uses but may include uses that are operated by non-profit, public utilities and quasi-public entities. The district implements the County General Plan by providing regulations which apply to the use of land for public and community facilities with regard to their location, design, service areas, and range of use so that they will be compatible with adjacent development and uses; will maintain community character; and, will be compatible with and will protect the natural resources and environmental quality of the County.

(b) Permitted Uses. The following uses are permitted:

1. Public recreational use that is passive in nature, including but not limited to swimming, fishing, boating, hiking, and like uses.

2. Timber management, grazing, and open spaces.

3. Minor utility uses including telephone, electrical and gas distribution lines and appurtenant facilities not including radio, telephone, and other commercial transmission towers and antennas.

4. Minor water system facilities including distribution lines, wells, and appurtenant facilities not including storage tanks, filtration and/or treatment facilities.

(c) Conditional Uses.

The following uses shall be permitted only upon issuance of a special use permit:

1. Community recreation facilities including parks, playgrounds, sports facilities, nature centers, fairgrounds, community halls, and recreation centers.
2. Campgrounds, recreation concessions, marinas
3. Cultural and library facilities
4. Governmental administrative facilities, government centers and offices
5. Cemeteries including columbarium's, crematoriums, mausoleums, and mortuaries
6. Educational facilities including schools, offices, field stations, research centers, and experimental stations, and related storage
7. Essential services including fire and police services, dispatch centers
8. Radio, telephone, wireless communication and other commercial communication towers, transmission facilities, and antennas
9. Recycling centers and solid waste facilities and related storage
10. Wastewater treatment and disposal facilities and related storage
11. Water systems facilities including water storage tanks, filtration facilities, treatment facilities
12. Temporary public events
13. Power transmission facilities, power, and general facilities
14. Corporation yards
15. Correctional facilities
16. Airport, heliport, bus station, parking lot, and other transportation related facilitiy
17. Caretaker facilities that are subordinate to the public service use
18. Site lighting adjacent to any residential zone

(d) Prohibited Uses.

The following uses shall be prohibited:

1. Billboards, window signs, and commercial advertising
2. Manufacturing uses
3. Retail uses

(e) Development Standards.

Property within the Public Service District shall adhere to the following property development standards:

1. Front, side and rear yard setbacks shall be twenty (20) feet from all property lines;
2. Height limitation shall not exceed thirty-five (35) feet;
3. Minimum parcel frontage shall be sixty (60) feet;
4. Access to any property shall be by public highway, offer of dedication, or grant of right-of-way or easement assuring public access to the property;
5. One sign may be erected with an aggregate area not exceeding twenty-four (24) square feet and one pedestrian oriented sign may be erected not exceeding fifteen (15) square feet per site. Directional signs for off-street parking, loading, or handicap facilities may also be erected so long as not to exceed an aggregate total of twelve (12) square feet. Sign lighting may only be provided as directional in nature and shall not be flashing nor be non-directional;
6. Off street parking and loading shall be required in proportion to the need for such facilities and shall be based upon employee numbers and potential user numbers and shall be laid out to protect public safety and to insulate surrounding uses form its impact;
7. Building design, site landscaping and screening, and physical site improvements (buildings, lighting plan, signs, parking) shall be submitted as a site plan to the County Planning Department for review and approval to assure that the property development is consistent with and not detrimental to surrounding uses.

8. Property under this district designation, where the public service use of property is between parties or permit from the underlying landowner who may be a public or local agency, must be under the control of the party proposing the public service use and the lease and/or permit or entitlement from the underlying owner must provide sufficient property control and term that commits the property to public service uses during the term of any special use permit issued hereunder. (Ord. 957, eff. 5/20/04)

CHAPTER 15.16 APPLICATION FEES

15.16.010 Fees Required

Fees in an amount determined by Board Resolution shall be collected by the Planning Department for all applications required by this part.

No application shall be accepted for filing by the Planning Department unless and until the required fee has been collected by the Planning Department.

No fee shall be charged any governmental agency for applications required by this part. (Ord 535, eff. 10/17/78. prior 409, Section 86214)

15.16.020 Fee Exemptions

No fee shall be charged any governmental agency for application for variance, special use permit or change of land use district. (Ord. 409, eff. 7/5/73, prior Section 86214)

CHAPTER 15.20 BUILDING PERMIT

15.20.010 Compliance with Zoning Regulations

No building permit shall be issued for the erection or use of any structure or part thereof or for the use of any land which is not in accordance with the provisions of this part, except where a variance or a special use permit has been allowed by the Planning Commission, in which case the Building Inspector may issue a permit, sufficient to allow such work as so authorized by said variance or special use permit in accordance with whatever conditions as may be attached, providing such permit shall not be issued until all time limits for appeal have been exhausted and no appeal has been filed. Any permit issued contrary to the provisions of this part shall be void. (Ord. 409, eff. 7/5/73, prior Section 86212(A))

15.20.020 Investigation by Building Inspector

It shall be the duty of the Building Inspector, before issuing a building permit, to ascertain the exact location of the property on which the building is to be located.

The Building Inspector shall obtain the assessor parcel number before issuing a building permit. It shall then be the duty of the Building Inspector to contact the Planning Department to obtain a ruling as to whether or not the proposed building complies with this part or the terms of variance or special use permit, if such has been granted. (Ord. 409, eff. 7/5/73, prior Section 86212(B))

CHAPTER 15.24 VARIANCES

15.24.010 Purpose

Variances may be granted to vary, or modify the strict application of any of the provisions of this part in cases in which there are practical difficulties and unnecessary hardships, so long as the variance does not have the effect of changing the land use district of the subject parcel. (Ord. 409, eff. 7/5/73, prior Section 86216(A))

15.24.020 Application Information

Any person requesting a variance shall file an application with the Planning Department. Such application shall include:

(a) Provisions of this part from which the property or building is sought to be excepted.

(b) A legal description of the property involved.

(c) Ground plans showing the location of all existing and proposed buildings on the premises and within 50 feet thereof.

(d) Elevations of all proposed buildings, alterations, or improvements in sufficient detail to meet all requirements.

(e) Statement of the intent of the applicant to proceed with actual construction within nine (9) months of filing of the application. (Ord. 409, eff, 7/5/73, prior Section 86216B(1))

15.24.030 Application Accompanied by Evidence

The applicant shall present adequate evidence showing:

(a) That there are special circumstances or conditions applying to the subject property which make compliance with this part difficult and a cause of hardship to and abridgement of a property right of the owner of said property.

(b) That such circumstances or conditions do not apply generally to other properties in the same land use district.

(c) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

(d) That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare. (Ord. 409, eff. 7/5/73, prior Section 86216B(2)

15.24.040 Review by Planning Director

The Planning Director shall investigate each application to assure that the proposal in each application is consistent with the intent and purpose of this part. (Ord. 409, eff. 7/5/73, prior Section 86216C(1))

15.24.050 Findings

The Planning Director, at his discretion, or the Planning Commission, at its discretion, may grant or deny minor modification in lot area, lot width, yard, sign and parking requirements, if undue hardship is shown. Such modification shall be limited to deviations not to exceed 10% of lot area, 20% of lot width, 20% of required yard area, the front yard setback for a private garage, 20% of sign face area, or 10% of off-street parking requirements. All such decisions of the Planning Director shall be in writing and filed in his office with copies submitted to the Building Inspector, the Planning Commission and the applicant. Such decisions of the

Planning Director or the Planning Commission may be granted without public hearing. (Ord. 409, eff. 7/5/73, prior Section 86216C(2))

15.24.060 Notification

The Planning Director shall:

(a) Schedule a Planning Commission hearing.

(b) Provide notice of the time, place and purpose of the hearing as required by state law. (Ord. 979, eff. 10/19/06, prior Ord. 409, Section 86216C(3))

15.24.070 Hearing

The Planning Commission may hear facts from any person appearing and may consider written communications relative to the application. The Planning Commission shall, within forty (40) days from the close of hearing, return its decision unless an extension is granted by the Planning Commission for good cause or with the mutual consent of the applicant. The Planning Commission findings in granting a variance shall include the following determinations:

(a) There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.

(b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

(c) The granting of such application will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 409, eff. 7/5/73, prior Section 86216D)

15.24.080 Conditions

All variances shall carry the following conditions:

(a) Commencement of work within nine (9) months and completion within eighteen (18) months.

(b) Subject to review by the Planning Commission in two years. (Ord. 409, eff. 7/5/73, prior Section 86216D)

15.24.090 Board Review - (Repealed)

(Repealed Ord. 628, eff. 8/3/82)

CHAPTER 15.28 SPECIAL USE PERMITS

15.28.010 Request to Planning Department

Any person seeking issuance of a special use permit shall file a request with the Planning Department and shall appear before the Planning Commission presenting evidence of the following:

(a) That the use is not detrimental to the public health, convenience, safety, and welfare, and is necessary for the promotion of the general good of the community.

(b) That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity. (Ord. 409, eff. 7/3/73, prior Section 86127A(1))

15.28.020 Findings

The Planning Director shall investigate each application to assure that the proposal in each application is consistent with the intent and purpose of this part. (Ord. 409, eff. 7/5/73, prior Section 86217A(2))

15.28.030 Notification

The applicant shall be notified of such findings not later than five (5) days after their issuance. (Ord. 409, eff. 7/5/73, prior Section 86217A(3))

15.28.040 Condition

(a) The Planning Commission, or the Board of Supervisors, in approving the permit, may require certain conditions under which the proposed use may be allowed which will prevent material damage to adjacent properties, and provide suitable safeguards to the public health, safety and general welfare. Such conditions may include time limitations, architectural considerations, access provisions, off-street parking, posting of bond to insure work, green belt, planting requirements, sign size and message, or other controls.

(b) Any period of time specified in subdivision (a) shall not include the period of time during which a lawsuit involving the approval of the special use permit is or was pending in a court of competent jurisdiction. Any extension of time pursuant to this subparagraph shall not exceed two (2) years. (Ord. 409, 730, eff. 9/15/87, prior Section 86217A(4))

15.28.050 Revocation of Special Use Permits

(a) Failure to comply with any conditions imposed in the issuance of special use permits shall result in the institution of revocation procedures by the Planning Commission.

(b) The Planning commission may hold a public hearing upon the revocation of a special use permit.

(c) The Planning Commission shall submit findings and recommendations on revocation to the Board of Supervisors. The person to whom the special use permit has been issued shall be notified of such recommendations not later than five (5) days after submission of the report to the Clerk of the Board of Supervisors.

(d) The Board of Supervisors upon receipt of recommendations for revocation of a special use permit may revoke such permit for failure to comply with any of the conditions imposed in the issuance of the special use permit. Abatement and removal of facilities as required by a revocation shall be at the permittee's expense. (Ord. 409, eff. 7/5/73, prior Section 86217B)

CHAPTER 15.29 SIERRA BUTTES - LAKES BASIN SPECIAL TREATMENT AREA COMBINING DISTRICT (Expired 5/20/2000)

(Ord. 867, 06/18/98)

CHAPTER 15.32 ZONING AMENDMENT

15.32.010 Purpose

This part may be amended by changing the boundaries of the districts, or by changing any other provision hereof, whenever public necessity and convenience and the general welfare require such amendment, by following the procedures in this chapter. (Ord. 409, eff. 7/5/73, prior Section 86218)

15.32.020 Method of Initiating Amendment

Amendments may be initiated by any one of the following methods:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission.

(b) Resolution of intention by the Board of Supervisors.

(c) Resolution of intention by the Planning Commission. (Ord. 409, eff. 7/5/73, prior Section 86218)

15.32.030 Hearing

The Planning Commission, not later than at its next succeeding meeting following the filing of the verified petition or following the adoption of the resolution of intention, shall set the time and place for at least one public hearing thereon, and shall give notice of such hearing as required by state law. (Ord. 979, eff. 10/16/06, prior Ord. 409, Section 86218B)

15.32.040 Findings and Recommendations

Following the hearings, the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment, and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after the notice of the first of said hearings; provided that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission to so report within ninety (90) days without the aforesaid agreement shall be deemed to be approval of the proposed amendment by the Planning Commission. (Ord. 409, eff. 7/5/73, prior Section 86218C)

15.32.050 Board Review

Following Planning Commission action to recommend approval or upon expiration of the ninety (90) days as aforesaid, the Board of Supervisors shall hold a public hearing, with notice thereof as required by state law. The Board, in adopting a resolution of intention to reclassify all or a portion of the property included in the proposed change or amendment may, as a prerequisite to final action, include any conditions, stipulations or limitations which the Board may feel are necessary in the public interest. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant shall make this resolution a binding commitment on the Board of Supervisors. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said resolution, including the time limit placed in the resolution shall render said resolution of intention to reclassify null and void unless an extension is granted by the Board of Supervisors upon recommendation of the Planning Commission. (Ord. 979, eff. 10/19/06, prior 409, Section 86218D)

15.32.060 Determination

After the conclusion of such hearing, the Board of Supervisors may adopt the amendment, or any part thereof, in such form as the Board of Supervisors may deem advisable, or disapprove it. (Ord. 409, eff. 7/5/73, prior Section 86218E)

CHAPTER 15.34 URGENCY LAND USE STUDY (REPEALED)

(Repealed by Ordinance 822, eff. 08/04/94)

CHAPTER 15.36 APPEAL OF PLANNING COMMISSION DECISION

15.36.010 Appeal Within 15 Days

The decision of the Planning Commission granting, denying, or recommending a change of land use, variance or special use permit, or recommending revocation of a special use permit, may be appealed in writing to the Board of Supervisors within fifteen (15) days after the Planning Commission has notified the Board of Supervisors of its decision. (Ord. 409, eff. 7/5/73, prior Section 86219A)

15.36.020 Appellant Defined

The applicant or any real property owner within 300 feet of the exterior boundaries of the property involved who was present at the original hearing or who presented written testimony, if any, before the Planning Commission, shall have the right of appeal to the Board of Supervisors. (Ord. 409, eff. 7/5/73, prior Section 86219B)

15.36.030 Written Notice of Appeal

Appeals shall be initiated by filing a written notice of appeal with the Clerk of the Board of Supervisors, paying the fee therefore, stating therein the reasons why the decision of the Planning Commission should be amended, modified, or reversed. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of appellant to present such reasons shall be deemed cause for denial of appeal. (Ord. 409, eff. 7/5/73, prior Section 86219C)

15.36.040 Publication of Hearing Notice

Notice of hearing on appeals from decisions of the Planning Commission, shall be given by the Clerk of the Board of Supervisors by mailing a notice of hearing as required by state law to the appellant, the applicant and to property owners who are otherwise entitled to notice under the provisions of state law. (Ord. 979, eff. 7/5/73, prior 409, Section 86219D)

CHAPTER 15.40 NON-CONFORMANCE

15.40.010 Non-Conforming Uses

(a) The lawful use of land or buildings existing at the effective date of the original Sierra County Zoning Ordinances 370, 371, 378, 401, this part, or any amendments hereto, although such does not conform with the provisions hereof may be continued, unless otherwise restricted but if the non-conforming use is discontinued for a period of one year, any future use shall be in conformity with the provisions of this part, unless and until a special use permit shall first have been secured.

(b) The non-conforming use of any land or building shall not be expanded or extended in any way, and shall not be changed except to bring said use of land or building into conformity with this part or other County ordinances.

(c) Where automobile parking space in connection with a non-conforming building or use does not meet the requirements of this part, said building or use may be altered to provide such additional required automobile parking space.

(d) No building in existence at the effective date of this part which is not conforming with the regulations herein and which is damaged or partially destroyed by fire, explosion or similar cause to an extent greater than fifty (50%) percent of its value shall be repaired, reconstructed, moved or altered except in conformity with the provisions of this part; provided, however, that the building may be rebuilt to a total floor area not exceeding the building destroyed, provided a special use permit shall first have been secured.

(e) The non-conforming use of a portion of a parcel of land or a group of buildings for rent may be extended to cover the entire parcel, provided a special use permit shall first have been secured.

(f) The provisions of this section shall apply to uses of property or to buildings, which may become non-conforming by reason of amendment or supplement to this part or the land use plan maps. (Ord. 409, eff. 7/5/73, prior Section 86215)

CHAPTER 15.44 ADMINISTRATION AND ENFORCEMENT

15.44.010 Authority

It shall be the duty of the Planning Commission to administer the provisions of this part. It shall be the duty of the Sheriff, and of the officers of the County charged by law with the enforcement of County ordinances to enforce this part and all the provisions thereof. (Ord. 409, eff. 7/5/73, prior Section 86213A)

15.44.020 Violation a Misdemeanor

It is unlawful and punishable as a misdemeanor for any person to violate any provision of this part. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained and/or any use of any land, building or premises conducted, operated, or maintained contrary to the provisions of this part is unlawful and a public nuisance, and the appropriate legal officer of the County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps, and shall apply to such court or courts as may have such building or structure, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building or structure, or using any property contrary to the provision of this part. (Ord. 409, eff. 7/5/73, prior Section 86213B,C)

15.44.030 Remedies

The remedies provided for herein shall be cumulative and not exclusive. (Ord. 409, eff. 7/5/73, prior Section 86213D)

15.44.040 Zoning Variances

(a) Assessor's Parcel 03-091-01 zoned as "CR - Commercial Residential District". (Ord. 544, eff. 4/17/79)

(b) Assessor's Parcel 23-150-15 zoned as "RR-5" - Rural Residential - Five Acre District. (Ord. 555, eff. 6/19/79)

(c) Assessor's Parcel APN: 12-09-86 zoned "RR-2 District". (Ord. 574, eff. 2/19/80)

(d) Assessor Parcel 8-200-06 is hereby zoned as "Open Space - Twenty Acre District" in compliance with Sierra County Code Section 15.12.230. (Ord. 583, eff. 6/17/80)

(e) Sierra County Assessor Parcel 9-032-10 shall be zoned "CC - Community Commercial District". (Ord. 587, eff. 8/19/80)

(f) Sierra County Assessor Parcel 8-05-17 shall be zoned as follows:

1. Parcel One as described on Exhibit A attached hereto shall be zoned "OS-20 District" and SC District"; and

2. Parcel Two as described on Exhibit A attached hereto shall be zoned "OS-80 District", "FR District" and "SC District". (Ord. 588 eff. 9/2/80)

EXHIBIT A

All that portion of Section 33, Township 20 North, Range 11 East, M.D.B. & M. in the unincorporated territory of Sierra County, more particularly described as follows:

PARCEL ONE

Commencing at the Northeast corner of the parcel to be described, from which the

Northwest corner of said Section, Township and Range bears North 20 degrees 14' 41" West 1505.53 feet. Thence from the true point of beginning South 05 degrees 39' 20" East 712.96 feet. Thence South 681.63 feet to the East-West centerline of said Section. Thence South 88 degrees 02' 01" West along the East-West centerline 846.38 feet to the West quarter corner of said Section. Thence North 05 degrees 08' 14" East along the West line of said Section 1422.05 feet to a point from which the point of beginning bears easterly 648.30 feet. Thence North 89 degrees 39' 45" East 648.30 feet to the true point of beginning; containing 24.61 acres more or less.

PARCEL TWO

Commencing at a point from which the Northwest corner of said Section bears North 20 degrees 14' 41" West 1505.53 feet. Thence from the true point of beginning North 05 degrees 06' 51" East 701.70 feet. Thence South 89 degrees 31' 07" East 1941.60 feet to the North-South centerline of said Section. Thence South 05 02' 29" West along the North-South centerline 2021.23 feet to the East-West centerline of said Section. Thence South 88 degrees 02' 01" West along the East-West centerline 1757.24 feet. Thence North 681.63 feet to a point from which the point of beginning bears northerly 712.96 feet. Thence North 05 degrees 39' 20" East 712.96 feet to the true point of beginning; containing 88.05 acres more or less.

PART 16
SUBDIVISIONS

Part 16 Subdivisions is hereby repealed in its entirety.

(Ordinance 956, eff. 5/6/04)

PART 17
ENVIRONMENTAL QUALITY

Repealed by Ordinance 902, eff. 7/6/2000

PART 17 - ENVIRONMENTAL QUALITY

Repealed by Ordinance 902, eff. 7/6/2000

PART 20
GENERAL PROVISIONS

TABLE OF CONTENTS

Chapter Section
20.01 -General 1
20.02 - Required Application Contents 1
20.03 - Filing of Applications 1
20.04 - Initial Review of Application 2
20.05 - [Reserved] 2
20.06 - Environmental Review 2
20.07 - [Reserved] 3
20.08 -Staff Report and Recommendations 3
20.09 - [Reserved] 3
20.10 - [Reserved] 3
20.11 - Notice of Hearings 3
20.12 - Hearings 3
20.13 - General Procedures for Land Use Appeal Hearings 3
20.13.001 -Standing to Appeal 3
20.13.002 -Time Within to Appeal 4
20.13.003 -Filing of Appeal and Stay of Commission's Action 4
20.13.004 - Requirements for Statement on Appeal and Project Applicant's Response Thereto 4
20.13.005 - Review of Notice of Appeal by County Clerk 4
20.13.006 - Notice Requirement for Appeal Hearings 4
20.13.007 - Hearing Procedures 4
20.13.008 - Action by the Board 5
20.13.009 - Statute of Limitations 5
20.14 - Conditional Use Permits 6
20.15 - Permit Issuance 6
20.16 - Effect of Denial 8
20.17 - Processing Time Limits, Exercising of Permits, and Extensions 8
20.18 - Applications Deemed Approved 11
20.19 - Security for Performance 11

CHAPTER 20
GENERAL PROVISIONS

20.01 -General

Unless otherwise provided for, this Part shall govern all applications filed with the County pursuant to Parts 21, 23, 25, 32, 33, 35, 36 and 37 of this Code.

20.02 - Required Application Contents

Applications for approval of any permit or amendment pursuant to this Part shall include the following:

(a) An Initial Project Application (IPA) and any other form(s) required by the Planning Department, and all information specified on the "Required Application Contents" list furnished by the Planning Department with all permit applications.

(b) The signature(s) of the owner(s) of the real property that is the subject of the application, or an owner authorization allowing the person signing the application to act as agent for the property owner.

(c) An environmental questionnaire, if required by Part 38 of this Subdivision Ordinance, or a written request for an exemption, if applicable.

(d) The non-refundable filing fee(s) required by the most current Planning Department fee schedule.

(e) For all applications for use permits, zoning amendments, subdivision and parcel maps, development agreements, and rezoning or general plan amendments, the applicant is required to execute an Indemnification Agreement to indemnify and hold harmless the County from any defense costs, including attorney's fees or other loss connected with any legal challenge brought as a result of approval of the project.

20.03 - Filing of Applications

Applications for the permits by this Part shall be filed with the Planning Department. No application for approval of a use of land, building or structure, land division, or other permit required by this Part shall be accepted for processing by the Planning Department or approved, unless:

(a) the proposed use is allowed on its site; and

(b) the proposed use of land, building or structure, or division of land satisfies all applicable standards and requirements of this zoning ordinance, or such standards are the subject of a simultaneously filed variance application that will, if approved, achieve such compliance; and

(c) neither the proposed site nor any building or land use thereon is being maintained in violation of the Subdivision Map Act, this zoning ordinance, the grading ordinance or any condition of approval of an applicable land use entitlement, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new proposed use, or recordation of a final or parcel map in the case of a subdivision; and

(d) no application for the same use on the same site was denied by the Zoning Administrator or Planning Commission within one year prior to the date of filing, unless permission to

re-file has been granted pursuant, or unless the previous application was denied without prejudice by the hearing body; and

(e) the fact that a permit has been accepted for processing pursuant to paragraphs (a)-(d) shall not be deemed to be a final determination with respect to compliance with those paragraphs, said final determination to be made by the decision-making body.

20.04 - Initial Review of Application

In addition to the review required by Section 20.02 above, the Planning Department shall review all applications for completeness and accuracy before the applications are accepted as being complete and officially filed.

(a) Determination of completeness. Within 30 days of filing, the department shall determine whether an application includes the information required by this Part, as follows:

1. Notification of applicant. The applicant shall be informed in writing that either:

A. the application is complete and has been accepted for processing; or

B. that the application is incomplete and additional information, specified in writing, must be provided. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness must occur. The time available to an applicant for submittal of additional information is limited by Subsection (a)3 of this Section.

2. Appeal of determination. Where the Planning Department has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the department is not required by this Part, other provisions of this code or the policies of the general plan or any applicable community plan, the applicant may appeal the determination to the Planning Commission as set forth in Section 20.13. There shall be a final written determination within 60 days from the receipt of the appeal.

3. Expiration of application. If a pending application is not completed by the applicant (i.e., not accepted as complete by the County) within one year after the first filing with the department, the application shall expire and be deemed withdrawn. A new application may then be filed as set forth by this Part.

(b) Referral of application. At the discretion of the Planning Director or where otherwise required by this code, state or federal law, any land use permit application filed pursuant to this Section may be referred for review and comment to any public agency that may be affected by or have an interest in the proposed land use.

20.05 - [Reserved]

20.06 - Environmental Review

(a) Environmental review procedure. After acceptance of a complete application as provided by Section 20.04, the application shall undergo environmental review as required by Part 38 of this code.

(b) Additional information. After an application has been accepted as complete pursuant to Section 20.03, the Planning Department may require the applicant to submit additional information needed for the environmental review of the project subject to the provisions of Part 38 of this code.

20.07 - [Reserved]

20.08 -Staff Report and Recommendations

(a) Staff evaluation. The Planning Director or designee shall review all discretionary applications filed pursuant to this Part to determine whether they comply and are consistent with the provisions of this Part, other applicable provisions of this code, and the general plan. Planning Department staff shall formulate a recommendation to the Zoning Administrator or Planning Commission (as applicable) on whether the application should be approved, approved subject to conditions, or denied.

(b) Staff report preparation. A staff report shall be prepared by the Planning Department that describes the Department's conclusions and/or other appropriate staff about the proposed land use and any accompanying development as to its compliance and consistency with applicable provisions of this code, applicable area and community plans, and the General Plan. The staff report shall include recommendations on the approval, approval with conditions, or denial of the application, based on the evaluation and consideration of any environmental documents, any material which accompanied the application(s) and any other pertinent information available to Department staff.

(c) Report distribution. Staff reports for matters reviewed by the Planning Commission shall be furnished to applicant and shall be available to the public no later than one week prior to the scheduled public hearing on the application.

20.09 - [Reserved]

20.10 - [Reserved]

20.11 - Notice of Hearings

Any public hearing shall be held only after notice of the time and place of such hearing, including a general explanation of the matter to be considered is given in the manner required by state law. (Ord. 979, eff. 10/19/06)

20.12 - Hearings

Hearings before an inferior body shall conform to general standards of due process, and such written procedures as may be adopted from time to time.

20.13 - General Procedures for Land Use Appeal Hearings

20.13.001 -Standing to Appeal

Any applicant for a land use permit or other approval, including a petition for 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 Commission. In the event that a decision of the Planning Director is appealed to the Planning Commission, the appeal shall follow the same procedures otherwise established for appeals of Planning Commission decision, except that the Planning Commission shall discharge those duties otherwise assigned to the County Clerk.

20.13.002 -Time Within to Appeal

Unless otherwise expressly provided for by any law, any appeal of any decision of the Planning Commission shall be filed with and actually received by the County Clerk, in the manner specified in this Part, within 10 calendar days from the date of the Planning Commission's action. Any such appeal shall be accompanied by such fees and deposit as established by the latest adopted resolution, which shall be paid to the County Clerk at the time of and as a condition to the filing of an appeal.

20.13.003 -Filing of Appeal and Stay of Commission's Action

The filing of such an appeal within the above stated time limits shall stay the effective date of the Planning Commission's action until the Board of Supervisors has acted upon the appeal or the appeal has been withdrawn. Any entitlements and approvals shall not be effective while an appeal is pending.

20.13.004 - Requirements for Statement on Appeal and Project Applicant's Response Thereto

An appeal shall be filed with the County Clerk on the form provided by the County Clerk and shall include a brief statement of the appeal, identifying the project and the decision of the Planning Commission which is the basis of the appeal. The appeal shall also include a brief statement of the reasons for the appeal and the specific action that the appellant desires to be taken by the County.

20.13.005 - Review of Notice of Appeal by County Clerk

Upon the filing of an appeal the County Clerk 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.

20.13.006 - Notice Requirement for Appeal Hearings

Any public hearing on an appeal before the Board of Supervisors shall be held only after notice of the time and place of such hearing, including a general explanation of the matter to be considered is given in the matter required by state law. (Ord. 979, eff. 10/19/06)

20.13.007 - 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 subject project, without limitation as to the issues that may be raised, or as to the evidence that may be received. (The administrative record and all exhibits shall be duly marked for identification as part of the record of the proceedings of the Board's hearing.) Appeal hearings shall be conducted as follows:

(a) staff presentation;

(b) presentation by appellant shall be limited to 15 minutes;

(c) presentation by project proponent (if different party from the appellant) shall be limited to 15 minutes;

(d) public hearing: Members of the public should be allowed 5 minutes each to give testimony;

(e) summation by project proponent - 10 minutes (total);

(f) summation by appellant - 10 minutes (total);

(g) rebuttal by members of the public - 2 minutes each; and

(h) 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 County clerk no later than the end of the fifth working day prior to the date of the hearing.

The Board of Supervisors shall endeavor, in the interest of time and fairness, to adhere to the time limits set forth herein, although may deviate from these hearing procedures when determined to be in the public interest.

It will be policy of the Board of Supervisors to orally review the provisions of this Section with all parties in attendance prior to beginning any public hearing.

20.13.008 - Action by the Board

(a) At the conclusion of the appeal hearing by the Board of Supervisors, the Board shall base its decision on the information and evidence submitted during the hearing and as part of the record. The Board may sustain, overrule or modify any action of the Planning Commission, without referring the matter back to the Planning Commission (unless such referral is required under state law, for zoning and general plan amendments). The power of the Board to modify shall include the authority to change, delete or add to the conditions of approval of any land use application as set out by the Planning Commission, the Board shall be required to prepare and adopt legally adequate findings as required by law to support the Board's decision. Any action by the Board shall be by not less than three affirmative votes, provided however, that in the event that the Board's action culminates in a two-to-two or two-to-one 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 Commission's action on the project, unless the Board expressly continues the item for further deliberation or hearing.

(b) Any appeal hearing set before the Board as required pursuant to Government Code §66452.5 must be held within thirty (30) days from the date of filing the appeal. The Board may continue the appeal hearing as it deems necessary or appropriate. Within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall render its decision on the appeal. All other appeals shall be set for hearing within sixty (60) days of the date of the filing of the appeal and the hearing may be continued at the Board's discretion. The time limits set forth herein may be extended with the consent of the project applicant.

20.13.009 - Statute of Limitations

(a) The decision of the Board of Supervisors shall be final on all matters, unless an appeal there from is filed with the Superior Court of the County of Sierra within thirty (30) days after the decision of the Board of Supervisors.

(b) In the event litigation is filed contesting any action or decision of the Board of Supervisors for which an appeal has been heard, under the provisions of this Section, the Board shall be deemed to have reserved jurisdiction over the matter that was the subject of the appeal and shall have the right to readdress its decision in order to consider the issues raised in the litigation. It is the intent of this provision to allow the Board the discretion to control and to settle any such litigation when it is necessary to do so in the

public interest. In the event that the Board believes that there is a need to readdress its decision, the Board shall provide written notice of same to the appellant and to any other interested party that appears at the hearing (where such person was identified at the hearing by a name and address), giving the time, date and location where the matter will be placed back on the Board's agenda for further consideration or action. At the time that the matter is re-agendized, the Board may: 1) without taking further evidence, announce its decision to reverse or modify its prior action; or 2) elect to reopen the public hearing in order to receive additional evidence or argument on the subject matter of the appeal that is being contested by the litigation.

20.14 - Conditional Use Permits

(a) Planning Commission hearing. After completion of a staff report, the Planning Director shall schedule and the Planning Commission shall conduct a public hearing on the requested conditional use permit. The hearing shall be scheduled, provided public notice and conducted in accordance with Part 20.

(b) Final action:

1. The Planning Commission shall consider information presented about the project proposed in the conditional use permit application in the staff report, in any accompanying environmental documents and comments received on such documents, in public testimony at the hearing, in any correspondence received at or before the hearing, and in any other information made a part of the record.

2. After the public hearing, and within any applicable time limits, the Planning Commission shall take action upon the required CEQA documentation and approve, approve subject to conditions or disapprove the conditional use permit.

3. Approval or conditional approval shall be granted only where the Planning Commission can make the findings required by law. The permit shall be denied where the findings cannot be made. The Planning Commission may approve a conditional use permit subject to conditions, as set forth in Section 20.15(b).

4. The decision of the Planning Commission shall be in writing, including all findings that were made as the basis for the decision.

(c) Appeal. Decisions of the Planning Commission on conditional use permits may be appealed to the Board of Supervisors, in accordance with Section 20.13.

20.15 - Permit Issuance

The approval and issuance of a conditional use permit by the Planning Commission shall occur as set forth in this Section.

(a) Findings required for approval. No conditional use permit shall be approved, unless the Planning Commission first finds that:

1. The proposed use is consistent with all applicable provisions of this Part and any applicable provisions of other Parts of this code.

2. The proposed use is consistent with applicable policies and requirements of the Sierra County General Plan, and any applicable community plan or specific plan, and that any specific findings required by any of these plans are made.

3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.

4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

5. In a TPZ zone district, the establishment, maintenance and operation of the proposed use or building will not significantly detract from the use of the property for, or inhibit the growing and harvesting of timber.

6. Any specific findings as required by the Zoning Ordinance.

7. Such findings as required by California Environmental Quality Act (CEQA).

8. The proposed use is consistent with, replaces or appropriately modifies any prior established relevant conditions of a previous entitlement, if applicable.

(b) Conditions of approval. In conditionally approving an administrative review permit, minor or conditional use permit, the granting authority shall adopt conditions of approval as necessary to accomplish the following objectives, consistent with the requirements of state law:

1. Specify the period of validity of the permit and/or the allowed duration of the proposed use. The permit may be issued and/or the use allowed for a revocable, permanent, temporary or otherwise limited term, as deemed appropriate by the granting authority. If no period of validity is specified, the permit shall be subject to the time limits specified by Section 20.17.

2. Ensure that the proposed project will be consistent with all applicable requirements of this Part, the Sierra County General Plan, and any applicable community plan or specific plan.

3. Enable all the findings required by Subsection (a) of this Section to be made by the granting authority.

4. Mitigate environmental impacts identified in environmental documents prepared pursuant to Part 38, or adopt overriding findings pursuant to Section 15091 *et seq.* of the CEQA Guidelines.

5. Require the dedication of rights-of-way determined by the granting authority to be necessary as a result of the proposed use.

6. Require the installation, or participation in the cost of installation, of specified on-site or off-site improvements determined by the granting authority to be necessary as a result of the proposed use.

7. Supersede, replace, or modify conditions of approval applicable to the site as a result of a previous permit approval, where determined by the granting authority to be appropriate.

8. Limit the size of the project or intensity of the use to a level approved by the granting authority.

The granting authority may also adopt any other conditions of approval as the authority determines are necessary to protect the public health, safety, and general welfare.

(c) Effect of conditions. It shall be unlawful, and a violation of this code, for any person to construct or otherwise establish a land use authorized by a permit pursuant to this Section, prior to compliance with or contrary to the conditions of approval adopted as set forth in this Section.

(d) Effective date of permit. An approved administrative review permit, variance, minor or conditional use permit shall become effective for the purposes of commencing the actions necessary to comply with conditions of approval and filing building permit applications, on the 11th day after approval of the permit by the granting authority, provided that approval shall be set aside and of no effect if an appeal is filed within 10 days, or such other time specified by law, after approval pursuant to Section 20.13. If no written or oral testimony is provided as a part of the official record, except for such testimony as may have been provided by the applicant and/or staff, the hearing body may waive the 10-day waiting period and may establish an effective date for the permit at any time following the conclusion of the public hearing, not to exceed the original 10-day waiting period.

(e) Implementation of permit. After the effective date of an administrative review permit, minor use permit or conditional use permit, the applicant shall diligently proceed to carry out the conditions of approval and implement the permit by establishing the approved use within the time limits set forth in Section 20.17.

20.16 - Effect of Denial

If a conditional use permit application is denied by the Planning Commission and the decision is not reversed through appeal (Section 20.13), no further application for a permit for the same use on the same property shall be filed for a period of one year from the date of denial, except where the granting authority gives permission for such filing or the permit application was denied without prejudice. Permission to re-file shall be granted only if the applicant can show a substantial change of circumstances or conditions from those existing at the time of such previous denial. A re-filed application shall be processed in the same way as a new application.

20.17 - Processing Time Limits, Exercising of Permits, and Extensions

(a) Time limits for action by county. As provided by California Government Code 65950, a conditional use permit shall be approved or disapproved by the granting authority within the following time limits:

1. If a negative declaration is adopted or if the project is exempt from regulation under CEQA pursuant to Part 38 of this code, the project shall be approved or disapproved within sixty (60) days from the date of adoption of a negative declaration or, for those projects which are exempt from regulation under CEQA, within sixty (60) days from the date that the application is determined to be complete pursuant to Section 20.04, unless the project proponent requests an extension of the time limit.

2. If an environmental impact report is prepared for the project pursuant to the provisions of Part 38 of this code, the project shall be approved or disapproved within six months from the date of certification by the hearing body of the environmental impact report, unless the project proponent requests an extension of the time limit.

3. If a project proponent requests, in writing, an extension of the time limits, the Planning Director may grant or deny such a request for good cause. A request for a decision by the Planning Director to grant an extension of the time limits specified above shall be made prior to the expiration of such time limits. The Planning Director may grant an extension for such a reasonable additional time period as is deemed appropriate.

If the County fails to approve or disapprove a development project within the time limits specified by this Section, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. [See California Government Code Section 65956(b).]

Except that where the land use permit application is accompanied by an application for a general plan amendment, rezoning or zoning text amendment that is needed to allow the processing of the land use permit, the above time limits shall not apply.

(b) Permit expiration. An approved conditional use permit or variance is subject to the following time limits. It shall be the responsibility of the applicant alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

1. Time limit for permit implementation. An approved permit is valid for 24 months from its effective date (Section 20.14(D)), or for any other period specified by the granting authority in conditions of approval, or other provision of this Part. At the end of 24 months, the permit shall expire and become void, unless by that time:

   A. The permit has been implemented because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and a foundation inspection has been conducted and approved by the Building Official or a designee; or

   B. The permit has been implemented because a use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or

   C. The permit has been implemented for a multiple building or multiple structure project because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and foundation inspections for each and every building or structure have been conducted and approved by the Building Official or a designee [NOTE: For multiple phase projects which require a discretionary permit, the conditions of approval for that permit can provide for extended dates of expiration]; or

   D. A conditional use permit granted for a planned residential development has been implemented through the recordation of the final subdivision map, pursuant to the approved PD; or

   E. An extension of time has been granted according to Subsection (C) of this Section.

2. Lapse of permit after implementation. Once a project has been implemented as set forth above, the permit that authorized the use shall remain valid and in force and shall run with the land, including any conditions of approval adopted with the permit, unless one of the following occurs:

   A. Work under an approved construction permit toward completing the project and complying with the permit conditions of approval ceases, such that the

construction permit expires, and one additional year elapses after the expiration of the construction permit.

B. After a use has been established and/or operated as approved, the use (if no appurtenant structure is required for its operation) is discontinued for more than 12 consecutive months, or (if an appurtenant structure is required for the conditionally-permitted use) the structure is removed from the site for more than 12 consecutive months. If a structure associated with the operation of a conditionally permitted use is issued a certificate of occupancy and all other conditions of approval of the conditional use permit are satisfactorily completed, the entitlement remains in effect even if the structure is vacant for more than 12 consecutive months; however, no use may be reestablished in the structure and/or on the site unless the use is determined by the Planning Director to be substantially the same as the original conditionally permitted use.

C. The time limit set for the duration of the use by a condition of approval expires.

If one of the foregoing events occurs, the permit shall be deemed to have lapsed. No use of land, building or structure for which a permit has lapsed shall be reactivated, re-established or used unless a new permit is first obtained as provided by this Section. The site of a lapsed permit shall be used only for uses allowed in the applicable zone district without a permit pursuant to this Part.

(c) Extensions of time. The time limit established by Subsection (b)1 of this Section for the implementation of an approved conditional use permit or variance may be extended by the granting authority for a total of no more than three years as provided by this Section:

1. Time for filing an extension request. The applicant for an approved permit shall request an extension of time not later than the date of expiration of the permit established by Subsection (B) of this Section. The request shall be in writing, shall explain the reasons for the request, and shall be accompanied by the non-refundable filing fee established by the most current Planning Department fee schedule. Upon the filing of an extension request as required by this Subsection, the time limit for expiration of the permit established by Subsection (B) of this Section shall be suspended until a decision is made by the appropriate hearing body regarding the extension request.

2. Notice of requested extension. The Planning Department shall send notice of the requested extension by mail to all individuals and entities (or their legal successors in interest) which were provided notice of the hearing that preceded the approval of the permit requested for extension, and to all members of the Development Review Committee. The notice shall state that any person who objects to the requested extension of time shall notify the Planning Director, in writing, of the objection within 15 days from the date of mailing of the notice.

3. Hearing on objections to extension. If any objection to the time extension is received, the granting authority that approved the original permit shall follow the entire procedure set forth in Section 20.17, to consider and approve or disapprove the requested extension, as well as the following Subsection.

4. Approval of extension. After a public hearing, or if no objection to an extension is received, without a public hearing, the granting authority may extend the expiration date of the approved conditional use permit or variance by no more than a total of three years, provided that the granting authority first finds that:

A. no change of conditions or circumstances has occurred that would have been grounds for denying the original application;

B. the applicant has been diligent in pursuing implementation of the permit; and

C. modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements.

20.18 - Applications Deemed Approved

Any permit application deemed approved pursuant to California Government Code Section 65956 shall be subject to all applicable provisions of this Part, which shall be satisfied by the applicant before any construction permit is issued or a use not requiring a construction permit is established.

20.19 - Security for Performance

(a) Security required. When required by this code or by the granting authority through conditions of approval, guarantees of performance shall be provided by the applicant in the form of letters of credit, certificates of deposit, cash deposits and/or other forms specified by the granting authority and approved by County Counsel. The purpose of such guarantees shall be to secure compliance with conditions of approval or the provisions of this Part.

(b) Amount of security. Required security shall be furnished in the amount of 110 percent of the estimated costs of improvements or other actions being guaranteed, based on an estimate of cost prepared by a qualified professional approved by the Planning Director.

(c) Authorization for completion. Required security shall include authorization for the county or its contractors to enter upon the property in question and undertake and complete the work being guaranteed in the event of default by the applicant.

(d) Update of security. An annual review of the amount of the security may be required by the granting authority. If found to be outdated or insufficient, such security may be required to be increased in order to guarantee the original condition for which such security was required. If the security is not provided within 60 days of its due date, such action shall be grounds for setting aside the approval and for a hearing to revoke the permit.

(e) This Section shall not apply to Part 23 (Subdivisions).

(Ordinance 902, eff. 7/6/2000)

CHAPTER 21
GENERAL PLAN AND SPECIFIC PLAN ADOPTION AND AMENDMENTS

TABLE OF CONTENTS

Chapter Section

21.01 - Authority 13
21.02 - Purpose 13
21.03 - Number of Amendments Allowed per Calendar Year 13
21.03.001 - General Plan 13
21.03.002 - Specific Plans 13
21.04 - Initiation of Amendment 13
21.05 - Processing and Planning Commission Hearing 13
21.05.001 - Processing 13
21.05.002 - Planning Commission Hearing 13
21.06 - Planning Commission Recommendation 14
21.07 - Board of Supervisors Hearing and Decision 14
21.07.001 - Findings 14
21.07.002 - Adoption by Resolution 14

CHAPTER 21
GENERAL PLAN AND SPECIFIC PLAN ADOPTION AND AMENDMENTS

21.01 - Authority

The Sierra County General Plan, community or area ("collectively "General Plan") plan, may be amended or adopted as provided by this section and Government Code Section 65350 *et seq.*, whenever the Board of Supervisors determines that public necessity, convenience, or welfare would be served. Specific Plans may be amended as provided by this section and Government Code 65450 *et seq*.

21.02 - Purpose

An amendment to the General Plan or a Specific Plan may be filed for the purpose of changing a plan's designation boundary, text and/or requirements.

21.03 - Number of Amendments Allowed per Calendar Year

21.03.001 - General Plan

Except as otherwise provided in Government Code Section 65358, mandatory general plan elements shall not be amended more frequently than four times during any calendar year. Each amendment may include more than one change to the general plan.

21.03.002 - Specific Plans

Specific Plans may be amended as often as deemed necessary by the Board of Supervisors. (Government Code 65453(a).)

21.04 - Initiation of Amendment

The adoption or amendment to the General Plan or a Specific Plan may be initiated by the Planning Director, the Planning Commission or the Board of Supervisors. Adoption and amendment requests from the public shall be filed using the forms provided by the Planning Department, shall be signed by the legal owner(s) of property affected by the proposed adoption/amendment, and shall include the filing fee set by the County fee schedule.

21.05 - Processing and Planning Commission Hearing

21.05.001 - Processing

General Plan or Specific Plan adoption/amendment applications necessary to accomplish rezonings or zoning text amendments, when possible, should be processed concurrently.

21.05.002 - Planning Commission Hearing

After the completion of any environmental documents and public review periods required by the Environmental Quality Act (CEQA) and the completion of a Planning Department staff report, the Planning Commission will provide notice and hold a public hearing pursuant to Part 20. The

purpose of the hearing shall be to receive testimony from persons interested in the proposed amendment, to consider the recommendations of the Planning Director and to adopt a recommendation to the Board of Supervisors.

21.06 - Planning Commission Recommendation

The Planning Director, on behalf of the Planning Commission, shall submit a written report conveying the Commission's recommendation on the proposed adoption/amendment to the Board of Supervisors giving the reasons for the recommendation and the relationship of the proposed adoption/amendment to affected elements of the general plan or other planning document.

21.07 - Board of Supervisors Hearing and Decision

The Board of Supervisors shall provide public notice and hold a public hearing pursuant to Part 20. The Board of Supervisors may approve, modify or disapprove the recommendation of the Planning Commission regarding proposed adoption/amendment to the Sierra County General Plan or any approved Specific Plan.

21.07.001 - Findings

The adoption or amendment to any approved Specific Plan requires that a finding be made by the Board of Supervisors that said proposed change(s) are consistent with all applicable provisions of the Sierra County General Plan.

21.07.002 - Adoption by Resolution

An amendment to the Sierra County General Plan or other plan amendments, shall be adopted by resolution. These resolutions shall take effect 30-days after approval. Amendments to Specific Plans shall also be adopted by resolution, unless the original Specific Plan was adopted by ordinance, in which case the amendment shall be by ordinance. The adoption of a Specific Plan shall be by resolution or ordinance as may be required by the circumstances. (Ordinance 902, eff. 7/6/00)

CHAPTER 23
SUBDIVISION REGULATIONS

TABLE OF CONTENTS

Chapter Section

23.01 - General 1
23.01.001 - Citation and Authority 1
23.01.002 – Purpose 1
23.01.003 – Consistency 1
23.01.004 – Application 1
23.01.005 - Exceptions 1
23.01.006 - Fees and Deposits 2
23.01.007 - Notice of Hearings 2
23.02 - Definitions and Responsibilities 2
23.02.001 – Definitions 3
23.02.002 - Responsibilities 7
23.02.003 - Subdivisions by Gift 8
23.02.004 - Subdivisions by Testamentary Disposition 9
23.03 - Maps Required 9
23.03.001 – General 9
23.03.002 - Tentative Subdivision and Final Maps 9
23.03.003 - Tentative Parcel Maps 9
23.04 - Lot Line Adjustments 11
23.04.001 - Lot Line Adjustment 11
23.04.002 –Application 11
23.04.003 - Planning Department Approval 13
23.04.004 – Appeals 13
23.04.005 - Coordination 13
23.04.006 – Recording 14
23.05 - [Reserved] 14
23.06 - Tentative Subdivision Maps 15
23.06.001 – General 15
23.06.002 - Map Filing 15
23.06.003 - Form and Contents 15
23.06.004 - Accompanying Data and Reports 18
23.06.005 - Street Names 19
23.06.006 - Department Review 19
23.06.007 - Referral of Maps to Other Agencies 19
23.06.008 - Appeals of Administrative Determinations 20
23.06.009 - Planning Commission Action 20
23.06.010 - Water Quality Standards 21
23.06.011 - Telephone Service 22
23.06.012 - Cable Service 22
23.06.013 - (Reserved) Solar Access Easement 22
23.06.014 - Land Projects 22
23.06.015 - Extension of Time for Planning Commission or Board of Supervisors Action 22
23.06.016 - Notification of Decision 22
23.06.017 - Appeals of Planning Commission Action 22
23.06.018 – Expiration of an Approved Tentative Subdivision Map 23
23.06.019 – Extension of an Approved Tentative Map 23
23.06.020 - Extension by Action of the California Legislature 24
23.06.021 - Amendments to Approved or Conditionally Approved Tentative Subdivision Map 24

23.07 - Final Maps....25
23.07.001 – General....25
23.07.002 - Phasing....25
23.07.003 -Survey Required....25
23.07.004 – Form....26
23.07.005 – Contents....26
23.07.006 - Preliminary Submittal for County Approval....28
23.07.007 - Recording of Additional Information....30
23.07.008 - Review by Department of Public Works....30
23.07.009 - Approval by Department of Public Works....30
23.07.010 - Certification....30
23.07.011 - Approval by Board of Supervisors....32
23.07.012 - Compliance with Requirements....32
23.07.013 - Action on Dedications....32
23.07.014 - Filing with the County Recorder....34
23.08 -[Reserved]....34
23.09 - Tentative Parcel Maps....34
23.09.001 – General....34
23.09.002 - Tentative Parcel Map Required....34
23.09.003 - Form and Contents, Accompanying Data and Reports....34
23.09.004 - Department Review....34
23.09.005 - Action by Planning Commission On a Tentative Parcel Map....34
23.09.006 - Appeals of Planning Commission Action....35
23.09.007 - Expiration and Extensions....35
23.09.008 - Amendments to Approved or Conditionally Approved Tentative Parcel Map....35
23.10 - Final Parcel Maps....35
23.10.001 - Final Parcel Maps and Improvement Security....35
23.10.002 - Phased Final Maps....37
23.10.003 - Filing with County Recorder....37
23.11 - Parcel Map Waiver....37
23.11.001 – Application....37
23.11.002 - Limitation on Use....37
23.11.003 - Parcel Map Waiver....38
23.11.004 – Procedure....38
23.11.005 – Findings....38
23.11.006 – Appeals....38
23.11.007 - Parcel Map Waiver Certificate....38
23.12 - Vesting Maps....39
23.12.001 - Authority and Purpose....39
23.12.002 – Consistency....39
23.12.003 - Definitions....39
23.12.004 - Application....39
23.12.005 - Filing and Processing....40
23.12.006 – Expiration....40
23.12.007 - Rights of a Vesting Tentative Map....40
23.12.008 - Amendment to Approved Vesting Tentative Map....41
23.12.009 - Applications Inconsistent with Current Policies....41
23.13 - [Reserved]....41
23.14 - Dedications, Reservations and Development Fees....41
23.14.001 - Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements....41
23.14.002 - Waiver of Direct Access Rights....42
23.14.003 - Parkland Dedication....42
23.14.004 - School Site Dedication....47
23.14.005 - School Facilities....47
23.14.006 - Local Transit Facilities....49
23.14.007 - Reserved....49

23.14.008 - Bridges and Major Thoroughfares 49
23.14.009 -Drainage Fees 52
23.14.010 - Solar Access Easements 54
23.14.011 - Reimbursements to a Telephone Corporation or Cable Television System for Undergrounding or Relocation 54
23.14.012 - Access to Public Resources 54
23.14.013 - Groundwater Recharge Fees; Requirements 55
23.15 - Reservations 56
23.15.001 – General 56
23.15.002 - Standards for Reservation of Land 56
23.15.003 – Procedure 57
23.15.004 - Payment to Subdivider 57
23.15.005 – Termination 57
23.16 - Lot Standards and Improvements 57
23.16.001 – Lot Size 57
23.16.002 -Required Improvements 58
23.16.003 – Improvement Agreements for Deferred Frontage Improvements 63
23.16.004 - Design. [Reserved] 64
23.16.005 – Access 64
23.16.006 - Improvement Plans 64
23.16.007 - Inspection and Control 66
23.16.008 - Improvement Delay 67
23.16.009 - Acceptance of Improvements 67
23.16.010 - Improvement Agreement 67
23.17 - Improvement Security 68
23.17.001 - Improvement Security 68
23.17.002 - Construction and Inspection 70
23.17.003 - Completion of Improvements 70
23.17.004 - Acceptance of Improvements 72
23.18 - [Reserved] 73
23.19 - Monumentation 73
23.19.001 - Monumentation 73
23.20 - Supplemental Improvement Capacity 74
23.20.001 - Supplemental Size or Length May Be Required 74
23.20.002 – Reimbursement 74
23.21 - [Reserved] 75
23.22 - Reversions to Acreage 75
23.22.001 – General 75
23.22.002 - Initiation of Proceedings 75
23.22.003 - Contents of Petition 75
23.22.004 - Submittal of Petition to the Department of Public Works 76
23.22.005 - Board of Supervisors Approval 76
23.22.006 - Filing with the County Recorder 76
23.23 - [Reserved] 77
23.24 - Parcel Mergers 77
23.24.001 - Purpose 77
23.24.002 – Scope 77
23.24.003 – Definitions 77
23.24.004 - Contiguous Parcels 77
23.24.005 – Merger 77
23.24.006 - Application(s) 78
23.24.007 - Application Deemed Complete 79
23.24.008 - Environmental Review 79
23.24.009 - Departmental Review 79
23.24.010 - Administrative Hearing and Determination 79
23.24.011 - Administrative Criteria 79

23.24.012 - Conditions of Approval 80
23.24.013 - Appeal of Administrative Decision 80
23.24.014 - Appeal of Planning Commission Decision (Applicant Defined) 81
23.24.015 -Final Processing. Process Completion 81
23.24.016 - Recordation of Notice of Map 82
23.24.017 - Expiration 83
23.24.018 - Exclusive Authority for County Initiated Merger of Contiguous Parcels 83
23.24.019 - Requirements for Merger 84
23.24.020 - Filing Notice of Merger 85
23.24.021 - Property Owner's Request for Hearing 85
23.24.022 - Hearing on Determination of Status 85
23.24.023 - Determination of Merger 85
23.24.024 - Time Limit for Requesting a Hearing 85
23.24.025 - Determination of Nonmerger 86
23.25 - Correction and Amendment of Maps 86
23.25.001 – Requirements 86
23.25.002 - Form and Contents 87
23.25.003 - Submittal and Approval by Department of Public Works 87
23.25.004 - Filing with the County Recorder 87
23.26 - Enforcement 87
23.26.001 - Prohibition 87
23.26.002 – Remedies 88
23.26.003 - Certificate of Compliance 89
23.26.004 - Certificate of Compliance-Application 89
23.26.005 - Issuance of Certificate 90
23.26.006 - Issuance of a Conditional Certificate 90
23.26.007 - Effect of a Recorded Map 90
23.26.008 - Effect of an Official Map 90
23.26.009 - Notice of Violation 90
23.26.010 - Appeals of Planning Director Action 91

CHAPTER 23
SUBDIVISION REGULATIONS

23.01 - General

23.01.001 - Citation and Authority

This Part is adopted pursuant to article XI, Section 7 of the California Constitution and to supplement and implement the Subdivision Map Act, Section 66410 *et seq*. of the Government Code, and may be cited as the Subdivision Ordinance of the County of Sierra.

23.01.002 – Purpose

It is the purpose of this Part to regulate and control the division of land within unincorporated areas of the County of Sierra, and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the County regarding the maps. To accomplish this purpose, the regulations contained in this Part are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development and to promote open space in the County, conservation, protection, and proper use of land; to ensure provision for adequate traffic circulation, utilities, and improvements and services in the County.

23.01.003 – Consistency

No land shall be subdivided and developed for any purpose which is inconsistent with the General Plan or any applicable specific, community or area plan of the County or which is not permitted by this Part or other applicable provisions of this Code.

The type and intensity of land use as provided for in the General Plan shall determine, together with the requirements of the Subdivision Map Act and this Part, the type of streets, roads, highways, utilities, and other public improvements and services that shall be provided by the subdivider.

23.01.004 – Application

The regulations set forth in this Part shall apply to all or parts of subdivisions within the unincorporated areas of the County and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this Part. All subdivisions and any part thereof, lying within the unincorporated areas of the County shall be made, and all subdivision maps shall be prepared and presented for approval as provided for in this Part.

23.01.005 - Exceptions

(a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks.

(b) Mineral, oil or gas leases.

(c) Land dedicated for cemetery purposes under the State Health and Safety Code.

(d) A Lot Line Adjustment completed in compliance with Section 23.04.

(e) Any separate assessment under 2188.7 of the State Revenue and Taxation Code.

(f) Subject to the requirements of 66412(g) and 66412(h) of the Subdivision Map Act, the conversion of a community apartment project to a condominium.

(g) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the County.

(h) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other County ordinances regulating design and improvements.

(i) The financing or leasing of existing separate commercial or industrial buildings on a single parcel.

(j) The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to 65852.2 of the Government Code; but this Part shall apply to the sale or transfer, but not leasing of those units.

(k) Leases of agricultural land for agricultural purposes, cultivation of food or fiber, and grazing or pasturing of livestock.

(l) Subdivisions of four (4) parcels or fewer for construction of removable commercial buildings having a floor area of less than one hundred (100) square feet.

(m) Any other mandatory exceptions to the applicability of the Subdivision Map Act as provided in the Subdivision Map Act.

23.01.006 - Fees and Deposits

All persons submitting applications for the approval of maps, plans, certifications, determinations or for other approvals as required by this Part shall pay all fees and/or deposits as authorized by the Subdivision Map Act and as further set forth by the Board of Supervisors' ordinances or resolutions establishing applicable fees and deposits.

23.01.007 - Notice of Hearings

Notice of hearings shall be given as provided for in Section 20.11 of the County Code.

23.02 - Definitions and Responsibilities

23.02.001 – Definitions

For the purposes of this Part, unless otherwise apparent from the context, certain words and phrases used in this Part are defined in this Section as set forth below. All definitions provided in this Code and all definitions provided in the Subdivision Map Act shall also be applicable to this Part, and said definitions are hereby incorporated by this reference as though fully set forth herein. Where two definitions conflict, the definitions in the Subdivision Map Act shall prevail over this Part, and those in this Part shall prevail over other Parts.

(a) "Approved Access" shall mean all-weather legal access that is traversable by an ordinary motor vehicle (i.e., standard passenger car).

(b) "Average Cross Slope" or "Average Slope" shall mean the average degree of deviation of the surface of a parcel of land from the horizontal, expressed as a percentage. The following formula shall be used to determine the average cross slope of any given parcel:

$$S = \frac{.0023\,(I)(L)}{A}$$

Where: S = The average cross slope of the ground in percent;
I = The contour interval in feet;
L = The combined length in feet of all contours on the parcel map; and
A = The area of the parcel in acres.

(c) "Block" shall mean the area of land within a subdivision, which is entirely bounded by streets, highways or ways (except alleys), or the exterior boundary or boundaries of the subdivision.

(d) “Building Site” shall mean designated area within an existing or proposed lot where structures may be located.

(e) "Business and Professions Code" shall mean the Business and Professions Code of the State of California.

(f) "CEQA" shall mean the California Environmental Quality Act (Public Resources Code 21000 and following).

(g) "Certificate of Compliance" shall mean a written statement approved by the Planning Director, to be recorded in the Office of the County Recorder, that the lot referenced in said certificate is a legal lot, or will be considered a legal lot upon the fulfillment of certain conditions.

(h) “Civil Engineer” means a civil engineer registered by the State of California.

(i) “County Engineer” means the County Engineer. Except where prohibited by statute, the County Director of Transportation may discharge all duties assigned to the County Engineer.

(j) "County Surveyor" shall mean the County Surveyor of the County of Sierra.

(k) "Community Apartment Project" shall be defined as provided in Section 11004 of the Business and Professions Code.

(l) “Community Plan” shall include area plans and specific plans.

(m) "Condominium" shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

(n) "Conversion" shall mean the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

(o) "Department" shall mean the Planning Department of the County of Sierra.

(p) "Design" shall mean: (1) street alignments, grades and widths; (2) drainage, water, sewer and sanitary facilities and utilities, including alignments and grades; (3) location and size of all required easements and rights-of-way; (4) fire roads and fire breaks; (5) lot size and configurations; (6) pedestrian, equestrian and vehicular and bicycle traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan, zoning ordinance or CEQA.

(q) "Development" shall mean 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.

(r) "Deviation" shall mean an approval granted by the appropriate County decision making body which has the legal effect of relieving an applicant from a requirement.

(s) "Easement" shall mean an easement dedicated to the County, which shall be continuing and irrevocable unless formally vacated by the County, and any other easement whether held by a public entity, public utility or private party.

(t) "Environmental Impact Report (EIR)" shall mean a detailed statement prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq*., and State and County CEQA Guidelines promulgated pursuant thereto, describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.

(u) "Final Map" shall mean a map for a subdivision for which a tentative subdivision and final map are required by the Subdivision Map Act and this Part, prepared in accordance with the provisions of the Subdivision Map Act and this Part and designed to be filed for recordation in the Office of the County Recorder.

(v) "General Plan" shall mean the currently adopted General Plan of Sierra County and any applicable specific, area or community plan.

(w) "Government Code" shall mean the Government Code of the State of California.

(x) "Granting Authority." For purposes of this Part, Granting Authority shall mean the officer, commission, board or employee responsible for the approval, conditional approval or disapproval of any entitlement in the first instance or responsible for the administration, interpretation or enforcement of the provisions of this Part.

(y) “High Water Line” means the land area subject to inundation by an intermediate regional flood that has a frequency of occurrence once in 100 years.

(z) "Improvements" shall mean streets, sidewalks, storm drainage facilities, water and sewer facilities, utilities, fire protection facilities, landscaping 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 acceptance of the final map thereof. "Improvement" shall also mean other specific improvements or types of improvements, the installation of which, either by or by a combination of, the subdivider, public agencies, private utilities, or any other entity approved by the County, is necessary to ensure consistency with, or implementation of, the General Plan, zoning ordinance or CEQA. Improvements shall be constructed in accordance with standard engineering specifications, where applicable.

(aa) “Improvement Plan” means an engineering plan submitted by a civil engineer and showing the location and construction details of all improvements required for a subdivision.

(bb) The definition of “Land Project” is that set forth in Business and Professions Code 11000.5 and any amendments thereto.

(cc) "Lot" or "Parcel" shall mean a unit or portion of land separate from other units or portions by description, as on a final map or parcel map, or by such other map approved by the County under the provisions of the Subdivision Map Act and of County ordinances in effect at the time of such approval, for the purpose of sale, lease or financing, or existing lots of record as of September 15, 1971.

(dd) "Lot Line Adjustment" shall mean a change in boundary line between two or more existing adjacent parcels where land is taken from one parcel and is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

(ee) “Lot of Record" shall mean a single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, Certificate of Compliance or deed; provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California Code or County Ordinance.

(ff) "Merger" shall mean the joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.

(gg) "Minimum Lot Size" shall mean the smallest permitted size of any newly created lot(s) or parcel(s). For lots less than five (5) acres in size, all minimum lot sizes shall be net lot area. For lots five (5) acres or more in size, all minimum lot sizes shall be gross lot area; except that up to, but not exceeding fifteen percent (15%) of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication, or one half (1/2) of any existing public right of way abutting the property.

(hh) “Ordinance” shall mean Part 23 of the Sierra County Code.

(ii) "Parcel Map" shall mean a map prepared in compliance with Government Code Section 66463 *et seq*., showing a subdivision of four (4) or fewer parcels or a subdivision described in Government Code 66426.

(jj) "Planning Commission" shall mean: (1) the Planning Commission of the County of Sierra; and (2) the Advisory Agency referred to in the Subdivision Map Act.

(kk) “Preliminary Soils Report” means a report prepared by a civil engineer based upon adequate test boring or excavation describing the conditions of the soils in a subdivision and percolation tests describing the suitability for disposal of sewage in the proposed subdivision.

(ll) "Planning Director" shall mean the Planning Director for the County of Sierra or his designee.

(mm) "Public Utility" shall mean production, storage, transmission and recovery facilities for water, sewage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.

(nn) “Record Title Ownership” means fee title of record unless a leasehold interest is to be divided, in which case “record title ownership” shall mean ownership of record of such leasehold interest: “record title ownership” does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.

(oo) "Remainder" shall mean that portion of an existing parcel which is not designated on the required map as a part of the subdivision for the purpose of sale, lease or financing, whether immediate or future. The remainder shall not be considered as part of the subdivision, but shall be shown on the required map as part of the area adjacent to the subdivision. A remainder of five (5) acres or more need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder.

(pp) "Standard Engineering Specifications" shall mean those standard subdivision improvement plans and specifications as prepared and/or approved by the Director of Public Works.

(qq) "Stock Cooperative" shall be defined as provided in 11003.2 of the Business and Professions Code.

(rr) "Street" shall mean a permanently reserved, public or private right of way which affords a principal means of vehicular, pedestrian and/or equestrian access to abutting or adjacent property, not including alleys or driveways. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.

1. "Alley" shall mean a public or private thoroughfare which affords a secondary means of access to abutting property and is not intended for general traffic circulation.

2. "Cul-de-Sac" shall mean a minor street which cannot or need not be continued or extended through abutting property, and is not intersected by any other street or alley.

3. "Highway" shall mean a street which is used or designed to be used, or is necessary to carry heavy volumes of traffic, and designated as a "State Highway" or “Arterial Road” in the General Plan.

4. "Local Road" shall mean a street which is used or designed to be used for access to adjacent land uses.

5. "Major Collector" shall mean a street which is used or designed to be used, or is

necessary to carry intra-regional travel service, and designated as a "Major Collector" in the General Plan.

6. "Minor Collector" shall mean a street which is used or designed to be used, or is necessary to carry traffic from local roads and designated as a "Minor Collector" in the General Plan.

7. "Private Street" shall mean any street, accessway, or the like, lying in whole or in part within a subdivision, for which dedication and ownership is privately held and is utilized as access to a development. Private streets shall be constructed in accordance with standard engineering specifications.

(ss) "Subdivider" shall mean a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

(tt) "Subdivision" shall mean the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, 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. Property shall be considered as contiguous units, even if it is separated by roads, streets or utility easements. "Subdivision" includes a condominium project, as defined in Section 1350 of the State Civil Code, a community apartment project, as defined in Section11004 of the Business and Professions Code, and the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. "Subdivision" includes any divisions of land by gift or inheritance, but excludes a division for probate homestead. Any conveyance of land to a governmental agency, public entity, public utility, or subsidiary of a public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels.

(uu) "Subdivision Map Act" shall mean Government Code Sections 66410 - 66499, inclusive.

(vv) "Tentative Parcel Map" shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it for which a parcel map is required.

(ww) “Tentative Subdivision Map” shall mean a map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it for which a final map is required.

(xx) "Vesting Tentative Map" shall be defined as provided in Section 23.12.

23.02.002 - Responsibilities

(a) Board of Supervisors. The Board of Supervisors shall be the Granting Authority for reversions to acreage, for final maps, for parcel maps involving offers of dedication and/or improvement agreements.

The Board of Supervisors shall act as the appeal board for hearing appeals of the actions of the Planning Commission.

(b) Planning Commission. The Planning Commission shall be the Granting Authority for all tentative subdivision and tentative parcel maps and exceptions, parcel map waivers, other parcel maps not required to go to the Board, amending maps as specified in Subsection

23.25.001(h), extensions of time limits, and mergers and re-subdivisions, for which the Planning Director is not the Granting Authority.

The Planning Commission shall act as the appeal board for hearing appeals of the actions of the Planning Director.

Where a tentative subdivision or tentative parcel map is processed in conjunction with a legislative act, the Commission shall act only as an advisory capacity with respect to the map, and the Board shall be the Granting Authority.

(c) Planning Director. The Planning Director or his designee shall be the Granting Authority for Lot Line Adjustments, Lot Line Adjustment waivers, certificates of compliance (including conditional certificates of compliance), applicant-initiated merger of parcels pursuant to Section 23.24, and extensions of time for projects for which the Planning Director is the Granting Authority and waiver of application requirements. The Planning Director shall also serve as the Secretary to the Planning Commission.

(d) Planning Department. The Planning Department's responsibilities shall include preparation of all application forms, receipt and review of applications, distribution, preliminary environmental determination, preparation and transmittal of recommendations to the Planning Commission and Board of Supervisors, and the processing of tentative, parcel and subdivision maps, examining and certifying that final maps and parcel maps are in substantial compliance with the approved tentative map, and the approval of proposed street names.

(e) Department of Public Works. The Department of Public Works includes the County Surveyor and County Engineer, and its responsibilities shall include:

A. Recommending design and construction details, standards and specifications.

B. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this Part.

C. The processing and certification of final maps, parcel maps, reversion to acreage maps, amending maps, exclusion maps, and the processing and approval of subdivision improvement plans.

D. The approval as to content of subdivision improvement agreements.

E. The inspection, approval and acceptance of subdivision improvements.

F. Granting of extensions for the completion of improvements.

(f) County Counsel. The County Counsel's responsibilities shall include, approving as to form all subdivision improvement agreements and security and all governing documents for a common interest development.

23.02.003 - Subdivisions by Gift

Subdivision maps prepared pursuant to the Subdivision Map Act and this Part shall be required for all subdivisions created by gift, since such subdivisions create parcels for sale, lease or financing in the future. A note indicating creation of the parcels by gift shall appear on the subdivision map.

23.02.004 - Subdivisions by Testamentary Disposition

Subdivision maps prepared pursuant to the Subdivision Map Act and this Part shall be required for all subdivisions created by testamentary disposition, since such subdivisions create parcels for sale, lease or financing in the future. A note indicating creation of the parcels by testamentary disposition shall appear on the subdivision map.

23.03 - Maps Required

23.03.001 – General

The specific requirements for tentative subdivision and final maps shall be governed by this Section.

23.03.002 - Tentative Subdivision and Final Maps

A tentative subdivision and final map shall be required when it is determined by the Department that a division of land will result in a division into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where:

(a) the land before 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 legislative body; or

(b) 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; or

(c) the land consists of a parcel or 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 has the approval of the governing body as to street alignments and widths; or

(d) each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.

(e) the land being subdivided is solely for the purpose of an environmental subdivision, as provided for in Government Code Sections 66418.2 and 66426.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c) and (d), unless waived by the Planning Commission in accordance with the provisions of Section 23.11.

A conveyance of land to a governmental agency, public entity or subsidiary of a utility for rights-of-way shall not be counted as a parcel, whether fee, easement or license.

23.03.003 - Tentative Parcel Maps

A tentative parcel map shall be required for all divisions of land, or as otherwise provided for herein, into four (4) or fewer parcels, and for divisions described in Subsection 23.03.002 (a)-(d), except that maps shall not be required for:

(a) Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. In making such a determination, the factors to be considered include but are not limited to the necessity for improvements, surrounding land uses and the probability of the land returning to private ownership.

(b) Lot Line Adjustments meeting the requirements set forth in Section 23.04.

(c) Parcel maps waived by the Planning Commission in accordance with the provisions of Section 23.11.

23.04 - Lot Line Adjustments

23.04.001 - Lot Line Adjustment

Lot lines between any adjacent legally created parcels may be moved or adjusted if the provisions of this Section (23.04) are met. A greater number of lots may not be created through a Lot Line Adjustment.

23.04.002 –Application

An applicant seeking a Lot Line Adjustment shall submit an application, on a form approved by the Planning Director, to the Planning Department showing the following:

(a) Two copies of a preliminary title report for all properties whose boundaries would be altered by the proposed adjustment. Title reports shall name the current record owners and shall not be more than six (6) months old.

(b) A legal description for each resulting parcel proposed by the application.

(c) A waiver of notice form signed and acknowledged by each party holding record title interest in the property.

(d) A certificate which is prepared according to the standards of Government Code Section 66436 signed and acknowledged by all parties having any record title interest in the real property proposed to be adjusted, consenting to the application.

(e) Fifteen copies (15) of a Lot Line Adjustment map, prepared by the applicant or the applicant's agent, legibly drawn and accurately to scale on one sheet of reproducible paper or polyester base film, eighteen (18) by twenty-six (26) inches in size. A Lot Line Adjustment map shall show all of the following information:

1. Boundary lines, dimensions, and approximate areas of the original parcels and of the adjusted parcels.

2. Locations and dimensions of each existing structure, including outbuildings, proposed building sites, approximate distances between structures, and approximate distances between structures and boundary lines of both the original parcel boundaries and the adjusted parcel boundaries.

3. Names, locations and widths of all existing streets and roads on or bounding the original parcel and of all new access routes being proposed.

4. Locations and dimensions of all existing and proposed easements, utility lines, right-of-ways, and underground structures of any kind.

5. Approximate slope of the land.

6. Scale of map (standard engineering scale), north arrow, and vicinity map.

7. Location of existing and proposed domestic water supplies and location of existing and proposed septic tanks and leach fields for all lots affected by the adjustment.

8. Approximate location of all watercourses, drainage channels, drainage structures, and springs.

9. Approximate locations of all high water lines of lakes, reservoirs, streams, and rivers.

10. Date of preparation of the map.

11. Assessor's parcel numbers and Book and Page Number from the Official Records for all existing deeds on all parcels affected by the adjustment.

12. Name, address, and telephone number of the applicant, of the person who prepared the map, and of all parties having any record interest in the real property shown on the map.

The requirement for submittal of the Lot Line Adjustment Map, as required by this Section, may be waived at the request of the applicant, by the Planning Director, in cases where the applicant has demonstrated, to the satisfaction of the Planning Director, and the Planning Director finds, based upon substantial evidence in the record, that the submittal of all information, fees, statements, hearings, findings and other requirements of this Section, has been fulfilled.

(f) Request of the Appropriate Fee. The following statements shall be provided on the Lot Line Adjustment map to allow for the proper execution by such responsible agencies:

TAX COLLECTOR'S STATEMENT

I, _____, Tax Collector of the County of Sierra, State of California, do hereby certify that there are no liens against the parcels as shown hereon, for unpaid property taxes or special assessments not yet payable. Estimated taxes or special assessments which are a lien but not yet payable have been deposited with the Tax Collector. This statement is valid through _____.

_____
Sierra County Tax Collector
Date: _____

PLANNING DIRECTOR'S STATEMENT

The Sierra County Planning Director has reviewed and found the proposed Lot Line Adjustment, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance. All conditions of approval have been satisfactorily complied with.

_____
Sierra County Planning Director
Date: _____

COUNTY SURVEYOR'S STATEMENT

The Sierra County Surveyor has reviewed and found the proposed Lot Line Adjustment, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance.

_____
Sierra County Surveyor
Date: _____

(g) Other pertinent information required by the Planning Director.

The Planning Department shall distribute the copies of the application to the Health Department, Department of Public Works, and County Surveyor and other departments as appropriate, for comment. A ten (10) working day review period shall be placed on each application to allow for the submittal of written comments from said County departments or other interested parties.

The Planning Director shall schedule the Lot Line Adjustment application for an administrative hearing in which the applicant, or the applicant's agent, and County departments and interested parties will be afforded the opportunity to be present and provide evidence. Notice of such hearing shall be given pursuant to Section 20.11.

23.04.003 - Planning Department Approval

Upon receipt of a complete application, the Planning Director may approve a Lot Line Adjustment if each of the following written findings are made with respect to the application.

(a) Each of the parcels resulting from the Lot Line Adjustment conforms to applicable zoning and building codes, except in the case of a recorded legal lot which is of less area than required by Part 22 of the County Code, said adjustment may be approved so long as any reduction in lot size is not more than ten percent (10%) of the existing lot area.

(b) The Lot Line Adjustment will not result in any development inconsistent with the zoning ordinance or building codes.

(c) In approving a Lot Line Adjustment, the Planning Department shall have the authority to impose conditions as may be reasonably necessary to assure compliance with zoning and building codes; to facilitate relocation of existing utilities, infrastructure or easements.

(d) Alternatively, the Planning Department shall schedule the Lot Line Adjustment for action by the Planning Commission.

23.04.004 – Appeals

The approval, conditional approval, or denial of a Lot Line Adjustment application by the Planning Director or his designee may be appealed to the Planning Commission by any interested person as set forth in Section 20.03.

Any interested person may appeal the decision of the Planning Commission to the Board of Supervisors in compliance with the procedure contained in Section 20.03.

23.04.005 - Coordination

The County Surveyor shall coordinate the recording of all applicable documents which are required to effectuate the Lot Line Adjustment with the applicant, the applicant's title officer, or agent, providing the following criteria has been met:

(a) The appeal period has expired or an appeal has resulted in approval by the Planning Commission and/or Board of Supervisors.

(b) The Planning Director has certified in writing that any conditions placed on the approved Lot Line Adjustment have been satisfied.

(c) The applicant, or the applicant's title company or agent has submitted copies of the Grant Deed or Deeds for the land proposed to be conveyed for the Lot Line Adjustment and the County Surveyor has determined that the Grant Deed or Deeds are in substantial compliance with the approved Lot Line Adjustment map, and that said Grant Deed or Deeds contain the words, "FOR PURPOSES OF A LOT LINE ADJUSTMENT".

(d) In cases where Deeds of Trust are affected by the adjustment, the applicant, or the applicant's title company or agent, has submitted copies of the Partial Reconveyance and Supplemental Deeds of Trust to the County Surveyor and the County Surveyor has determined that said documents are in substantial compliance with the approved Lot Line Adjustment, the Subdivision Map Act, and this Part.

(e) Property corners created by the adjustment have been monumented in accordance with the Land Surveyor's Act; the applicant has submitted a Record of Survey map and a deed to effectuate the Lot Line Adjustment to the County Surveyor; and the County Surveyor has determined that said Deed and Record of Survey map are in substantial conformance with the approved Lot Line Adjustment map. The title of the Deed and Record of Survey map shall include the words "LOT LINE ADJUSTMENT". The requirements for monumentation and filing of a Deed and Record of Survey map may be waived by the County Surveyor if:

1. the Lot Line Adjustment transfers aliquot parts of sections consisting of quarter-quarter sections or larger; or

2. the adjusted boundary line can be easily and satisfactorily located from existing monumentation and record information.

(f) All applicable fees have been paid.

Recordation of the Grant Deed or Deeds, Record of Survey map, Partial Reconveyance, and Supplementary Deeds Trust, if applicable, shall be concurrent and shall constitute constructive notice of the adjustment.

(g) The applicant has provided a guarantee issued by a title company licensed to do business in California, in a form and amount approved by the County Counsel, setting forth the names of all parties having record title interest as of the day of recording. The Lot Line Adjustment may not be recorded unless all owners have consented to the adjustment.

23.04.006 – Recording

Any Lot Line Adjustment approved pursuant to this Section must be evidenced by the recordation of a deed or a record of survey recorded with the County Recorder within 180 days of approval. A record of survey may only be required if necessitated by Business and Professions Code Section 8762. The Lot Line Adjustment will be deemed finally approved only upon recordation of the deed. If not recorded within 180 days, the approval will expire and be null and void. Upon written request by the applicant, the Planning Director may grant an additional extension not to exceed 180 days. A copy of the recorded document must be promptly returned to the Planning Department by the applicant.

23.05 - [Reserved]

23.06 - Tentative Subdivision Maps

23.06.001 – General

The form and contents, submittal, and approval of tentative subdivision maps shall be governed by the provisions of this Section.

23.06.002 - Map Filing

The filing of tentative subdivision maps shall be with the Planning Director, or his designee.

23.06.003 - Form and Contents

The tentative subdivision map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. For subdivisions of average lot size of less than one (1) acre, the scale shall be one (1) inch equals fifty (50) feet. For subdivisions of average lot size of one (1) acre or more, the scale shall be one (1) inch equals one hundred (100) feet. The tentative subdivision map shall be clearly and legibly drawn and shall contain not less than the following:

(a) A title, which shall contain the subdivision number, subdivision name, and type of subdivision.

(b) Name and Address of legal owner, subdivider, and person preparing the map, including registration or license number and expiration date.

(c) Sufficient legal description to define the boundary of the proposed subdivision.

(d) The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.

(e) Date, north arrow, scale, contour interval, and source and datum of existing contours.

(f) A statement of present zoning and general plan designation and of existing and proposed uses of the property, as well as any proposed zoning changes, whether immediate or future.

(g) A vicinity map showing roads, adjoining subdivisions, towns, creeks, and other data sufficient to locate the proposed subdivision and show its relation to the community.

(h) Existing topography of the proposed site and at least five hundred (500) feet beyond its boundary including, but not limited to:

1. Existing contours at two (2) foot intervals if the existing ground slope is less than ten percent (10%) and at not less than five (5) foot intervals for existing ground slopes equal or greater than ten percent (10%). Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.

2. Spot elevations shall be expressed to the nearest tenth (0.1) of a foot. On comparatively level terrain where contours are more than 100 feet apart, the contours may be omitted and spot elevations shall be shown at intervals.

3. At least ninety (90) percent of all contours shall be within one-half (1/2) contour of true elevation except that in areas where the ground is completely obscured by dense brush or timber, ninety (90) percent of all contours shall be within one (1) contour of true elevation. Contours in obscured areas shall be indicated by dashed lines.

4. Type and location of any wooded area or trees with a trunk diameter of four (4) inches or more, measured at three feet from the lowest grade touching the tree. Any trees proposed to be removed shall be individually indicated.

5. The location and outline of existing structures and improvements, including but not limited to wells, septic tanks, landfills, driveways, utility poles and mine shafts (active and abandoned), identified by type. Structures, to be removed or mine shafts to be filled shall be so marked.

6. The approximate location of all areas of potential storm water overflow; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM"), as defined in Part 32.

7. The location, pavement and right-of-way width, grade and name of existing streets or highways.

8. The widths, location and identification of all existing easements.

9. The location and size of existing sanitary sewers, fire hydrants, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on peripheral streets shall be indicated.

(i) Proposed improvements to be shown shall include, but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width, and name of all streets. Typical sections of all streets shall be shown, proposed private streets shall be clearly indicated and shown improvements shall be consistent with adopted County improvement standards.

2. The location and radius of all curb returns and cul-de-sacs.

3. The location, width, and purpose of all easements.

4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.

5. The approximate lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.

6. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than ten percent (10%) and not at less than five (5) foot intervals for existing ground slopes of ten percent (10%) or more. A separate grading plan may be submitted.

7. Proposed recreation sites, trails and parks for private or public use.

8. Proposed common areas and areas to be dedicated to public open space.

9. The location and size of sanitary sewers, fire hydrants, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated. The proposed routing of storm water runoff generated by a 100-year flood shall also be indicated.

10. A statement as to the intention of the subdivider in regard to slope planting and erosion control.

11. The standards set forth in this Part.

(j) The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative subdivision map.

(k) The size of each sheet shall be twenty-four (24) inches by thirty-six (36) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch. The scale of the map shall be not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When four (4) or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. A master sheet showing the entire subdivision shall be included.

(l) [RESERVED]

(m) The plotting of general street and lot layout on aerial photos.

(n) An agreement for indemnity as authorized by Government Code Section 66474.9.

(o) A written statement of general information on the following shall accompany the map:

1. Approximate construction phasing and sketch of the subdivision showing that each phase of construction is completed within one (1) construction season.

2. A construction phasing schedule for all onsite and offsite improvements.

3. Proposed method of fire protection and, if applicable, approval of the fire district within which the subdivision is located.

4. Plans for draining areas subject to inundation.

5. Proposed deed restrictions.

6. Proposed method of assuring proper administration and maintenance of common areas and open space.

7. Other improvements proposed.

(p) Upon the written request of the subdivider, the Planning Department may waive any above tentative map information requirements of this Section 23.06, if the Planning

Department determines that the type of subdivision does not justify compliance with these requirements, or if the Planning Department determines that other circumstances justify a waiver. The Planning Department may require other drawings, data or information as deemed necessary by the Planning Department to accomplish the purposes of the Subdivision Map Act and this Part. A denial of a waiver is a non-appealable decision.

23.06.004 - Accompanying Data and Reports

The tentative subdivision map shall be accompanied by the following data and reports:

(a) Street Names. A list of proposed street names for any unnamed street or alley for review by the Planning Department. A separate list is necessary only for those streets not so referenced on the map.

(b) Soils Report. A preliminary soils report prepared by a civil engineer registered in this State and in accordance with the provisions of Appendix Chapter 33 (Excavation and Grading) of the Uniform Building Code. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.

(c) Title Report. A current preliminary title report, acceptable to the Department, showing all parties having record title interest in the property whose consent would be required to record a final map.

(d) Environmental Review. Information shall be submitted as required by the Department to allow a determination on environmental review to be made in accordance with CEQA.

(e) Preliminary Engineering Calculations. Information shall be submitted as required by the County standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.

(f) Phasing. If the subdivider plans to file multiple final maps on the tentative subdivision map, written notice to this effect shall be submitted to the Planning Director.

(g) Water Availability. Information shall be submitted as required by the Department to demonstrate a satisfactory source of water (quality and quantity) as necessary for domestic and, if required, firefighting needs. Where appropriate, well tests may be required.

(h) Sanitary Waste Disposal. Information shall be submitted as required by the County Health Department to demonstrate proposed disposal of all wastes including, where necessary, septic system feasibility including soil percolation tests and soil mantle excavations.

(i) Geotechnical Report. A geological report prepared by a civil engineer registered in this State and as allowed by the Professional Engineers Act and Land Surveyors Act of 1987, containing such information as required by the Department.

(j) If the subdivision is inconsistent with the existing general plan and/or zoning, then application to amend the general plan and/or zoning as appropriate, shall accompany the tentative map application.

(k) Drainage Analysis. Drainage calculations (pre and post project conditions).

(l) Written evidence of rights of entry or permanent easements on or across private property not within the proposed subdivision shall be required as may be necessary to allow performance of the work necessary to improve the subdivision, to allow for the maintenance of the subdivision improvements once completed, to allow for permanent assess to the proposed subdivision, and to allow for and to grant necessary slope rights which shall be submitted with the final map or parcel map.

(m) The name and address of all public entities or utilities that will serve the proposed subdivision.

(n) Other Reports. Other pertinent data or reports deemed necessary by the Department, including but not limited to traffic analyses, and archaeological surveys.

23.06.005 - Street Names

Each street which is to be dedicated which is a continuation of, or approximately the continuation of, any existing dedicated street shall be shown on the tentative subdivision map and shall be given the same name as such existing street. The proposed name of each other street shown on the tentative subdivision map shall be submitted to the County for approval in accordance with current County street-naming policies prepared by the Planning Department. The approved street name shall be shown on the final map.

23.06.006 - Department Review

The tentative map application shall be filed with the Planning Department. The application shall be determined by the Department to be complete only when the form and contents of the tentative subdivision map conform to the requirements of Sections 23.03 and 23.04, all environmental review required by CEQA has been completed, and when all accompanying data and reports, as required by Section 23.05, and all fees and/or deposits as required by Section 23.01, have been submitted and accepted by the Department. The subdivider shall file with the Department, 20 copies of the proposed tentative subdivision map, unless the Planning Director determines a different number of copies necessary. The Department shall forward copies of the proposed tentative subdivision map to the affected public agencies and utilities which may, in turn, forward to the Department their findings and recommendations. Certification from all affected public agencies and utilities that the subdivision can be adequately served must be received by the Department before the application will be deemed complete for purposes of further processing of the application.

23.06.007 - Referral of Maps to Other Agencies

Depending upon the location of the proposed subdivision, the Planning Department shall, within five days of receipt of a completed application, refer the proposed tentative subdivision map to the following agencies:

(a) The City of Loyalton if it files a request for notice pursuant to Government Code 66453.

(b) The Department of Transportation if it has filed a map with regards to a state highway as provided for in Government Code 66455.

(c) The Department of Water Resources if it has filed a map with regards to the State Water Resources Development System, as provided for in Government Code 66455.1.

(d) To the affected school district.

(e) To the State Board of Education if the subdivision includes a school site, as provided for in Government Code 66413.7 and if the school site is within two miles of an airport runway, then to the State Department of Transportation, as provided for by Education Code 39005 and Government Code 66413.7.

23.06.008 - Appeals of Administrative Determinations

Decisions of the Planning Director may be appealed by the applicant pursuant to Section 20.13. All processing time periods shall be suspended during an appeal.

23.06.009 - Planning Commission Action

The staff report shall be in writing and served by mail on the subdivider, and each tenant in the case of a conversion, at least five (5) days before the hearing.

(a) Action. The Planning Commission shall approve, conditionally approve, deny or make its recommendation on the tentative subdivision map, and the Department shall report the decision of the Planning Commission to the subdivider within fifty (50) days after the tentative subdivision map application has been determined by the Department to be complete. An application is not complete until the lead agency has determined the project is exempt from CEQA or accepted a negative declaration or certified an environmental impact report.

(b) Standards to be applied:

1. Except as provided in subdivisions 2 and 3, the standards to be applied are only those ordinance, policies and standards in effect on the date the County determined the application to be complete.

2. Subdivision 1 shall not apply to circumstances in which the County has, prior to determining the application complete, initiated proceedings by way or ordinance, resolution or motion, and published notice in the manner prescribed by Government Code Section 65090(a) describing the nature of the proposed change in general or specific plans, zoning or subdivision regulations.

3. If the subdivider requests changes in applicable ordinances, policies or standards in conjunction with his or her development project.

(c) Approval. The tentative subdivision map may be approved or conditionally approved by the Planning Commission if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, the zoning code, and all applicable provisions of this Part.

The Planning Commission may modify or delete any of the conditions of approval recommended in the Department's report. The Planning Commission may add additional requirements as a condition of its approval.

If no action is taken by the Planning Commission within the time limits specified in this Section, the tentative subdivision map, as filed, shall be deemed to be approved insofar as it complies with other applicable provisions of the Subdivision Map Act, this Ordinance and the General Plan.

(d) Denial. The tentative subdivision map may be denied by the Planning Commission on any of the grounds provided by the Subdivision Map Act or this Part. The Planning Commission shall deny approval of the subdivision tentative map if it makes any of the following findings:

1. that the proposed map or the design and/or improvement of the proposed subdivision, is inconsistent with the general plan, any applicable specific plan, zoning or other applicable provisions of this Code;

2. that the site is not physically suitable for the type of development;

3. that the site is not physically suitable for the proposed density of development;

4. that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative subdivision map if an environmental impact report was prepared with respect to the project and a finding was made pursuant to Section 21081(c) of CEQA that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;

5. that the design of the subdivision or the type of improvements are likely to cause serious public health or safety problems;

6. that the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Planning Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or

7. subject to 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use, or would be less than the minimum required to enter into a new contract.

8. the proposed subdivision fails to comply with the development standards set forth in this Part.

23.06.010 - Water Quality Standards

The Planning Commission shall determine whether the discharge of waste into an existing community sewer system would violate existing requirements of the Regional Water Quality

Control Board. If the Planning Commission finds that a discharge would result in or add to violation of those requirements, the Planning Commission may disapprove the tentative subdivision map.

23.06.011 - Telephone Service

The Planning Commission may require the design of the subdivision to provide for telephone service.

23.06.012 - Cable Service

The Planning Commission may require the design of a subdivision to provide one or more cable television systems an opportunity to construct, install, and maintain, on land identified on the map as dedicated or to be dedicated to the public utility use, any equipment necessary to extend cable television services to each residential parcel in the subdivision. This Section shall not apply to conversions.

23.06.013 - (Reserved) Solar Access Easement

23.06.014 - Land Projects

If a project is a "land project" as defined in Section 11000.5 of the Business and Professions Code, and a specific plan has not otherwise been approved, the Planning Commission shall impose a condition that a specific plan be approved before any final maps may be submitted.

23.06.015 - Extension of Time for Planning Commission or Board of Supervisors Action

Any applicable time limits for acting on the tentative subdivision map application may be extended by mutual consent of the subdivider and the Planning Commission or the Board of Supervisors. A waiver of applicable time limits may be required to permit concurrent processing of related project approvals or environmental review on the same development project.

23.06.016 - Notification of Decision

The subdivider shall be notified in writing of the decision of the Planning Commission. If the tentative subdivision map has been approved or conditionally approved, the subdivider may prepare a final map, as appropriate, provided the appeal period has expired and no appeal has been filed.

23.06.017 - Appeals of Planning Commission Action

The subdivider or any interested person adversely affected by any Planning Commission action with respect to the tentative map, including tenants of the subject property in the case of a proposed conversion, may file an appeal as provided in Section 20.13. The Board of Supervisors shall hold the hearing on the appeal within thirty (30) days after the date a hearing was requested by the subdivider or appellant, unless the appellant consents to a continuance. Within ten (10) days following the conclusion of the hearing, the Board of Supervisors shall declare its findings.

The appeal shall be a public hearing after notice has been given according to Section 20.13. The Board of Supervisors may sustain, modify, reject or overrule any findings, recommendations or rulings of the Planning Commission and may make any findings or decisions which are consistent with the provisions of the Subdivision Map Act or this Part.

If the Board of Supervisors fails to act upon an appeal within the time limits set forth in this Section, the tentative map shall be deemed to be approved or conditionally approved in the form that it was last approved or conditionally approved by the Planning Commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this Part, and the General Plan.

23.06.018 – Expiration of an Approved Tentative Subdivision Map

(a) The approval or conditional approval of a tentative subdivision map shall expire twenty-four (24) months from its approval by either the Planning Commission or Board of Supervisors, whichever occurs last. The Planning Commission may grant an initial approval for an additional period of twelve months. However, if in connection with a tentative map for which the filing of multiple final maps is authorized pursuant to Subsection 23.07.002, the subdivider is made subject to a requirement of one hundred twenty-five thousand dollars ($125,000) or more, as said dollar value is adjusted pursuant to Government Code Section 66452.6(a), to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative subdivision. If the tentative subdivision map is on property subject to a development agreement authorized by Section 65864 *et.seq.* of the Government Code, then the expiration date may be extended in accordance with the terms of the development agreement, but no longer than the term of the agreement. An extension to the expiration date may also be approved as provided in Subsection 23.06.019.

(b) The period of time specified in (a) above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative subdivision map only if a stay of the time period is approved by the Planning Commission. After service of the initial petition or complaint upon the County, the subdivider may, in writing to the Planning Director, request a stay in the time period of the tentative subdivision map. Within forty (40) days after receiving the request, the Planning Commission shall either stay the time period until the lawsuit is terminated, but not to exceed five (5) years, or deny the requested stay. The request for the stay shall be considered upon notice and hearing by the Planning Commission, and upon conclusion of the hearing, the Planning Commission shall, within ten (10) days, render its decision. The subdivider or any interested person may appeal action of the Planning Commission on the stay to the Board of Supervisors in accordance with Section 20.13.

(c) The period of time specified in (a) above shall not include any period of time during which a development moratorium is in effect according to Section 66452.6(b) of the Subdivision Map Act, for a period of time not to exceed five years. Once the development moratorium is terminated, the map shall be valid for the same period as was left to run when the moratorium was imposed, or 120 days, whichever is greater.

23.06.019 – Extension of an Approved Tentative Map

(a) Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative subdivision map by written application to the Planning Director. The application shall be filed before the map is to

expire and shall state the reasons for requesting the extension. Upon such application by the subdivider, the map shall automatically be extended for sixty (60) days or until the application for the time extension is approved, conditionally approved or denied, whichever comes first.

(b) Planning Commission Action. The Department shall review the request and submit the application for the extension, together with a report to the Planning Commission for approval, conditional approval or denial at the next scheduled Planning Commission meeting. A copy of the Department's report shall be forwarded to the subdivider prior to the Planning Commission meeting on the extension. The Planning Commission may act to approve, conditionally approve or deny the extension. In acting on the request for extension, the Planning Commission may consider the project in relationship to current conditions, regulations and applicable laws.

(c) Time Limit of Extensions. The time at which the tentative subdivision map expires may be extended by the Planning Commission for a period not exceeding a total of five (5) years.

(d) Appeal of Extension. The subdivider or any interested person adversely affected may appeal any action of the Planning Commission on the extension to the Board of Supervisors in accordance with Section 20.13.

23.06.020 - Extension by Action of the California Legislature

Mandatory extensions enacted by the California Legislature at Government Code Section 66452.11 and 66452.13 are in addition to those provided for in this Section.

23.06.021 - Amendments to Approved or Conditionally Approved Tentative Subdivision Map

Amendments which are not in substantial compliance with the approved or conditionally approved tentative subdivision map or conditions of approval shall be in accordance with the provisions for processing a tentative subdivision map.

23.07 - Final Maps

23.07.001 – General

The form, contents, accompanying data, and filing of the final map shall conform to the provisions of the Subdivision Map Act and this Part.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

23.07.002 - Phasing

(a) Multiple final maps relating to an approved or conditionally approved tentative subdivision map may be filed prior to the expiration of the tentative subdivision map if the subdivider, at the time the tentative subdivision map application is filed, notifies the Planning Director in writing of the subdivider's intention to file multiple final subdivision maps on the tentative subdivision map in accordance with Subsection 23.06.004(f). In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The Planning Commission shall approve the sequence of map approvals and may require the fulfillment of conditions, the completion of improvements outside the boundaries of the particular phase, and/or the payment of fees required as a condition of other phases of the project. After filing of the tentative subdivision map application, the Planning Director, the Department of Public Works and the subdivider shall concur in the filing of multiple final maps.

(b) The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the whole subdivision, as shown on the approved tentative map.

23.07.003 -Survey Required

(a) An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

(b) At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set or bonded for as required by the County Surveyor.

23.07.004 – Form

The form of the final map shall conform to the Subdivision Map Act and as follows:

The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch or .025. The scale of the map shall be not less than 1" = 50' (unless specified otherwise by the County Surveyor), or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. All printing or lettering on the map shall be of one-eighth (1/8) inch minimum height and of such shape and weight as to be readily legible on prints and other reproductions made from the original drawings. If more than three sheets are used, a key diagram shall be included. The final form of the final map shall be as approved by the Department of Public Works.

23.07.005 – Contents

The contents of the final map shall conform to the Subdivision Map Act and as follows:

(a) Boundary. The boundary of the subdivision shall be designated by a heavy black line in such a manner as not to obliterate figures or other data.

(b) Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "County of Sierra." If partly within an incorporated city, the following words shall be used: "Within the County of Sierra and partly within the City of Loyalton."

(c) Certificates, Acknowledgments and Signatures. All certificates, acknowledgments and signatures shall be made as required by Article 2, Part 2 (Section 66433 *et seq*.) of the Subdivision Map Act, and shall appear only once on the title sheet.

(d) Scale, North Point and Basis of Bearings. There must appear on each map sheet the scale, the north point and the basis of bearings. The basis of bearings shall be approved by the County Surveyor.

(e) Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, all interior and exterior boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

(f) Streets. The map shall show the centerline of each street; the boundary of each street, including the width of the portion of any fractional street being dedicated; the width of

existing road rights-of-way when available from public records; and the widths on each side of the centerline of whole streets. The widths and locations of adjacent streets shall be shown as determined from public records. Whenever the County Engineer has established either the centerline or monument line of the street and such information is made a public record, this location and data shall be shown on the final map.

(g) Monuments. The location and description of all existing and proposed monuments shall be shown. Standard County monuments shall be set at, or on Department of Public Works approved offsets at the following locations:

1. the intersection of street centerlines;

2. beginning and end of curves or intersection of tangents on centerlines unless otherwise approved by the Department of Public Works; or

3. at other locations as may be required by the County Surveyor.

(h) Lot Number Sizes. Lot numbers shall begin with the number one (1) in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event lot numbers may begin with the next consecutive number following the last number in the preceding unit. Each lot shall be shown entirely on one (1) sheet of the final map, unless otherwise approved by the Department of Public Works. Lot areas shall be shown for each parcel being created and shall be exclusive of any portion which extends into any street.

(i) Adjoining Properties. The relationship 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; and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.

(j) Street Names. The names of all streets, alleys or highways within or adjoining the subdivision shall be shown.

(k) Easements and Dedications. Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, storm water drainage, sanitary sewers or other public use as may be required, including waiver of access and abutter's rights, shall be offered for dedication to the public for acceptance by the County or other public agency, and the use shall be specified on the map.

The subdivider shall provide the County Engineer with letters from all serving utilities stating that the easements as provided on the final map are satisfactory. Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the final map unless there is a recorded conveyance to such individual or corporation.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under the real property, unless, and only to the extent that an intent to dedicate the facilities is expressly declared in the statement.

All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance, e.g., recorder's serial number and date, or book and page of official records.

Easements not disclosed by the records in the Office of the County 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.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths and bearings of record. The width and location of all easements shall be approved by the County Surveyor.

(l) Greenbelt Areas. Greenbelt areas may be shown, subject to the approval of the County. Public greenbelt areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private greenbelt areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.

(m) Designated Remainder. If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this Section.

(n) Additional Information. Where the County has required additional information be recorded pursuant to 66434.2, the map shall include a notation or reference to that information.

(o) Owner's Development Lien. Notice with respect to the specific location of the book and page of any owner's development lien, the Notice shall also state that the property is subject to an owner's development lien and that each parcel erected by the recordation of the final map shall be subject to a prorated amount of the lien on a per acre or portion thereof basis.

23.07.006 - Preliminary Submittal for County Approval

The subdivider shall submit prints of the final map to the Department of Public Works for checking. The preliminary prints shall be accompanied by the following data, plans, reports, and documents in a form as approved by the Department of Public Works and, where applicable, the County Counsel:

(a) Improvement Plans. Improvement plans as required by Subsection 23.16.006.

(b) Soils Report. A soils report prepared in accordance with Subsection 23.06.004 and Part 33 (Excavation and Grading) of the Uniform Building Code.

(c) Title Report. A title report and preliminary subdivision guarantee showing all parties holding record title interest at the time of submittal of the final map for the property to be subdivided and for any offsite property intended to be offered for dedication.

The County Surveyor shall notify the title company furnishing the guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a guarantee in a form and amount acceptable to the County Counsel providing that at the time of filing of the parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real

property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the County Recorder.

(d) Tax Certificate. A certificate from the County Tax Collector stating that all taxes and assessments due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes and assessments which are a lien but not yet payable has been filed with the County.

(e) Deeds or Offers of Dedication for Easements or Rights-of-Way. Deeds or offers of dedication for offsite easements or rights-of-way required for road or drainage purposes which have not been dedicated on the final map. Written evidence acceptable to the County in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility is required.

(f) Dedications. In the event any street shown on a final map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the final map and if the map is approved by the Board of Supervisors, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate.

(g) Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.

(h) Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all storm drains and flood flow.

(i) Governing Documents. The submittal of the final map or parcel map for a common interest development within the meaning of 1350 *et seq.* of the Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions containing the provisions described in 1353 of the Civil Code, and all other governing documents for the subdivision as are appropriate pursuant to 1363 of the Civil Code. The submittal of the final map or parcel map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Planning Department and County Counsel. The County may require inclusion of provisions permitting County enforcement.

(j) Improvement Agreement and Security. In the event sewer, water, drainage, grading, paving, or other improvements required pursuant to Section 23.16 have not been completed prior to the presentation of the final map, an agreement in accordance with the requirements of Government Code 66462 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement in accordance with the requirements of Section 23.17.

(k) Liability Agreement and Insurance. A hold-harmless agreement obligating the subdivider to hold the County and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider and/or the subdivider's subcontractors in connection with the subdivision. A certificate of insurance reporting to the County the amount of insurance the subdivider carries for the subdivider's own liability for damages or claims for damages for personal injury or death which arise from the operations of the

subdivider or his subcontractors in connection with the subdivision. The certificate of insurance shall name the County as an additional insured. The agreement, certificate and amount of insurance coverage required by this Subsection shall be subject to prior review and approval by the Department of Public Works and County Counsel.

(l) Special Districts. Evidence of an agreement to serve by an existing district, and annexation to, or formation of a special district to provide maintenance and other services necessary to the subdivision.

(m) Filing Fees. Cash payment or proof of payment for all checking and filing fees; inspection of construction; cash deposit as required by the fire districts or water company or district having jurisdiction of fire hydrant rental fees, and other applicable fees or deposits; all approved by the County Engineer.

23.07.007 - Recording of Additional Information

(a) As provided for in the conditions of approval for a tentative subdivision map, the County may require additional information to be recorded simultaneously with the final map. The additional information map must be in the form of a separate document or map sheet and shall indicate its relationship to the tentative or parcel map, and shall contain a statement that the additional information is for informational purposes only, and that it is not intended to correct record title interest. The document of additional map sheet may contain a notation that the information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

(b) Additional survey or map information may include, but need not be limited to, conditions of approval, building setbacks; lines, flood hazard zones, seismic line and setbacks, geologic mapping, archaeological sites, slope restrictions, open space, covenants, conditions and restrictions and environmental constraints.

23.07.008 - Review by Department of Public Works

The Department of Public Works shall review the final map and any other required information and the subdivider shall make corrections and/or additions until acceptable to the Department of Public Works.

23.07.009 - Approval by Department of Public Works

The subdivider shall submit to the Department of PublicWorks the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing and on the blueline duplicate. Upon receipt of all required certificates and submittals, the Department of PublicWorks shall sign the appropriate certificates and transmit the original map to the County Clerk or an authorized agent.

23.07.010 - Certification

(a) The County Planning Director and County Surveyor shall certify the final map if the following circumstances exist:

1. The map complies with all requirements of Subdivision Map Act and this Part.

2. A certificate consenting to the preparation and recordation of the parcel map has been executed by all parties having any record title interest in the real property being subdivided.

3. Certificates required by this Part are executed.

(b) If the above circumstances exist, the County Planning Director and County Surveyor shall certify the final map by executing thereon a certificate stating their approval and indicating the dedication and terms of real property for public use, if any.

(c) If the above circumstances do not exist, the County shall reject the map.

23.07.011 - Approval by Board of Supervisors

Once the final map has been reviewed by the Department of Public Works for compliance with the approved or conditionally approved tentative map, it shall be filed with the Board of Supervisors for approval after all required certificates have been signed. The date the map shall be deemed filed with the Board of Supervisors is the date on which the County Clerk receives the map. The Board of Supervisors shall, at the meeting at which it receives the map, or at its next regular meeting after the meeting, at which it receives the map, consider the final map for approval. Before approving the final map, the Board of Supervisors shall consider approval of the subdivision improvement agreement in accordance with the requirements of Section 23.17. If the subdivision improvement agreement and final map are approved by the Board of Supervisors, the Chairman of the Board shall execute the agreement on behalf of the County.

23.07.012 - Compliance with Requirements

The Board shall disapprove any final map for failure to meet or perform any of the requirements or conditions of the Subdivision Map Act or this Part which were applicable to the subdivision at the time of approval of the tentative subdivision map. Such disapproval shall be accompanied by a finding identifying the requirements or conditions which were not met or performed. The Board may waive the provisions of this Section if it finds that the failure of the map was the result of a technical and inadvertent error which does not materially affect the validity of the map.

The Board of Supervisors shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative subdivision map condition requiring construction or installation of improvements on land which neither the subdivider nor the County has sufficient title or interest to permit the improvements to be made. In such a case, the County shall follow the procedure according to Government Code 66462.5.

23.07.013 - Action on Dedications

(a) At the time the Board of Supervisors approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The County Clerk shall certify on the final map the action by the Board of Supervisors. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities which directly benefit the subdivision residents, or storm drainage easements are not accepted by the Board of Supervisors, the offer of dedication shall remain open and the Board of Supervisors may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities, or storm drainage easements, which acceptance shall be recorded in the Office of the County Recorder.

(b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high watermark shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any public waterway, river, or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river, or stream and the public easement along a portion of the bank of the waterway, river, or stream shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the state, the offer of dedication of public access route or routes from public highways to any water of

the lake or reservoir shall be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

(c) Offers of dedication which are covered by subdivision (b) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

(d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) above shall be deemed abandoned.

(e) Except as provided in Government Code 66499.16, 66499.17, and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body. The map shall contain a notation identifying the offer or offers of dedication deemed terminated by this subdivision.

(f) Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the Office of the county recorder or a resolution of acceptance by the legislative body is filed in such office.

(g) The local agency to which property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, shall record a certificate with the county recorder in the county in which the property is located. The certificate shall be attached to the map and shall contain all of the following information:

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property dedicated.

3. A statement that the local agency shall reconvey the property to the subdivider if the local agency makes a determination pursuant to this Section that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities as specified in subdivision (i) below.

(h) The subdivider may request that the local agency make the determination that the same public purpose for which the dedication was required still exists, after payment of a fee which shall not exceed the amount reasonably required to make the determination. The determination may be made by reference to a capital improvement plan as specified in Government Code Sections 65403 or 66002, an applicable general or specific plan requirement, the subdivision map or other public documents that identify the need for the dedication.

(i) If a local agency has determined that the same public purpose for which the dedication was required does not exist, it shall reconvey the property to the subdivider or the successor in interest, as specified in subdivision (g) above, except for all or any portion of the property that is required for that same public purpose or for public utilities.

(j) If a local agency decides to vacate, lease, sell, or otherwise dispose of the dedicated property the local agency shall give at least sixty (60) days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.

The County may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the Office of the County Recorder.

23.07.014 - Filing with the County Recorder

Upon approval of the final map by the Board of Supervisors, the County Clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map to the County Recorder.

23.08 -[Reserved]

23.09 - Tentative Parcel Maps

23.09.001 – General

The form and contents, submittal and approval of applications for tentative parcel maps shall be governed by the provisions of this Section.

23.09.002 - Tentative Parcel Map Required

A tentative parcel map shall be required for every parcel map and shall be required for parcel maps for which a waiver is sought.

23.09.003 - Form and Contents, Accompanying Data and Reports

A tentative parcel map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The form, contents and the accompanying data and reports shall comply with and be consistent with Section 23.06.

23.09.004 - Department Review

The application for a tentative parcel map shall be filed with the Department for review in accordance with the provisions of Subsection 23.06.006.

23.09.005 - Action by Planning Commission On a Tentative Parcel Map

(a) Upon receipt of a tentative parcel map application that is determined by the Department to be complete, the Department shall prepare a report and set the matter for a public hearing before the Planning Commission in accordance with Section 23.03. Notwithstanding the foregoing sentence, in circumstances in which the tentative parcel map is processed along with a legislative approval, the Planning Commission shall act in an advisory capacity and the Board shall act upon the map.

(b) The hearing shall be noticed and held in accordance with the provisions of Section 20.13.

(c) The tentative parcel map may be approved, conditionally approved or denied by the Planning Commission, as the case may be, in accordance with the provisions and findings set forth in Subsection 23.06.009 and the standards specified in this Part.

(d) A copy of the approved or conditionally approved tentative parcel map and any approved conditions shall be forwarded to the Department of Public Works.

23.09.006 - Appeals of Planning Commission Action

Appeals of the Planning Commission action with respect to the tentative parcel map shall be made to the Board of Supervisors in accordance with the provisions of Section 20.13.

23.09.007 - Expiration and Extensions

The approval or conditional approval of a tentative parcel map shall expire twenty-four (24) months from its approval by the Planning Commission or Board of Supervisors, whichever occurs last unless the expiration date is extended in accordance with the provisions of Government Code 66463.5. The subdivider may request extensions of the expiration date up to a maximum of five years for action in accordance with the provisions of Subsection 23.06.018. The Planning Commission may approve, conditionally approve or deny the request for an extension. The subdivider or any interested person adversely affected may within 15 days of a decision on an extension appeal the action of the Planning Commission to the Board of Supervisors in accordance with the provisions of Section 20.13.

23.09.008 - Amendments to Approved or Conditionally Approved Tentative Parcel Map

Amendments which are not in substantial compliance with the approved or conditionally approved tentative parcel map or conditions of approval shall be in accordance with the provisions for processing a tentative parcel map as set forth in this Section.

23.10 - Final Parcel Maps

23.10.001 - Final Parcel Maps and Improvement Security

The form and contents, submittal, approval and filing of final parcel maps shall conform to the provisions of the Subdivision Map Act and this Subsection.

(a) Survey Required. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor unless sufficient record data exists to comply with Government Code Section 66448. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the parcel map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

(b) Form and Contents. The form and contents of the parcel map shall conform to the final map form and content requirements of Subsections 23.07.004-23.07.007.

(c) Improvement Agreement. The parcel map shall require an improvement agreement and improvement security, where appropriate, in the form provided in Section 23.17.

(d) Review and Approval by Department of Public Works. The Department of Public Works shall review the final parcel map and the subdivider shall make corrections and/or additions until the map is acceptable to the Department of Public Works. The subdivider shall submit the original tracing of the map, corrected to its final form and signed by all parties required to execute the certificates on the map, to the Department of Public Works.

The Department of Public Works shall approve the parcel map if it complies with the requirements of the Subdivision Map Act, this Part, the tentative parcel map and all conditions thereof. Where offers of dedication are required, they shall be submitted to the Board of Supervisors for consideration. The County Surveyor or authorized agent shall, subject to the provisions of 66464 of the Subdivision Map Act, transmit the approved parcel map to the County Recorder.

(e) Subdivision Guarantee. A title report and preliminary subdivision guarantee showing individuals holding record title interest at the time of the submittal of the final parcel map for the property to be subdivided and for any offsite property intended to be offered for dedication shall be included.

(f) Dedications. Dedications or offers of dedication as provided in Section 23.14 shall be provided, although the County may require that the relevant information be recorded by separate instrument.

(g) Additional Final Map Requirements. When submitting a parcel map to the County Surveyor, two blue line prints shall be submitted, showing mathematical closures on the exterior boundary of the parcels before division, each parcel, and any easements which may be pertinent to the map.

1. In addition to complying with the requirements of Section 66445 of the Government Code there shall be indicated on the map the acreage or square footage for each parcel created, being shown to the nearest .01 of an acre. Square footage may be substituted on parcels less than one-half acre.

2. When first submitted the map shall be accompanied with the map checking fee as provided for by resolution of the Board of Supervisors.

3. When a parcel map is submitted, the provisions of 66492 through 66494 of the Government Code shall be complied with.

4. Signatures. Subject to the provisions of Government Code 66436, a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except however, in the case of a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the certificate shall be signed and acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the County Surveyor with satisfactory evidence that the persons with record title ownership have consented to the proposed division.

5. Title Company Parcel Map Guarantee. There shall be filed with the County Surveyor a preliminary subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties

having any record title interest in the land subdivided.

The County Surveyor shall notify the title company furnishing the guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the parcel map in the Office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the Office of the County Recorder.

(h) Recording of Additional Information.

1. As provided for in the conditions of approval for a parcel map, the County may require additional information to be recorded simultaneously with the parcel map. The additional information map must be in the form of a separate document or map sheet and shall indicate its relationship to the tentative or parcel map, and shall contain a statement that the additional information is for informational purposes only, and that it is not intended to correct record title interest. The document of additional map sheet may contain a notation that the information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

2. Additional survey or map information may include, but need not be limited to, building setbacks; lines, flood hazard zones, seismic line and setbacks, geologic mapping, and archaeological sites.

23.10.002 - Phased Final Maps

The subdivider may file phased final parcel maps in accordance with Subsection 23.07.002

23.10.003 - Filing with County Recorder

Upon approval of the final map by the Board of Supervisors or Planning Commission, the County Clerk shall execute the appropriate certification, the certificate sheet and shall, subject to the provision of Section 66464 of the Subdivision Map Act, transmit the map, or have an authorized agent forward the map to the County Recorder.

23.11 - Parcel Map Waiver

23.11.001 – Application

The Planning Director shall develop a form for a parcel map waiver.

23.11.002 - Limitation on Use

The Planning Commission may waive the requirement for a parcel map which subdivides real property into parcels of forty (40) acres and greater.

23.11.003 - Parcel Map Waiver

The subdivider or his authorized representative desiring a waiver of a parcel map, shall submit a written request for waiver and a tentative parcel map to the Planning Department and such tentative parcel map shall contain all information required by and shall be processed in accordance with Section 23.09. In addition, the subdivider shall also provide to the Planning Commission sufficient information to allow the Planning Commission to prepare findings that the proposed subdivision complies with requirements as to general plan consistency, lot area, improvement and design, flood and water drainage control, access, appropriate improved roads, sanitary disposal facilities, water supply availability, environmental assessment and protection, and other requirements of the Subdivision Map Act, this Part and any resolutions of the Board of Supervisors pertaining thereto.

23.11.004 – Procedure

Upon receipt of a completed application for a parcel map waiver, the Planning Director shall, within thirty (30) days refer the application to the Planning Commission.

23.11.005 – Findings

No waiver shall be approved, unless the Planning Commission finds that the division of land complies with the requirements of the Subdivision Map Act and this Part as to lot area, improvement and design, floodwater drainage control, roads, sanitary disposal, water supply, environmental protection and other requirements.

23.11.006 – Appeals

Appeals of decisions of the Planning Director or Planning Commission may be appealed in accordance with Section 20.13.

23.11.007 - Parcel Map Waiver Certificate

A certificate evidencing compliance with the parcel map waiver procedure of this Part shall be recorded with the County Recorder by the Secretary of the Planning Commission determination on the parcel map waiver request, setting forth the Planning Commission's findings with regard to the requirements as set forth by this Part, and such parcel map shall not be deemed waived unless and until such waiver certificate is recorded with the County Recorder.

If a subdivision complies with this Part and a parcel map is waived by the Planning Commission, a parcel map of the subdivision may nevertheless, be recorded and approved by the County Engineer or County Surveyor, as appropriate, as to compliance with general and accepted land surveying procedures and requirements and the Secretary of the Planning Commission shall certify on the parcel map that a waiver of filing of a parcel map has been approved by the Planning Commission. The parcel map waiver certificate shall be in the following form:

Parcel Map Waiver Certificate

A request for parcel map waiver, signed and acknowledged by all parties having any record title interest in the real property being subdivided, A.P. Number _____, has been received by the Planning Commission and a tentative parcel map of such subdivision was approved or conditionally approved by the Planning Commission on the _____ day of _____, 19___. All findings required by the Subdivision Map Act and the Sierra County Code with regard to parcel map waiver have been made and the subdivider(s) has (have) complied with the waiver procedure of the Sierra County Code. All conditions of approval of the approved tentative parcel map have been fulfilled and the requirement for filing a parcel map is hereby waived.

(Dated) _____
(Signed) _____
Secretary, Sierra County
Planning Commission

23.12 - Vesting Maps

23.12.001 - Authority and Purpose

This Section is enacted pursuant to the authority granted by Part 4.5 (commencing with Section 66498.1) of the Subdivision Map Act (hereinafter referred to as the Vesting Tentative Map Statute) and may be cited as the Sierra County Vesting Tentative Map Ordinance. The purpose of this Section is to establish appropriate local procedures for the implementation of the Vesting Tentative Map Statute.

To accomplish this purpose, the regulations contained 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.

23.12.002 – Consistency

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan.

23.12.003 - Definitions

(a) For purposes of this Section, a "vesting tentative map" shall mean a tentative subdivision map or tentative parcel map, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 23.12, and is thereafter processed in accordance with the provisions hereof. For purposes of this Section, "vesting tentative map" shall include a vesting tentative map prepared in connection with a tentative parcel map.

(b) All other definitions set forth in this Part are applicable to this Section.

23.12.004 - Application

(a) This ordinance shall apply to residential developments and non-residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Section, requires the filing of a tentative parcel or subdivision map, a vesting tentative map may instead be filed in accordance with the provisions of this Part.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

23.12.005 - Filing and Processing

A vesting tentative subdivision or parcel 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 this Part for a tentative subdivision or tentative parcel map except as hereinafter provided:

At the time a vesting tentative subdivision or parcel map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

23.12.006 – Expiration

The approval or conditional approval of a vesting tentative subdivision map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Subsections 23.06.018 and 23.06.019 for the expiration of the approval or conditional approval of a tentative subdivision map.

23.12.007 - Rights of a Vesting Tentative Map

(a) 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 described in 66474.2 of the Subdivision Map Act. However, if Section 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.

(b) Notwithstanding subdivision (a), a permit, approval, extension, or entitlement may be conditioned or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

2. The condition or denial is required in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final or parcel map is not approved prior to the expiration of the vesting tentative map. If the final or parcel map is approved prior to expiration, these rights shall last for the following periods of time:

1. An initial time period of one (1) year beyond the recording of the final map or parcel map. Where maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Subsection

23.12.006 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.

2. The one (1) year initial time period set forth in (c)(1) above, shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

3. A subdivider may apply to the Planning Commission for a one (1) year extension at any time before the initial time period set expires. If the extension is denied, the subdivider may appeal that denial to the Board of Supervisors within fifteen (15) days in accordance with Section 20.13.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision (c)(1)-(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

23.12.008 - Amendment to Approved Vesting Tentative Map

Amendments to the approved or conditionally approved vesting tentative map shall be made in accordance with Subsection 23.09.008, as the case may be.

23.12.009 - Applications Inconsistent with Current Policies

Notwithstanding any provision of this Section. to the contrary, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Subsection 23.12.007, and the County may grant these approvals or issue these permits to the extent that the departures are authorized under this Part, this Code, the General Plan, and other applicable law.

23.13 - [Reserved]

23.14 - Dedications, Reservations and Development Fees

23.14.001 - Dedication of Streets, Alleys and Other Public Rights-of-Way or Easements

As a condition of approval of a tentative parcel or subdivision map, the subdivider shall dedicate or make an irrevocable offer of dedication of all real property within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, open space easements, scenic easements, snow storage easements, public utility easements, and other public easements. The subdivider shall be required to offer for dedication easement and rights-of-way for the furnishing and serving of utilities. It shall be the responsibility of the subdivider to obtain approval of serving utility companies as to location of any utility easements which are to be shown on the final map or parcel map and to obtain concurrence of the serving utility company in writing as to supplying utility services to individual parcels. In addition, the subdivider shall improve or agree to improve all streets and alleys, including access rights and abutters' rights, drainage, public greenways, bicycle paths, trails, open space easements, scenic easements, public utility easements, and other public easements.

All dedications in fee and grants of easements shall be free of liens and encumbrances except for those which the County, in its discretion, determines would not conflict with the intended ownership and use.

23.14.002 - Waiver of Direct Access Rights

The County may require as a condition of approval of a tentative parcel or subdivision map that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property within or abutting the subdivision.

Upon acceptance of the dedication, such waiver shall become effective in accordance with its provisions.

23.14.003 - Parkland Dedication

(a) General. This Section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the County, and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the General Plan of the County. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this article are in accordance with the policies, principles and standards for park and recreational facilities contained in the General Plan. A General Plan text reference, policy or map may require such a dedication.

(b) Requirements. As a condition of approval of a tentative parcel or subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the County, for park or recreational purposes at the time and according to the standards and formula contained in this Section. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and facilities in such a manner that the locations of such parks and facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both.

(c) General Standard. It is hereby found and determined that the public interest, convenience, health, safety and welfare require that three (3) acres of property for each one thousand (1,000) persons residing within the County be devoted to local park and recreational purposes.

(d) Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan and is to be located in whole or in Part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park and recreation facilities sufficient in size and topography to meet that purpose. The amount of land to be provided shall be determined pursuant to the following standards and formula:

Formula: The formula for determining the amount of acreage to be dedicated shall be as follows:

$$\frac{\text{Acres of Parkland}}{\text{Dwelling Unit}} = \frac{.003 \text{ Acres}^*}{} \times \frac{\text{Average No. of Persons}}{\text{Persons Dwelling Unit}}$$

* (Based on three acres of parkland per 1,000 population)

The following parkland dedication table, based on the above formula, is to be followed:

Dwelling Type of Land Use	Average No. Persons/ Dwelling Unit	Acres Per Dwelling Unit
Single-Family or Mobilehome	3.0	.015
Duplex or Multi-Family	2.1	.0105

For the purposes of this Section, the number of proposed dwelling units shall be determined as follows: In areas zoned for one dwelling unit per lot or parcel, the number of dwelling units shall equal the number of parcels indicated on the tentative map. When all or part of the subdivision is located in an area zoned for multiple dwelling units per parcel, the number of dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone. For residential condominium projects, the number of dwelling units shall equal the number of condominium units indicated on the tentative map. For planned development projects, the number of dwelling units shall equal the number of dwelling units indicated on the approved final development plan. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Planning Commission and the Director of Parks Department or the Director of Transportation, as appropriate, in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this Section shall be construed to provide the land for functional recreation units of local or neighborhood service, including, but not limited to: tot lots, play lots, playgrounds, neighborhood parks, play fields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen activities. Principal consideration shall be given therefore to lands that offer:

- A variety of recreational potential for all age groups;
- Recreational opportunities within walking distance from residents' homes;
- Possibility for expansion or connection with school grounds;
- Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
- Coordination with all other park systems; and
- Access to at least one existing or proposed public street.

(e) Formula for Fees in Lieu of Land Dedication.

1. General Formula. If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in the County=s discretion, either dedicate land in the amount provided in Subsection (d) above or pay a fee in lieu of dedication in an amount determined in accordance with the provisions of Subsection (g) below.

2. Fees in Lieu of Land - Fifty (50) Parcels or Less. If the proposed subdivision contains fifty (50) parcels or less and has no park or recreational facility, the subdivider shall pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of proposed subdivision as prescribed in Subsection (c) above and in an amount determined in accordance with the provisions of Subsection (g) below. Where the subdivision is a condominium project, stock cooperative or community apartment project which exceeds fifty (50) dwelling units, dedication of land may be required, notwithstanding that the number of parcels may be less than 50.

3. Use of Money. The money collected shall be used, in accordance with the schedule developed pursuant to Subsection (k) below, for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. The money shall be committed within five (5) years after payment thereof of the issuance of building permits on one-half (1/2) of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

(f) Criteria for Requiring Both Dedication and Fee. If the proposed subdivision contains more than fifty (50) parcels, the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following:

1. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of Subsection (g) below shall be paid for any additional land that would have been required to be dedicated pursuant to Subsection (c) above.

2. When a major part of the local park or recreational site has already been acquired by the County and only a small portion of land is needed for the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to Subsection (g) shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated according to Subsection (c). The fee shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

(g) Amount of Fee in Lieu of Parkland Dedication. When a fee is required to be paid in lieu of parkland dedication, the amount of the fee shall be based upon the estimated fair

market value of the land being subdivided and the estimated fair market value of the land which would otherwise be required to be dedicated according to Subsection (c).

The fair market value shall be as determined by the Department at the time of final map or parcel map approval. If the subdivider objects to the fair market value determination, the subdivider may request the County to obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the County and the subdivider, which appraisal will be considered by the County in determining the fair market value. All costs required to obtain such appraisal shall be borne by the subdivider.

For purposes of determining fair market value pursuant to this Subsection, the Department and any appraiser shall consider, among other things:

1. conditions of approval of the tentative map;

2. the General Plan and zoning requirements for the area;

3. the location and site characteristics of the property; and

4. offsite and onsite improvements facilitating use of the property.

(h) Determination of Land or Fee. Whether the County accepts land dedication, or elects to require the payment of a fee in lieu of, or a combination of both, shall be determined by consideration of the following:

1. policies, standards and principles for park and recreation facilities in the General Plan;

2. topography, geology, access and location of land in the subdivision available for dedication;

3. size and shape of the subdivision and land available for dedication;

4. feasibility of dedication;

5. compatibility of dedication with the General Plan; and

6. availability of previously acquired park property.

The determination by the County as to whether land shall be dedicated, or whether a fee shall be charged, or a combination, shall be final and conclusive.

(i) Credit for Improvements and Private Open Space. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements, together with any equipment located thereon, shall be a credit against the payment of fees or dedication of land required by this Section.

Planned developments, real estate developments, stock cooperatives, and community apartment projects, as defined in Sections11003, 11003.1, 11003.2, 11003.4, and 11004, respectively, of the Business and Professions Code, and condominiums shall be eligible to receive a credit, as determined by the Board of Supervisors, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this Section, for the value of private open space within the development which is usable for active recreational uses.

(j) Procedure.

1. At the time of the approval or conditional approval of the tentative parcel or subdivision map, the Planning Commission or Planning Director, as the case may be, shall determine, after a report and recommendation from the Director of Parks, whether land, in-lieu fees, or a combination of land and fees, shall be dedication and/or paid by the subdivider.

2. The Planning Commission or Planning Director, as the case may be, may approve, modify, or disapprove the recommendation of the Director of Parks; provided, however, any modification of the proposed recommended condition not previously considered by the Director of Parks shall first be referred back to the Director of Parks for a report and further recommendation. The Director of Parks shall report back to the Planning Commission or Planning Director within thirty (30) days. After the receipt and consideration of the report, or after thirty (30) days have passed in the event no report is received, the Planning Commission or Planning Director may adopt the condition.

3. The recommendation of the Director of Parks shall include the following:

   A. the amount of land required; or

   B. that a fee be charged in lieu of land; or

   C. that a combination of land and a fee be required; and

   D. the location of the park land and, where appropriate, the siting and conceptual design of the park facilities appurtenant thereto, to be dedicated or used in lieu of fees; and

   E. the approximate time when the development of the park or recreation facility shall commence.

4. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land an/or pay the fees as determined by the County. At the discretion of the County, fees may be paid prior to issuance of any building permit for any structure in the subdivision.

5. Open space covenants, conditions and restrictions for private park or recreational facilities shall be submitted to the County prior to approval of the final map or parcel map and, if approved, shall be recorded concurrently with the final map or parcel map.

(k) Schedule of Use. At the time of the approval of the final map or parcel map, the County shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision.

(l) Not Applicable to Certain Subdivisions. The provisions of this Section shall not apply to the following:

1. Subdivisions containing four (4) or fewer parcels and not used for residential purposes. However, a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four (4) years, the fee

pursuant to this Section may be required to be paid by the owner of such parcel as a condition to the issuance of such permit.

2. Commercial or industrial subdivisions.

3. Condominium projects or stock cooperatives which consists of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

23.14.004 - School Site Dedication

(a) General. As a condition of approval of a tentative subdivision map, the subdivider shall dedicate to the appropriate school district such lands as the County shall deem to be necessary for the purpose of constructing thereon elementary schools necessary to assure the residents of the subdivision adequate public school service pursuant to the provisions of Government Code 66478.

(b) Procedure. The requirement of dedication shall be imposed at the time of approval of the tentative parcel or subdivision map. If within thirty (30) days after the requirement of dedication is imposed by the County the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty (60) days after the filing of the final map or parcel map on any portion of the subdivision.

(c) Payments to Subdivider for School Site Dedication. The school district shall, if it accepts the dedication, repay to the subdivider or his or her successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

1. The cost of any improvements to the dedicated land since acquisition by the subdivider;

2. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

3. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

(d) Exemptions. The provisions of this Section shall not be applicable to a subdivider who has owned the land being subdivided for more than ten (10) years prior to the filing of the tentative map.

23.14.005 - School Facilities

(a) In addition to Subsection 22.14.004 and subject to the limitations imposed by Education Code 17629 and Government Code 65995, the County may, as a condition of approval of any tentative map or tentative subdivision parcel map, require the dedication of land, the payment of fees in lieu thereof, or a combination of both for classroom and related facilities for elementary or high schools by expanding existing public schools or construction of new school facilities.

(b) The Planning Commission shall consult with the governing body of the School District which operates an elementary or high school and the governing body of the School

District shall notify the Planning Commission if the governing body makes findings supported by clear and convincing evidence that:

1. Conditions of overcrowding exists in one or more attendance areas within the district which will impair the normal functioning of educational programs. The reason for such conditions existing shall be stated; and

2. All reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist.

(c) The notice of findings sent to the County shall specify the mitigation measures considered by the governing body of the School District. Mitigation measures to be considered by the governing body of the School District shall include, but not be limited to, the following:

1. School bond elections.

2. Double sessions.

3. Adjustment of interior and exterior school attendance boundaries.

4. Bussing of students to other schools within the district. With respect to each such mitigation measure considered, the findings of the governing body of the school district shall state in detail how such mitigation measure was evaluated, why it is not feasible to utilize such mitigation measure, and why such mitigation measure, if used, would not serve to remove overcrowding as an impairment to normal functioning of educational programs.

(d) The Planning Commission must make the following findings when requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools:

1. The general plan of the County provides for the location of public schools.

2. Locations and amounts of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the surrounding community for interim elementary or high school facilities.

3. The requirement for land or fees, or both is reasonably related and limited to the need for schools caused by the subdivision or residential development.

4. The land or fees, or both, transferred to a School District shall be used only for the purpose of providing interim elementary or high school classrooms and related facilities.

5. The facilities to be constructed from such fees or upon the land to be dedicated, or both, is consistent with the County General Plan.

(e) The requirement for payment of fees in lieu of dedication of land for classroom and related facilities for elementary or high schools may only be required in subdivisions containing fifty (50) parcels or less.

Payment of fees shall be made to the School District at the time any building permit is to be issued necessary to develop the property.

(f) Following the decision of the Planning Commission to require the dedication of land or the payment of fees, or both, the governing body of the School District shall submit to the Planning Commission and Board of Supervisors:

A schedule specifying how it will use the land or fees, or both, to solve the identified conditions of overcrowding. This schedule shall include the school sites to be used, classroom facilities to be made available, and the times when the facilities will be available.

The governing body of the School District, when receiving funds, shall maintain a separate account for any fees paid and shall file a report by August 1 of each year with the Planning Commission and Board of Supervisors on the balance in the account at the end of the previous fiscal year and the facilities leased, purchased, or constructed during the previous fiscal year. The report of the School District shall specify which attendance areas will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist.

(g) If overcrowding conditions no longer exist, the County shall cease levying any fee or requiring the dedication of any land pursuant to this Subsection. Any remaining funds held by the School District, as a result of fees imposed by this Subsection, shall be deposited in the building fund of the School District.

23.14.006 - Local Transit Facilities

As a condition of approval of a tentative subdivision map, the subdivider shall dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities such as shelters, benches, bus turnouts, landing pads, park-and- ride facilities and similar items which directly benefit the residents of the subdivision, if (a) the subdivision as shown on the tentative map has the potential for two hundred (200) dwelling units or more if developed to the maximum density shown on the General Plan or contains one hundred (100) acres or more, and (b) if the County finds that transit services are or will, within a reasonable time period, be made available to the subdivision.

The provisions of this Section do not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

23.14.007 - Reserved

23.14.008 - Bridges and Major Thoroughfares

(a) Purpose. The purpose of this Subsection is to make provision for assessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing bridges or major thoroughfares pursuant to Section 66484 of the Subdivision Map Act, and in order to implement the Circulation Element of the General Plan and, in the case of bridges, the transportation provisions thereof.

(b) Definitions. For the purposes of this Subsection, the following words and phrases shall have the following meanings:

1. "Construction" shall mean design, acquisition of right-of-way, administration of

construction contracts, actual construction and inspections.

2. “Major thoroughfare” shall mean a roadway as shown on the Circulation-Transportation Element of the General Plan whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

(c) Payment of Fees Generally.

1. Prior to filing a final map which includes land within an area of benefit established pursuant to this Part, the subdivider shall pay or cause to be paid any fees established and apportioned to such property pursuant to this Subsection for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways or canyons or constructing major thoroughfares.

2. Prior to the issuance of a building permit for construction on any property within an area of benefit established pursuant to this Subsection, the applicant for such permit shall pay or cause to be paid any fees established and apportioned pursuant to this Subsection for the purpose of defraying the actual or estimated cost of constructing bridges over waterways, freeways or canyons or constructing major thoroughfares, unless such fees have been paid pursuant to paragraph 1 above.

3. Notwithstanding the provisions of paragraphs 1 and 2 above.

   A. Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of adoption of the boundaries of the area of benefit.

   B. Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.

(d) Consideration in Lieu of Fees. Upon application by the subdivider or applicant for a building permit, the Planning Commission or Planning Director, as the case may be, may accept consideration in lieu of the payment of fees required pursuant to this Subsection; provided that the Planning Commission or Planning Director, as the case may be, first finds, upon recommendation of the Public Works Director, that the substitute consideration has a value equal to or greater than the fee; and provided further that the substitute consideration is in a form acceptable to the County.

(e) Public Hearing. Prior to establishing an area of benefit, a public hearing shall be held by the Board of Supervisors at which time the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment, and the fee to be collected, shall be established. Notice of the public hearing shall be given pursuant to Section 20.11 and shall include preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment.

(f) Amount. The amount of the fees and the areas of benefit established pursuant to this Subsection may be established by ordinance or resolution.

(g) Exemptions. Notwithstanding the provisions of paragraph (c) above, payment of such fees shall not be required for:

1. The use, alteration or enlargement of an existing building or structure or the erection of one (1) or more buildings or structures accessory thereto, or both, on the same lot or parcel of land; provided that the total value, as determined by the building official, of all such alteration, enlargement or construction completed

within any one (1) year period does not exceed one/half (1/2) of the current market value, as determined by the building official, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined by Section 501 of the Uniform Building Code.

2. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings which are accessory to one (1) family or two (2) family dwellings.

(h) Protest

1. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property to be benefited by the improvement may file a protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefited by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify such property, and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the County Clerk, and no other protest or objections shall be considered. Any protest may be withdrawn, in writing, by the owners making such protests, at any time prior to the conclusion of the public hearing.

2. If there is a written protest filed with the County Clerk by the owners of more than one-half (1/2) of the area of the property to be benefited by the improvement protest 10/12/99, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half (1/2) of that to be benefited, then the proposed proceedings shall be abandoned and the Board of Supervisors shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvement, or that portion thereof so protested against, under the provisions of this Section.

23.14.009 -Drainage Fees

Cost of drainage and sewer facilities; conditions.

The purpose of this Subsection is to make provisions for accessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of constructing drainage and sewer facilities as authorized by Section 66483 of the Subdivision Map Act.

(a) The Board may adopt a drainage of sewer plan for any area within the County. The Plan shall contain an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.

(b) The costs, whether actual or estimated, are based upon findings by the Board, that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such

facilities created by the proposed subdivision and development of other property within such areas.

(c) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(d) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid to the local public agencies which provide drainage or sanitary sewer facilities, and shall be deposited by such agencies into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities.

(e) Determination of Amount of Surplus, Disposition. After completion of the facilities and the payment of all claims from any "planned local drainage facilities fund" or any "planned local sanitary sewer fund," the Board shall determine by resolution the amount of the surplus, if any, remaining in any of those funds. Any surplus shall be used, in those amounts as the legislative body may determine, for one or more of the following purposes:

1. For transfer to the general fund of the county or city, provided that the amount of the transfer shall not exceed five (5) percent of the total amount expended from the particular fund, and provided that the funds transferred are used to support the operation and maintenance of those facilities for which the fees were collected;

2. For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or

3. As a refund in the manner provided in 66483.2.

(f) Refund of Surplus. Any surplus remaining shall be refunded as follows:

1. There shall be refunded to the current owners of property for which a fee was previously collected, the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;

2. Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected; and

3. There shall be transferred to the general fund of the county or city any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two years from the date either of the completion of the improvements, or the adoption by the legislative body of a resolution declaring a surplus, whichever is later to occur.

23.14.010 - Solar Access Easements

As a condition of approval of a tentative map, there may be imposed, in accordance with the provisions of 66475.3 of the Subdivision Map Act, a requirement that the subdivider dedicate easements for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent parcels or units in the subdivision for any solar energy system, as defined in 801.5 of the Civil Code. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

23.14.011 - Reimbursements to a Telephone Corporation or Cable Television System for Undergrounding or Relocation

Whenever the County imposes as a condition to its approval of a tentative parcel or subdivision a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, the subdivider shall reimburse the telephone corporation or cable television system for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed to the subdivider directly by the telephone corporation or cable television system after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. In no event shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities. In no event shall the County be obligated for such reimbursement.

23.14.012 - Access to Public Resources

The Planning Commission shall not approve a tentative parcel map or subdivision map of any proposed subdivision to be fronted on any perennial stream, river, lake or other body of water, which does not provide reasonable public assess by fee or easement from a public highway to that portion of the bank of water lying within or bordering the proposed subdivision.

Reasonable public access shall be determined by the Planning Commission. In making the determination of what shall be reasonable access, the Planning Commission shall consider the following:

(a) Access may be by highway, foot trail, bike trail, horse trail or any other means of travel.

(b) Size of the subdivision.

(c) Type of stream, river or lake bank and the various appropriate recreational, educational, and scientific uses, including but not limited to swimming, diving, boating, fishing, water skiing, scientific collection and study, aesthetics, and wildlife.

(d) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(e) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use. Any public access route or routes and any easement along the bank of any water body provided by the subdivider shall be expressly designated on the map, and such map designation shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

23.14.013 - Groundwater Recharge Fees; Requirements

(a) The purpose of this Section is to make provisions for accessing and collecting fees as a condition of approval of a final map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated cost of groundwater recharge facilities as authorized by Government Code 66484.5.

(b) The Board may adopt a groundwater recharge facility plan for any area within the County. Prior to adopting the plan, the Board shall give notice to, and consult with, the water agency then obligated to furnish water to the area to be benefited and the water agency has formally and in writing approved the plan.

(c) Prior to adopting the plan, the Board shall hold a public hearing for the proposed area of benefit.

Notice of the hearing on a proposed area of benefit shall be given pursuant to Section 20.11 and shall include preliminary information concerning the groundwater recharge facility plan, including the proposed boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit, estimated costs, and the proposed method of fee apportionment.

Written notice of the public hearing shall be given by personal service or mail to the water agency responsible for furnishing water to the area of benefit involved in the hearing prior to or at the time notice is given by mail or by publication and posting. The proposal contained in the mailed, published or posted notice shall be jointly prepared and agreed upon by the local agency and the water agency before that notice is given. The water agency may participate in the hearings.

(d) The plan shall include the boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit and the estimated cost thereof, a fair method of allocating the cost within the area of benefit, and the apportionment of fees within the area. The plan, as adopted by the County and approved by the water agency, shall be incorporated in a resolution of the Board and a certified copy of the plan shall be recorded with the County Recorder. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or a parcel map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not otherwise subject to the payment of fees pursuant to this Subsection, the Board shall make provision for payment of the share of improvement costs apportioned to that land by other means.

(e) Written protests may be filed with the clerk no later than ten (10) days before the public hearing. If owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of the property to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this Section.

(f) Any protests may be withdrawn in writing by the owner who made the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

(g) If any majority protest is directed against only a portion of the improvement, then all further proceedings under this Subsection as to that portion of the improvement so protested against shall be barred for a period of one year. The Board, however, may commence new proceedings which do not include the area, acquisitions, or improvements which were the subject of the successful protest.

(h) Subsequent to the adoption of a plan, the County may itself construct, operate, and maintain the groundwater recharge facilities, or it may designate the water agency furnishing the water or designate or create another agency to do all or any one of these things as authorized by law.

(i) Fees paid pursuant to this Subsection shall be deposited in a planned recharge facility fund. A fund shall be established for each area of benefit. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited.

(j) The Board may accept land improvements, fees, or both, in satisfaction of any fee charged pursuant to this Subsection.

(k) Recharge facilities shall not be constructed unless the water agency approves the design of the facilities to be constructed and has reached an agreement with the County establishing the terms and conditions under which the water will be furnished. If the water agency finds that the facilities have been constructed in accordance with the approved design, the agency shall furnish water for the groundwater recharge facilities.

(l) The term "construction," as used in this Subsection includes: design, acquisition of land or easements, administration of construction contracts, and actual construction.

23.15 - Reservations

23.15.001 – General

As a condition of approval of a tentative subdivision map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries or other public uses according to the standards and formula contained in this Section.

23.15.002 - Standards for Reservation of Land

Where a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or adopted general plan containing a community facilities element, recreation and parks element and/or a public building element, the subdivider may be required by the County to reserve sites as so determined by the County in accordance with the definite principles and standards contained in the above specific plan or general plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or general plan and shall be in such multiples of

streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.

23.15.003 – Procedure

The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless the period of time is extended by mutual agreement.

23.15.004 - Payment to Subdivider

The purchase price shall be the market value thereof at the time of the filing of the tentative parcel or subdivision map plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.

23.15.005 – Termination

If the public agency for whose benefit an area has been reserved does not enter into a binding agreement, the reservation of the area shall automatically terminate.

23.16 - Lot Standards and Improvements

The subdivider shall construct all required improvements, both onsite and offsite, in accordance with the standard engineering specifications and other approved standards as provided by this Section and by the Board of Supervisors' resolution or resolutions establishing such standards.

No final subdivision map shall be presented to the Board of Supervisors for approval until the subdivider either completes the required improvements, or enters into an agreement with the County to complete the improvements and provides security therefore. The agreement shall be approved by the Department of Public Works and County Counsel prior to presentation to the Board of Supervisors.

23.16.001 – Lot Size

Lot size shall be approved for sanitary consideration by the County Health Officer and in no case shall be less than that prescribed by County zoning law and shall conform to the following:

(a) The depth of any lot shall not exceed three times the width on lots of 300 feet or less in width and shall not exceed four times the width on lots exceeding 300 feet in width; except that where the frontage of the lot exceeds a width of 600 feet, an exception may be granted by the Planning Commission providing that findings required in Section 16.20.020 are made and the exception conforms to reasonable lot configuration.

(b) Lot side lines shall be at approximately right angles to street lines.

(c) Lots shall not have double frontages.

(d) Lots shall not be divided by city, county, school district, or other taxing agency line.

(e) Lot lines shall not extend into rivers, streams and creeks that are used as public highways for recreational purposes.

Building Sites. The creation of building sites through mass pad grading and successive padding or terracing is prohibited.

Building sites within meadows, flood plains, watercourses, or the high water level of any body of water as identified by the Planning Commission are prohibited and the subdivider shall provide through subdivision design and deed restriction, conditions, covenants and restrictions, easements or other method acceptable to the County that no building or structure shall be constructed in such areas.

Every tentative parcel map and tentative map approved pursuant to this Part shall be conditioned on compliance with the requirements for grading and erosion control, the prevention of sedimentation, and prevention of damage to off-site property, set forth in applicable environmental law, and any specifications set by Board of Supervisors Ordinance or Resolution, and applicable General and Specific Plans.

23.16.002 -Required Improvements

(a) General. All improvements as may be required as conditions of approval of the tentative parcel or subdivision map, or by County ordinance or resolution, together with, but not limited to, the mandatory improvements set forth below, shall be required of all subdivisions.

(b) Remainder. Except as required pursuant to an agreement between the County and subdivider, improvements will not be required for a designated remainder until a permit or grant of approval is issued, or earlier upon a finding that 1) the construction is necessary for the public health and safety, or 2) the construction is a necessary prerequisite to the orderly development of the surrounding area.

(c) Frontage Improvements. The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches, and transitions as specified by the Commission after consultation with any applicable resolutions of the Board of Supervisors.

(d) Flooding and Drainage

1. The subdivider shall design the subdivision so that it shall be protected from inundation, flood hazard, sheet overflow, and ponding of local storm water, springs, and other surface waters. Improvements shall be designed so that water occurring within the subdivision will be carried off such subdivision without injury to any improvements, building sites, buildings, structures, or adjoining areas and will not cause erosion or siltation that would be detrimental to the environment of the area. Waters occurring within the subdivision shall be carried to a storm drainage facility or to a natural watercourse by such improvements as may be required by the Planning Commission to meet the design standards set forth in this Part and by Board of Supervisors= resolution. Drainage design within the subdivision shall accommodate reasonable anticipated future development within the drainage area. Any off-tract outlet drainage facility required to carry storm water from the proposed subdivision to a defined channel or conduit shall be made adequate for the ultimate state of development in the drainage area.

2. In any case when a watercourse traverses or serves a subdivision, adequate onsite and offsite easements for storm drainage purposes shall be provided.

3. A storm drainage maintenance district or acceptable alternative which includes the entire subdivision shall be established for the maintenance of storm drainage facilities within the subdivision and any offsite drainage easements. If a storm drainage maintenance district has previously been established within a particular drainage area, where said subdivision is being proposed, the proposed subdivision shall be annexed to the existing district.

4. If the County has adopted a drainage plan for all or part of the proposed subdivision, the subdivision shall be required to pay a fee consisting of a pro-rata share of the cost of contracting or estimated cost of constructing drainage facilities within the drainage area.

(e) Sewage Disposal. Every tentative subdivision map and tentative parcel map approved pursuant to this Part shall be conditioned upon compliance with the requirements of the California Regional Water Quality Control Board - Central Valley Region, and the Sierra County Code.

1. The Planning Commission may require that the subdivider connect to a sewer and drain system having plant capacity to handle his subdivision; that the subdivider construct an adequate sewage treatment plant and lines if there is no district having adequate capacity serving the proposed subdivision; or that the subdivider construct such other means of sewage disposal as shall be approved by the County Health Department.

2. Lots not served by sewers shall require the filing by the subdivider of a report indicating the feasibility of the proposed method of sewage disposal and the approval of the County Health Department for private sewage disposal.

3. In a subdivision served by a sewer system under County jurisdiction, all sewer lines, sewage treatment facilities, and appurtenances shall be constructed in accordance with the requirements of the County Engineer and the County Health Department.

4. Approval of improvement plans by the serving utility district for sewer improvements shall be required. The sewage capacity shall be calculated and submitted to the County identifying that the district has reserved sewage disposal capacity to serve this development and that this capacity will not be used for any other purpose.

(f) Water Supply.

1. The Planning Commission may require that the subdivider connect to a water treatment and distribution system having adequate plant capacity to handle the subdivision; that the subdivider construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or that the subdivider construct such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. Fire use shall be no less than 500 gallons per minute for duration of four (4) hours. Water mains supplying water to fire hydrants shall conform to the specifications set by Board of Supervisors resolution.

2. In those areas within a subdivision served by a water furnishing district or water

company under County jurisdiction, all lines and facilities shall be constructed in accordance with the requirements established by State law and this ordinance.

3. If the water system is not retained in private ownership, a district, county service area, or other public entity shall be formed to provide for maintenance and operation of the water system.

4. Mutual water companies and home owners associations shall be permitted to be the water suppliers only with the approval of the County. Individual water treatment systems on the lots for water serving the lots in a subdivision shall not be permitted.

5. Domestic water shall meet all the local and State standards for quality and quantity. Any treatment plant, storage facilities and appurtenances used to render water safe for domestic use must be approved by the County Health Department.

6. Approval of improvement plans by the utility district for water service supply and maintenance is required. The water capacity shall be calculated and submitted to the County, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

7. The following criteria shall apply to lots or parcels located or proposed to be located within 1,000 feet of a body of water or within 800 feet of a watercourse used, or likely to be used, for domestic water within five (5) miles upstream or downstream from said lots or parcels:

    A. Lots or parcels shall have a minimum lot area of five (5) acres if both individual water and individual sewage disposal have to be installed on the lot.

    B. In the event that other than individual sewerage disposal or treatment is proposed, the minimum lot areas shall be governed by water supply and applicable zoning.

    C. In any event, effluent from a sewer collection system in a watershed area must be treated as required by the County Health Department and Regional Water Quality Control Board, State of California.

8. Water supply provided by wells shall be subject to approval by the County Engineer and the County Health Department. Prior to any approval the adequacy of such supply shall be demonstrated by the subdivider in any of the following ways:

    A. Providing a test well or wells on 5% to 10% of the proposed parcels which are proposed to use individual wells (not less than one (1) test well) as required by the County Sanitarian, accompanied by a water supply evaluation report from a hydrogeologist registered in the State of California.

    B. In subdivisions where domestic water is proposed by individual wells and under the written advisement of an experienced hydrologist, supported by approval of the County Sanitarian and County Engineer, a report can be substituted for the required test well. This report shall minimally contain the location of and log data from active wells on

adjoining property and an analysis of subsurface geology indicating the reliability of transferring data from the control wells to the proposed parcels.

C. In subdivision where community wells are proposed, all proposed wells shall be pump tested. The pump tests shall be provided by the subdivider and shall be performed under the direction of the County Engineer. The tests shall be performed by a groundwater geologist or hydrologist licensed in the State of California and a water supply and evaluation report containing the results of the pump tests shall be submitted to the County Engineer.

9. All groundwater sources shall be capable of delivering a sustained flow of five (5) gallons per minute for each parcel served and shall meet the approval of the County Health Department. A test, provided by the subdivider and under the direction of a hydrogeologist or hydrologist, licensed in the State of California shall be conducted for at least twenty-four (24) to seventy-two (72) hours for an individual well and twenty-four (24) hours to fifteen (15) days for a community well after the source is developed to determine the yield and maximum drawdown. The results of these tests shall be reviewed by and meet the approval of the County Engineer.

10. Treated or untreated distribution systems may be considered by the Planning Commission and may be determined to be adequate as sources of domestic water supply when the subdivider submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:

A. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated.

B. Water will be available on a year-round basis to all proposed parcels.

C. Minimum quantity of water available to each proposed parcel.

D. Any restrictions, reservations, conditions or controls set by the serving entities upon the delivery, sale, or use of the supplied water.

E. Approval has been secured from the County Health Officer and State of California, Regional Water Quality Control Board.

11. A pump test and/or water supply evaluation report shall include, but not be limited to, the following:

A. The total groundwater supply available for the project.

B. The long term yield of proposed project wells.

C. The impact of groundwater withdrawal on stream flow, springs, vegetation, water levels, and any water sources in the area.

D. The relation between groundwater development at the project and adjacent present and future water supply development.

E. The impacts of waste disposal facilities on groundwater quality.

(g) Each unit or lot within the subdivision shall be served by electric, telephone and cablevision facilities where reasonably available.

(h) Underground Utilities. At the time a tentative parcel map or tentative map is approved, the Planning Commission may impose, as a condition of such approval, the requirements to install underground utilities as hereinafter provided:

1. The installation of underground utilities shall comply with not less than the minimum requirements for the placement of electrical and communications facilities in compliance with State Public Utilities Commission regulations. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal terminal boxes, and meter cabinets and concealed ducts may be installed above the ground provided that such facilities shall be located and designed so as to harmonize with the area and shall be appropriately screened and landscaped.

2. The responsibility of the coordination and obtaining approval from each utility concerned for the placement of underground utilities shall rest solely with the subdivider.

3. The number of working days and the sequence of installation for each utility shall be listed separately on the submitted improvement plans. The location of each utility facility and the common trench detail shall be shown by plan and cross section on the improvement plan and shall be approved by the County Engineer.

4. The subdivider shall be responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies involved for the installation of said facilities. An agreement shall be entered into between the subdivider and the utility companies listing who preforms and finances each segment of work relating to electrical and telephone installations. A letter from the serving utility company will be required before the improvement plans are signed by the County Engineer and the County Planning Director. The letter shall state that said company has approved the design, utility location and scheduling and has entered into the above agreement.

5. Any high voltage or major communication facility should be identified in accordance with public utility company requirements by a buried cable marker or acceptable alternate on each side of the roadway.

(i) Fire Protection. The County Planning Commission, after consultation with the appropriate fire protection district, shall require fire protection improvements for all subdivisions.

(j) Other Improvements. Other improvements including, but not limited to, grading, street lights, fire hydrants, signs, street lines and markings, street trees and shrubs, landscaping, monuments, bicycle facilities, fences, noise barriers, fire fighting improvements or fees in lieu of any of the foregoing, shall also be required as determined by the Planning Commission in accordance with this Part, the General Plan, County standards and specifications.

(k) Offsite Improvements. If the subdivider is required to construct offsite improvements on land in which neither the subdivider nor the County has sufficient title or interest to allow construction, the County shall, within one hundred twenty (120) days of recording the final map, acquire by negotiation or commence condemnation of the land. If the County fails to meet the one hundred twenty (120) day time limit, the condition for the

construction shall be waived. Prior to approval of the final map, the county may require the subdivider to enter into an agreement to complete the offsite improvements at the time the County acquires title or an interest in the land.

The subdivider shall pay the cost of acquiring offsite land or an interest in the land required to construct the offsite improvements.

23.16.003 – Improvement Agreements for Deferred Frontage Improvements

(a) Subdivisions of Four (4) or Fewer Parcels. The frontage improvements along peripheral streets may be deferred when deemed necessary by the Department of Public Works. When improvements are deferred, the subdivider and/or owner of the real property shall enter into improvement and security agreements with the County, in a form acceptable to the Department of Public Works and County Counsel, for the installation of all frontage improvements at a time in the future as specified by the County. The County Clerk shall execute the agreement on behalf of the County. The agreement shall provide for the following:

1. Construction of improvements shall not commence until the improvement plans have been approved by the Department of Public Works and shall be completed within the time so specified.

2. That in the event of a default by the subdivider and/or owner, the County is authorized to cause construction to be done and charge the entire cost and expense to the subdivider and/or owner, including interest from the date of notice of said cost and expense until paid, from the improvement security.

3. That the agreement shall be recorded with the County Recorder at the expense of the subdivider and/or owner and shall constitute notice to all successors and assigns of title to the real property of the obligations set forth therein, and shall also constitute a lien in such amount necessary to fully reimburse the County, including interest as provided above, subject to foreclosure in the event of a default in payment.

4. That in event of litigation occasioned by any default of the subdivider and/or owner, the subdivider and/or owner agree to pay all costs involved, including reasonable attorney's fees, and that the same shall become a part of the lien against the real property.

5. That the terms "subdivider" and "owner" shall include, respectively, not only the subdivider and the present owner of the real property, but also heirs, successors, executors, administrators and assigns thereof, it being the intent of the parties that the obligations undertaken shall run with the real property and constitute a lien against it.

6. Any other improvement security as required by Subsection 23.17.001.

7. Any other provisions required by the County as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Part.

The agreement shall not relieve the subdivider or owner from any other specific requirement of the Subdivision Map Act, this Code or law. The construction of deferred improvements shall conform to the provisions of this Part and all applicable County regulations in effect at the time of construction.

(b) Remainders. Where a remainder is made part of a final or parcel map, the subdivider may enter into an agreement with the County to construct improvements within the remainder at some future date and prior to the issuance of a permit or other grant of approval for the development of a remainder. The improvements shall be at the subdivider's expense. In the absence of such an agreement, the County may require fulfillment of the construction requirements within a reasonable time following approval of the final or parcel map and prior to the issuance of a permit or other grant of approval for the development of the remainder, upon a finding that fulfillment of the construction requirements is necessary for reasons of:

1. The public health and safety; or

2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

23.16.004 - Design. [Reserved]

23.16.005 – Access

All lots or parcels created shall normally have legal and approved access to a public street improved to the standards set forth in this Part. However, if the Planning Commission determines that the most logical development of the land requires that lots be created with access to private streets, such a development may be approved. The subdivider shall submit a development plan showing the alignment width, grade, and material specifications of any proposed private street, the topography and means of access to each lot, and the drainage, sewer and water service and fire protection for the lots served by such private street. The private street shall be constructed in accordance with standard engineering specifications and any other applicable plans and specifications of the County as approved by the Department of Public Works. Construction of the private street shall be completed prior to the completion of the construction and/or occupancy of the lots. The subdivider shall be required to provide a feasible method for the maintenance of such private streets, which method shall be subject to the prior approval of the Department of Public Works and County Counsel.

If "flag" lots are approved as part of the subdivision, the requirements, including the improvements to the stem of the "flag" lots, shall be as described for private streets in the preceding paragraph.

Reserve strips, or non-access at the end of streets or at the boundaries of subdivisions, shall be dedicated unconditionally to the County when required by the County.

23.16.006 - Improvement Plans

(a) General. Improvement plans shall be prepared under the direction of and signed by a registered civil engineer licensed by the State of California.

(b) Form. Form shall be as specified in current County Improvement Standards.

A suitable title block shall be placed in the lower right corner or along the right edge and provide adequate space for approval by the Department of Public Works and appropriate agencies and for approval of plan revisions.

Plans and profiles shall be drawn to the scale of 1" = 40' horizontal, 1" = 4' vertical profile, or larger unless approved otherwise by the Department of Public Works and appropriate agencies. Details shall be drawn to such scale that clearly shows the facility being constructed. The scales for various portions of the plans shall be shown on each sheet.

A vicinity map shall be shown on the first sheet of all sets of plans.

A north arrow shall be shown on each sheet when applicable.

Plans shall be laid out to orient north to the top or right edge of the sheet unless approved otherwise by the County Engineer.

All lettering shall be 1/8" minimum.

If the plans include three (3) or more sheets, a cover sheet showing the streets, lots, easements, storm drains, index and vicinity map shall be included.

The form of all plans shall conform to additional requirements as may be established by the County. The final form of all plans shall be approved by the Department of Public Works and appropriate agencies.

(c) Contents. The improvement plans shall show complete plans, profiles and details for all required improvements to be constructed, both public and private, including common areas.

Reference may be made to Sierra County or State Standard Plans in lieu of duplicating the drawings.

(d) Supplementary Plans and Calculations. Hydrology, hydraulic plans and calculations, bond or other security estimates, and any structural calculations as may be required shall be submitted with the improvement plans to the Department of Public Works Director, Special Districts and the Sierra County Flood Control District as applicable. All calculations shall be legible, systematic and signed and dated by a registered civil engineer licensed by the State of California and in a form approved by the Department of Public Works.

(e) Review by the Department of Public Works and Planning. The subdivider shall submit three (3) complete sets of improvement plans and all computations to the Department of Public Works for review. Upon completion of the review, one (1) set of the preliminary plans, with any required revisions indicated, will be returned to the subdivider. One set of plans shall also be submitted to the Planning Department for review.

(f) Approval by the Department of Public Works. After completing any required revisions, the subdivider shall transmit the originals of the improvements plans to the Department of Public Works for signature.

Upon finding that any required revisions have been made and that the plans conform to all applicable County ordinances and plans, design requirements and conditions of approval of the tentative parcel or subdivision map, the Department of Public Works shall sign and date the plans. The subdivider shall provide a reproducible (mylar) set of plans to the Department of Public Works. The originals will be returned to the subdivider.

Approval of the improvement plans shall not be construed as approval of the gas, electric, telephone and cable television service construction plans.

The department shall act upon any improvement plan within sixty (60) days of its submittal, unless the local agency determines, pursuant to Government Code Section 66456.2(c), that it is unable to meet this time limit.

Approval by the Department of Public Works shall in no way relieve the subdivider or the subdivider's engineer from responsibility for the design of the improvements and for any deficiencies resulting from the design or from any required conditions of approval of the tentative parcel or subdivision map.

(g) Revision to Approved Plans.

1. By Subdivider. Requests by the subdivider for revisions to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the Department of Public Works or authorized representative and shall be accompanied by revised drawings showing the proposed revision. If the revision is acceptable to the Department of Public Works and consistent with the tentative parcel or subdivision map, the originals shall be submitted to the Department of Public Works for initialing. The originals shall be returned to the subdivider and the revised plans shall be immediately transmitted to the Department of Public Works. Construction of any proposed revision will not be permitted to commence until revised plans have been received and approved by the Department of Public Works.

2. By Department of Public Works. When revisions are deemed necessary by the Department of Public Works to protect the public health and safety, or as field conditions may require, a request in writing shall be made to the subdivider. The subdivider shall revise the plans and transmit the originals to the Department of Public Works for initialing within the time specified by the Department of Public Works.

   Upon receipt of the initialized originals, the subdivider shall immediately transmit revised drawings to the Department of Public Works. Construction of all or any portion of the improvements may be stopped by the Department of Public Works until revised drawings have been submitted.

   The subdivider may, in accordance with Section 23.03, appeal revisions required by the Department of Public Works to the Planning Commission by filing an appeal in writing with the Secretary of the Planning Commission within fifteen (15) days following receipt of the request to revise the plans, and then to the Board of Supervisors by filing an appeal in writing with the County Clerk within fifteen (15) days.

3. Plan Checking and Inspection Costs for Revisions. Costs incurred by the County for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider at actual cost. A deposit, when required, shall be submitted with the revised plans and applied toward the actual costs.

23.16.007 - Inspection and Control

(a) All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the County.

(b) The County 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 County regulations.

(c) If any of the work on improvements is done by the subdivider prior to the approval of the improvement plans, or prior to the inspection of the improvements by the County Planning Department and the County Engineer, such work may be rejected and shall be deemed to have been done at the risk and peril of the subdivider.

23.16.008 - Improvement Delay

The subdivider shall perform the work to completion without undue delay except for inclement weather or other reasonable cause as determined by the County Engineer. Delay in completion of the work beyond the period stated in any agreements for improvement unless an extension is approved by the Board of Supervisors and the surety company, may result in forfeiture of the cash deposit or security or a portion thereof for the completion of the work.

23.16.009 - Acceptance of Improvements

(a) When all improvement work required by the approved improvement plans, or a complete unit thereof, is complete to the satisfaction of the County Engineer, he shall issue a certificate to the Board of Supervisors stating that such a portion of the work has been satisfactorily completed and recommending the acceptance by the Board of Supervisors of the completed portion of the work.

(b) Upon satisfactory completion of all work required to meet the requirements of this Part, and its acceptance by the Board of Supervisors, the Board of Supervisors shall file a Notice of Completion as to the required improvements in the Office of the County Recorder.

23.16.010 - Improvement Agreement

The improvement agreement shall be prepared by the Department of Public Works and approved as to form by the County Counsel. The agreement shall provide for:

(a) Construction of all improvements including any required offsite improvements, according to the approved plans and specifications on file with the Department of Public Works.

(b) Completion of improvements within the time specified by the agreement.

(c) Right of the County to modify plans and specifications and to require the subdivider to pay for modifications.

(d) Warranty by the subdivider that construction will not adversely affect any portion of adjacent properties.

(e) Payment of inspection fees in accordance with the County's ordinance.

(f) Payment of in-lieu fees for undergrounding of utilities on peripheral streets.

(g) Payment of planned drainage facility fees.

(h) Improvement security as required by Section 23.17.

(i) Maintenance and repair of any defects or failures and their causes.

(j) Release and indemnification of the County from all liability incurred in connection with the development and payment of all reasonable attorneys' fees that the County may incur because of any legal action or other proceeding arising from the development.

(k) Any other deposits, reimbursements, fees or conditions as required by County ordinance or resolution and as may be required by the Department of Public Works.

(l) Any other provisions required by the County as reasonably necessary to effectuate the purposes and provisions of the Subdivision Map Act and this Part.

23.17 - Improvement Security

23.17.001 - Improvement Security

(a) General. Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this Part, for which security is required, shall be secured in accordance with Sections 66499 *et seq.* of the Subdivision Map Act and as provided below.

No final map or parcel map shall be signed by the County Surveyor or recorded until all improvement securities and improvement agreements required by this Section have been completed and accepted by the County or responsible agency.

(b) Form of Security. The form of security shall be one of or the combination of the following at the option and subject to the approval of the County:

1. Bond or bonds by one or more duly authorized corporate sureties. The form of the bond or bonds shall be in accordance with Sections 66499.1 and 66499.2 of the Subdivision Map Act.

2. A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public monies.

3. An instrument of credit or letter of credit from one (1) or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

4. A lien upon the property to be divided, created by contract between the owner and the local agency, if the Board of Supervisors finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

5. Security interests in real property, found to be acceptable to the Board of Supervisors.

Any contract or security interest in real property entered into as security for performance pursuant to paragraph (4) or paragraph (5) of this Section shall be

recorded with the county recorder of the county in which the subject real property is located. 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 local agency approving the map.

6. Any other form of security as provided in Section 66499 of the Subdivision Map Act.

(c) Security for Performance. The form of security shall comply with Government Code Section 66499.1.

(d) Amount of Security. A performance bond or other security in the amount of one hundred percent (100%) of the total estimated construction costs to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of fifty percent (50%) of the estimated construction cost shall be required to guarantee payment to subdivider's contractor, subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of improvements. As a part of the obligation guaranteed by the security, and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the County in enforcing the obligations secured.

The estimate of improvement costs shall be as approved by the Director of the Department of Public Works and shall provide for:

1. Not less than five percent (5%) nor more than ten percent (10%) of the total construction costs for contingencies.

2. Increase for projected inflation computed to the estimated midpoint of construction.

3. All utility installation costs or a certification acceptable to the Department of Public Works from the utility company that adequate security has been deposited to ensure installation.

(e) Warranty Security. Upon acceptance of the subdivision improvements by the County, the subdivider shall provide security in the amount as required by the Department of Public Works to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period which shall be the period of one (1) year following completion and acceptance of the improvements. The amount of the warranty security shall not be less than fifteen percent (15%) of the cost of the construction of the improvements.

(f) Reduction in Performance Security. The Department of Public Works may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider, but in no case shall the security be reduced to less than fifteen percent (15%) of the total improvement security given for faithful performance. The amount of reduction of the security shall be determined by the Department of Public Works; however, in no event shall the Department of Public Works authorize a release of the improvement security which would reduce security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by the Subdivision Map Act, this Part or the improvement agreement.

(g) Release of Improvement Security.

1. Performance Security. The performance security shall be released only upon acceptance of the improvements by the County and when an approved warranty security has been filed with the Department of Public Works. If a warranty security is not submitted, performance security shall be released twelve (12) months after acceptance of improvements and correction of all warranty deficiencies.

2. Material and Labor Security. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the County, 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. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

3. Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period, provided:

   A. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected.

   B. Not less than twelve (12) months have elapsed since the acceptance of the improvements by the County.

(h) Alternative Release of Improvement Security. If and when subdivision improvements are financed and installed by special assessment proceedings, the Director of Public Works may permit a reduction in the subdivider's security in an amount equal to the contractor's bonds for faithful performance, labor and material.

(h) In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the Department of Public Works shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

23.17.002 - Construction and Inspection

Unless otherwise specified in the conditions of approval, the construction methods and materials for all improvements shall conform to the standard engineering specifications and all other standard plans and specifications of the County.

Construction shall not commence until all required improvement plans have been approved by the Department of Public Works. All improvements are subject to inspection by the Department of Public Works in accordance with the County's approved specifications. Any work completed without inspection by the County may be rejected.

23.17.003 - Completion of Improvements

(a) Subdivisions of Five (5) or More Parcels. The improvements for subdivisions of five (5) or more parcels shall be completed by the subdivider within twelve (12) months, or such later time as approved by the Department of Public Works, not to exceed thirty-six (36) months, from the recording of the final map, unless an extension is granted as provided herein.

Should the subdivider fail to complete the improvements within the specified time, the County may, by resolution of the Board of Supervisors and at its option, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary costs.

(b) Subdivisions of Four (4) or Fewer Parcels.

1. Whenever improvements are required to be constructed as a condition of approval of a parcel map, requirements for the construction of such improvements shall be notified by certificate on the parcel map and by recording a Covenant of Improvement Requirements. The Planning Commission may require that the subdivider enter into a secured agreement to construct all or part of the required improvements. The construction of such improvements shall be completed prior to subsequent issuance of a permit or other grant of approval for the development of the parcels being created or at a time specified pursuant to an agreement between the subdivider and the County.

2. Agreement to Improve. If, as a condition of approval of a parcel map, the subdivider has been required to enter into an agreement to construct or install improvements required under this Part, the subdivider shall provide a good and sufficient improvement security as defined in Section 66499 of the Government Code in the amounts provided in Subsection 23.17.001. The subdivider shall prepare detailed plans and specifications of the improvements to be constructed. After said plans and specifications have been approved by the Director of Public Works, such plans and specifications shall be made a part of any such agreement and of the improvement security.

3. Covenant of Improvement Requirements. In addition to the Certificate of Improvements under Subsection 23.07.010, as noticed on the parcel map, the subdivider shall execute a Covenant of Improvement Requirements to be filed in the Office of the County Recorder. This document shall act as constructive notice of the improvements required and the time of their completion.

4. All required improvements shall be inspected and approved by the Director or Public Works. Improvements shall be installed in accordance with the County's standards and specifications and the County's grading regulations approved by the Board of Supervisors and on file in the Office of the Public Works Department.

5. Release of Improvement Requirements. Upon satisfactory completion of the improvements as noticed on the parcel map by the Certificate of Improvements, a request may be made to have the County File a Release of Improvement Requirements in the Office of the County Recorder. The person or persons requesting the Release of Improvement Requirements to be filed shall submit such requests in writing to the Department of Public Works along with satisfactory proof that the improvements are completed. The recording of this Release of Improvement Requirements will be constructive notice to any government agency when an application for a development permit or other grant of approval for the development of any of the parcels of a parcel map is made.

(c) Extensions. The completion date may be extended by the Director of Public Works Department upon written request by the subdivider and the submittal of adequate evidence to justify the extension. The request shall be made prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the County. The agreement shall be prepared by the Department of Public Works, approved as to form by the County Counsel, executed by the subdivider and surety and transmitted to the Board of Supervisors for its consideration. If approved by the Board, the Clerk to the Board shall execute the agreement on behalf of the County.

In consideration of a subdivision improvement agreement extension, the following may be required:

1. Revision of improvement plans to provide for current design and construction standards when required by the Department of Public Works.

2. Revised improvement construction estimates to reflect current improvement costs as approved by the Department of Public Works.

3. Increase of improvement securities in accordance with revised construction estimates.

4. Inspection fees may be increased to reflect current construction costs but shall not be subject to any decrease or refund.

The Board of Supervisors may impose additional requirements as recommended by the Department of Public Works or as it may deem necessary as a condition to approving any time extension for the completion of improvements.

The subdivider shall pay a fee in an amount set by the Board of Supervisors.

(d) As-Built Plans. Upon completion of the improvements, the subdivider shall submit to the Department of Public Works a reproducible set of as-built improvement plans.

23.17.004 - Acceptance of Improvements

(a) General. With respect to all subdivision, when all improvement deficiencies have been corrected and as-built improvement plans submitted, the completed subdivision improvements shall be considered by the Department of Public Works for acceptance.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily.

(b) Acceptance. If the subdivision improvements have been accepted by the Board of Supervisors, the Board of Supervisors shall direct the County Clerk to file an Acceptance of Public Improvements with the County Recorder.

(c) Acceptance of a Portion of the Improvements. When requested by the subdivider in writing, the Department of Public Works may consider acceptance of a portion of the improvements. Such improvements will be accepted by the Department of Public Works only if the Department of Public Works finds that it is in the public interest to do so and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Part.

23.18 - [Reserved]

23.19 - Monumentation

23.19.001 - Monumentation

(a) An accurate and complete survey shall be made of the land to be subdivided unless acceptable record data is used. With the final map, the subdivider shall file a traverse sheet or sheets, in a form approved by the Department of Public Works, giving latitudes, departures and coordinates of the boundary of the subdivision and blocks therein. Traverse of the boundaries of the tract, and of all lots and blocks, must close within a limit of error of one part in ten thousand (10,000). If any shortage or excess is found on the ground between monuments, compared with the original record, any division of the total must bear its proportion of such excess or shortage. The traverse sheet shall be transmitted to the Department of Public Works, which shall approve it before the final map may be approved by the Planning Commission.

(b) In making the survey on which the final map is based, the engineer or surveyor shall set permanent monuments at all angle and curve points on the exterior boundaries of the subdivision, and shall set two permanent monuments within sight of each other in each block.

(c) Permanent monuments shall be no less substantial than one and three-quarter inch (1-3/4" I.D.) by thirty inch (30") iron pipe, set to be visible from the surface of the surrounding ground, with the center point marked by a copper tack or pin.

(d) Galvanized pipe, no less substantial than one-half inch (1/2") by thirty inches (30"), set in the ground as prescribed for permanent monuments, shall be placed at the beginning and end of all curves and at all single points.

(e) Monuments no less substantial than steel pins, one-half inch (1/2") in diameter by eighteen inches (18") long, and set in the ground as prescribed for permanent monuments, shall be set at all corners.

(f) Standard monuments, as shown in the adopted "Standards and Specifications" of the County, shall be placed along the center line of streets and alleys at all intersections, and at the beginning and ending of curves, unless waived by the Department of Public Works because of geological or topographical conditions.

(g) All monuments shall be tagged or plugged with the license number of the engineer or surveyor responsible for their installation.

(h) All monuments shall be subject to inspection and approval by the Department of Public Works before it approves the final map.

1. The purpose of monumentation is to enable the survey to be retraced.

2. The Department of Public Works may vary the requirements of this Subsection because of geological or topographical conditions.

3. There shall be an inspection fee paid to the Department of Public Works based on actual cost of field inspection of monumentation.

(i) Provided that a cash deposit or approved bond, in an amount set by the Department of Public Works, is filed by the subdivider to guarantee such work, monuments may be set after the approval of the final map, but not later than the time of acceptance of the subdivision improvements by the Board of Supervisors.

23.20 - Supplemental Improvement Capacity

23.20.001 - Supplemental Size or Length May Be Required

As a condition of approval of a tentative parcel or subdivision map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public. However, when such supplemental size, capacity, number or length is solely for the benefit of property not within the subdivision, the County shall, subject to the provisions of Sections 66486 and 66487 of the Subdivision Map Act, enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

23.20.002 – Reimbursement

(a) The Board of Supervisors shall determine the method for payment of the costs required by a reimbursement agreement, which method may include, but shall not be limited to, the following:

1. The collection from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

2. The contribution to the subdivider of that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and the levy of a charge upon the real property benefited to reimburse the County for such costs, together with interest thereon, if any, paid to the subdivider.

3. No charge, area of benefit or local benefit district shall be established unless and until a public hearing is noticed and held thereon by the Board of Supervisors in accordance with the provisions of Sections 20.11 and 20.12, and the Board of Supervisors finds that the charge, area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof.

(b) In addition to the notice required by Section 20.11, written notice of the hearing shall be given to those who own property within the proposed area of benefit as shown on the last equalized assessment roll, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the County Clerk at least ten (10) days prior to the date established for the hearing. As a condition of approval of a tentative subdivision or parcel map, the County may require improvements

that contain supplemental size, capacity, number or length for the benefit of property not within the subdivision, and that those improvements be dedicated to the public. Supplemental length may include minimum sized offsite sewer lines necessary to reach a sewer outlet in existence at that time.

23.21 - [Reserved]

23.22 - Reversions to Acreage

23.22.001 – General

Subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act and this Section.

Subdivisions may also be merged and resubdivided without reverting to acreage pursuant to Section 66499.20 1/2 of the Subdivision Map Act and this Section.

23.22.002 - Initiation of Proceedings

(a) By Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Planning Department. The petition shall contain the information required by Subsection 23.22.003 and any other information as required by the Planning Department.

(b) By 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. The Board of Supervisors shall direct the Department to obtain the necessary information to initiate and conduct the proceedings.

23.22.003 - Contents of Petition

The petition shall contain, but not be limited to, the following:

(a) Evidence of title to the real property.

(b) Evidence of the consent of all of the owners of an interest in the property.

(c) Evidence that 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.

(d) Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.

(e) A final or parcel map in the form, and with the contents, prescribed by Section 23.07 or Section 23.10, as the case may be, which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be

conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."

23.22.004 - Submittal of Petition to the Department of Public Works

The final or parcel map for the reversion, together with all other data as required by this Section, shall be submitted to the Department of Public Works for review.

Upon finding that the petition meets with all the requirements of the Subdivision Map Act or this Section, the Department of Public Works shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the Board of Supervisors for its consideration.

23.22.005 - Board of Supervisors Approval

A public hearing shall be held by the Board of Supervisors on all proposed reversions to acreage. Notice of the public hearing shall be given by the Clerk of the Board of Supervisors as provided in Section 20.11.

The Board of Supervisors may approve a reversion to acreage only if it finds and records by resolution 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 within the subdivision 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. No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

The Board of Supervisors may require as conditions of the reversion:

(c) The owners dedicate or offer to dedicate streets, public rights-of-way or easements.

(d) 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 purposes or provisions of the Subdivision Map Act or this Part.

(e) Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Part or necessary to protect the public health, safety or welfare.

23.22.006 - Filing with the County Recorder

Upon approval of the reversion to acreage, the County Clerk shall transmit the final or parcel map, together with the Board of Supervisors resolution approving the reversion, to the County Recorder for recordation. Reversion shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect.

23.23 - [Reserved]

23.24 - Parcel Mergers

23.24.001 - Purpose

The following provisions govern both Applicant- (non-Local Agency) Initiated parcel mergers and County-initiated mergers.

23.24.002 – Scope

This Part governs the process for merger of two or more contiguous parcels of real property into a resultant parcel or parcels which are fewer in number than those parcels existing prior to the completion of the merger through the elimination of one or more common boundary lines between the previously existing contiguous parcels. Recognizing that parcel mergers may affect existing land use patterns, plans, subdivision agreements, covenants, conditions and restrictions, and other or similar economic, social, health and safety issues of significant local impact, it is intended that this Part be the exclusive mechanism for non-County initiated parcel mergers within the County of Sierra.

23.24.003 – Definitions

In addition to those definitions set forth Section 23.02 of the Sierra County Code, the following definitions shall apply to this Part.

23.24.004 - Contiguous Parcels

"Contiguous Parcels" means two or more lots or acreage, which have one or more common boundary lines shared by such lots or acreage and which lots or acreage are owned by the same entity or individual in identical form of ownership.

23.24.005 – Merger

“Merger” means the elimination of one or more common boundary line(s) between two or more contiguous parcels, resulting in a lot or lots of fewer number and of greater size than those existing prior to the merger.

23.24.006 - Application(s)

Parcel Merger applications shall be submitted to the Planning Department and shall consist of the following:

(a) A completed application on forms provided by the Planning Department.

(b) The appropriate fee as determined by Resolution of the Board.

(c) Two copies of a preliminary title report for all properties whose boundaries would be altered by the proposed Parcel Merger. Title reports shall name the current record owners and shall not be more than six (6) months old.

(d) Six (6) copies of a Tentative Parcel Merger Map, prepared by the applicant or the applicant's agent, legibly drawn and accurately to scale on one sheet of reproducible paper or polyester base film eighteen (18) by twenty-six (26) inches in size. A Tentative Parcel Merger Map shall show all of the following information:

1. Boundary lines, dimensions, and approximate areas of the original parcels and of the Merged Parcel(s).

2. Locations and dimensions of each existing structure, including outbuildings, proposed building sites, approximate distances between structures, and approximate distances between structures and boundary lines of both the original parcel boundaries and the merged parcel boundaries.

3. Names, locations and widths of all existing streets and roads on or bounding the original parcel and of all new access routes being proposed.

4. Locations and dimensions of all existing and proposed easements, utility lines, right-of-ways, and underground structures of any kind.

5. Approximate slope of the land.

6. Scale of map (standard engineering scale), north arrow, and vicinity map.

7. Location of existing and proposed domestic water supplies and location of existing and proposed septic tanks and leach fields for all lots affected by the Parcel Merger.

8. Approximate location of all watercourses, drainage channels, drainage structures, and springs.

9. Approximate locations of all high water lines of lakes, reservoirs, streams, and rivers.

10. Date of preparation of the map.

11. Assessor's parcel numbers and Book and Page Number from the Official Records for all existing deeds on all parcels affected by the Parcel Merger.

12. Name, address, and telephone number of the applicant, of the person who prepared the map, and of all parties having any record interest in the real property shown on the map.

13. A statement granting consent to the preparation and submittal of the map, with signatures of the applicant and of the record owners of all the parcels whose boundaries are affected by the Parcel Merger.

23.24.007 - Application Deemed Complete

The application for the Parcel Merger shall be deemed complete when all of the information required by this Section is received by the County Planning Department. The County Planning Department shall determine whether the application is complete within thirty (30) days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application shall be deemed complete.

23.24.008 - Environmental Review

The Planning Department shall, within thirty (30) days after deeming the application for Parcel Merger to be complete, determine whether or not the proposed Parcel Merger is exempt from the requirements of the California Environmental Quality Act and of the Sierra County Code. If the proposed Parcel Merger is determined to be exempt, the application for Parcel Merger shall be deemed filed and notification of such shall be made to the applicant by the Planning Department. If the project is determined to be not exempt, the provisions of Part 38 of the Sierra County Code shall apply.

23.24.009 - Departmental Review

The Planning Department shall distribute the copies of the application to the Health Department, Tax Collector, Assessor, Department of Public Works, and County Surveyor for comment. A ten (10) working day review period shall be placed on each application to allow for the submittal of written comments from said County departments or other interested parties.

23.24.010 - Administrative Hearing and Determination

The Planning Director shall schedule the Parcel Merger application for an administrative hearing in which the applicant, or the applicant's agent, and County departments and interested parties will be afforded the opportunity to be present and provide evidence. Notice of such hearing shall be given pursuant to Government Code Section 5091 and shall be mailed or delivered at least ten (10) days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. The Planning Director may, with due cause, continue a hearing to another time and place, however, upon conclusion of any hearing, the Planning Director or his designee shall approve, approve with conditions, or deny the application. Written notice of the action and of the right to appeal shall be mailed to the applicant within three (3) days after conclusion of the hearing. The decision of the Planning Director, or his designee, shall be considered binding unless the decision is appealed to the Planning Commission within fifteen (15) days after the decision of the Planning Director.

23.24.011 - Administrative Criteria

A Parcel Merger application shall not be approved unless and until it is deemed complete and the Planning Director finds, based on substantial evidence in the record, that the boundaries of each

lot affected by the proposed Parcel Merger meet criteria set forth in either Subsection (a) or Subsection (b) below:

(a) 1. Is consistent with the Sierra County General Plan; and

2. Conforms to the Sierra County Zoning Code; and

3. The boundaries of each resultant lot or lots shall conform to applicable laws pertaining to land development: and

4. The locations of all existing utilities, infrastructure and easements for each lot whose boundaries are affected by the Proposed Merger shall conform to the Sierra County Code in effect at the time of application; and

5. No violation of any County ordinance or California state law exists at the time of the approval of the Parcel Merger.

[OR]

(b) That nonconforming parcel or parcels which are involved in the Parcel Merger were created prior to the adoption of the Sierra County Zoning Code and that such Parcel Merger will meet the following criteria:

1. Meets the criteria set forth in Subsections 23.24.011(a) 1, 3, 4 and 5; and

2. The merger of such parcels results in the creation of a larger parcel or parcels than that which existed prior to such proposed Parcel Merger; and/or,

3. The acquisition of frontage along a County Road or State Highway for one or more of the affected parcels.

23.24.012 - Conditions of Approval

Conditions may be placed on the Parcel Merger by the Planning Director or his designee to ensure that the negative effects of the proposed Parcel Merger, if any, will be mitigated or eliminated, and that such condition(s) will be complied with prior to recordation of the applicable documents which effectuate the Parcel Merger. Such conditions shall include a provision, where applicable, that any Parcel Merger approved will not operate to diminish or defeat the rights or interests of any party or entity which existed of record prior to the Parcel Merger, including but not necessarily limited to security instruments, deed restrictions, covenants, conditions and restrictions, assessments, and similar rights or obligations. The requirement of such conditions on the Parcel Merger may include the submittal of appropriate security to assure future compliance, where relevant.

23.24.013 - Appeal of Administrative Decision

The approval, conditional approval, or denial of a Parcel Merger application ("the Decision") by the Planning Director or the Planning Director's designee may be appealed directly to the Planning Commission by any person or entity whose property rights or interests are affected by the Decision. A written appeal shall be filed with the Secretary of the Planning Commission within fifteen (15) days after the Decision.

23.24.014 - Appeal of Planning Commission Decision (Applicant Defined)

Any interested person may appeal the decision of the Planning Commission pursuant to Section 20.13.

23.24.015 -Final Processing. Process Completion

Within thirty (30) days of an approval, conditional approval, or an appeal resulting in approval, the Director of Planning shall coordinate the recording of all applicable documents which are required to effectuate the Parcel Merger with the applicant, the applicant's title officer, or agent, providing the following criteria have been met:

(a) The appeal period has expired or an appeal has resulted in approval by the Planning Commission and/or Board of Supervisors.

(b) The Planning Director has certified in writing that any conditions placed on the approved Parcel Merger Map have been satisfied.

(c) The County Tax Collector has certified in writing that the tax requirements at the time of recordation of the documents which effectuate the Parcel Merger have been satisfied.

(d) Unless waived by the Planning Director, with the concurrence of the County Surveyor, the applicant, or the applicant's title company or agent has submitted copies of the Grant Deed or Deeds for the land proposed to be conveyed for the Parcel Merger and the County Surveyor has determined that the Grant Deed or Deeds are in substantial compliance with the approved Tentative Parcel Merger Map, and that said grant deed or deeds contain the words “FOR PURPOSES OF PARCEL MERGER.”

(c) In cases where Deeds of Trust are affected by the merger, the applicant, or the applicant's title company or agent, has submitted copies of the Partial Reconveyance and Supplemental Deeds of Trust to the County Surveyor and the County Surveyor has determined that said documents are in substantial compliance with the approved Parcel Merger, the Subdivision Map Act, and this Section.

(d) Unless waived pursuant to this paragraph, property corners created by the Parcel Merger have been monumented in accordance the Land Surveyor's Act; the applicant has submitted a Record of Survey map and a deed to effectuate the Parcel Merger to the County Surveyor; and the County Surveyor has determined that said deed and Record of Survey map are in substantial conformance with the approved Parcel Merger Map. The title of the deed and Record of Survey map shall include the words “PARCEL MERGER”. The requirements for monumentation and filing of a Record of Survey map may be waived by the Director of Planning with the concurrence of the County Surveyor if:

1. The Parcel Merger transfers aliquot parts of sections consisting of quarter-quarter sections or larger; or

2. The Merged Parcels can be easily and satisfactorily located from existing monumentation and record information.

3. All applicable fees have been paid.

23.24.016 - Recordation of Notice of Map

A Parcel Merger shall be effected either by the recordation of a Parcel Merger Map or at the discretion of the Director of Planning with the concurrence of the County Surveyor, by recordation of a Notice of Parcel Merger in form approved by the Director of Planning. In the event the Director of Planning waives the requirement for the recordation of a Parcel Merger Map, condition (f) of provision 23.24.015 above may be waived. The Parcel Merger Map or the Notice of Parcel Merger shall contain the following statements, the execution of which are conditions precedent to the recordation of the Parcel Merger Map or Notice of Parcel Merger, as the case pertains:

TAX COLLECTOR'S STATEMENT

The Tax Collector of the County of Sierra, State of California, does hereby certify that there are no liens against the parcels as shown hereon, for unpaid property taxes or special assessments not yet payable. Estimated taxes or special assessments which are a lien but not yet payable have been deposited with the Tax Collector. This statement is valid through _____.

_____
Sierra County Tax Collector
Date: _____

PLANNING DIRECTOR'S STATEMENT

The Sierra County Planning Director has reviewed and found the proposed Parcel Merger, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance. All conditions of approval have been satisfactorily complied with.

_____
Sierra County Planning Director
Date: _____

COUNTY SURVEYOR'S STATEMENT

The Sierra County Surveyor has reviewed and found the proposed Parcel Merger, as shown hereon, to be in compliance with the Subdivision Map Act and local ordinance.

_____
Sierra County Surveyor
Date: _____

Recordation of the Record of Survey map, Notice of Merger, Partial Reconveyance, and Supplementary Deeds of Trust, if applicable, shall be concurrent and shall constitute constructive notice of the Parcel Merger.

23.24.017 - Expiration

An approval or conditional approval shall expire six (6) months from the date of approval of the Parcel Merger application, unless a request for an extension has been filed. Upon written request by the surveyor or engineer filing the Record of Survey map, an extension of up to an additional ninety (90) days may be granted by the Planning Director if he determines that unavoidable delay has prevented the timely submittal of the Parcel Merger Map or other documents necessary to effect the Parcel Merger.

23.24.018 - Exclusive Authority for County Initiated Merger of Contiguous Parcels

Subsections 23.24.018 through 23.24.025 provide the sole and exclusive authority for County initiated merger of contiguous parcels. On and after January 1, 1984, parcels may be merged by initiation of such mergers by the local agencies only in accordance with the authority and procedures prescribed by these Subsections.

23.24.019 - Requirements for Merger

Contiguous parcels or units held by the same owner shall be merged if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the County applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or 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.

(b) With respect to any affected parcel, one or more of the following conditions exists:

1. Comprises less than 5,000 square feet in area at the time of the determination of merger.

2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

3. Does not meet current standards for sewage disposal and domestic water supply.

4. Does not meet slope stability standards.

5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

6. Its development would create health or safety hazards.

7. Is inconsistent with the General Plan and any Specific Plan, other than minimum lot size or density standards.

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.

This Subsection shall not apply if one of the following conditions exist:

1. On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open space land pursuant to a contract, agreement, scenic restriction, or open space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

2. On or before July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subsection (f) of Section 51100, or is land devoted to an agricultural use as defined in subsection (b) of Section 51201.

3. On or before July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

4. On or before July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of future commercial mineral extraction site as

shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

For purposes of subparagraphs (3) and (4) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

23.24.020 - Filing Notice of Merger

A merger of parcels becomes effective when the County causes to be filed for record with the Recorder of the County in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

Notice of Intention to Determine Status

Prior to recording a notice of merger, the County shall cause to be mailed by certified mail to the current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

23.24.021 - Property Owner's Request for Hearing

At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Planning Commission a request for a hearing on determination of status.

23.24.022 - Hearing on Determination of Status

Upon receiving a request for a hearing on determination of status, the County shall fix a time, date and place for a hearing to be conducted by the Planning Commission and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty (30) days following the County's receipt of the property owner's request therefore, but may be postponed or continued with the mutual consent of the County and the property owner.

23.24.023 - Determination of Merger

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.

At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

23.24.024 - Time Limit for Requesting a Hearing

If, within a thirty (30) day period specified in Subsection 23.24.021, the owner does not file a request for a hearing, the local agency may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Subsection 23.24.023 no later than ninety (90) days following the mailing of notice as required by Subsection 23.24.020.

23.24.025 - Determination of Nonmerger

If, in accordance with Subsection 23.24.023 or 23.24.024, the Planning Commission determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Subsection 23.24.020 a release of the notice of intention to determine status, recorded pursuant to Section 66451.13 of the Government Code, and shall forward a clearance letter to the then current owner of record.

23.25 - Correction and Amendment of Maps

23.25.001 – Requirements

After a final or parcel map is filed in the Office of the county recorder, it may be amended by a certificate of correction or an amending map:

(a) To correct an error in any course or distance shown thereon.

(b) To show any course or distance that was omitted therefrom.

(c) To correct an error in the description of the real property shown on the map.

(d) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.

(e) To show the proper location of any monument which has been changed in location, or character, or originally was shown at the wrong location or incorrectly as to its character.

(f) To correct any additional information filed or recorded pursuant to Government Code 66434.2, if the correction does not impose any additional burden on the present fee owner of the property and does not affect any right, title or interest in the real property reflected on the recorded map.

(g) To correct any other type of map error or omission as approved by the County Surveyor which does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. Error does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

(h) To make modifications when there are changes which make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the present fee owner of the property, and if the modifications do not alter any right, title or interest in the real property reflected on the recorded map. The modification shall be set for public hearing by the Planning Commission. The Planning Commission shall confine the hearing to consideration of, and action on, the proposed modification. No modification shall be approved unless the Commission makes the findings as set forth in Government Code 66474. Any decision of the Commission

may be appealed by an interested party pursuant to Section 20.13.

23.25.002 - Form and Contents

The amending map or certificate of correction shall be prepared by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Section 23.07 if a final map, and Section 23.10 if a parcel map. The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.

23.25.003 - Submittal and Approval by Department of Public Works

The amending map or certificate of correction, complete as to final form including those approved by the Commission pursuant to Subsection 23.25.001(h), shall be submitted to the County Surveyor for review and approval. Within twenty (20) days, the Department of Public Works shall examine the amending map or certificate of correction and if the only changes made are those set forth in Subsections 23.25.001 and 23.05.002, this fact shall be certified by the Department of Public Works on the amending map or certificate of correction. If the map or certificate does not comply, the document shall be returned to the engineer or surveyor preparing the document with a written statement of changes to bring the document into compliance. Upon re-submittal, the County Surveyor shall have ten (10) days to submit the document to the County Recorder after approval.

23.25.004 - Filing with the County Recorder

The amending map or certificate of correction certified by the Department of Public Works shall be filed in the Office of the County Recorder. Upon such filing, the County Recorder shall index the names of the fee owners and the appropriate subdivision designation shown on the amending map or certificate of correction in an index of recorded certificates of correction, or amended maps, as appropriate. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all such corrections in the same manner as though set forth upon the original map.

23.26 - Enforcement

23.26.001 - Prohibition

(a) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by the Subdivision Map Act or this Part, until such a map, in full compliance with the provisions of the Subdivision Map Act and this Part, and has been filed for record by the County Recorder.

(b) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by the Subdivision Map Act or this Part, until such a map, in full compliance with the provisions of the Subdivision Map Act and this Part and has been filed for record by the County Recorder.

(c) Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this Part shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the County Recorder.

(d) This Section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Part, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(e) Nothing contained in subdivisions (a) and (b) shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Subdivision Map Act or this Part.

23.26.002 – Remedies

(a) 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 the Subdivision Map Act or this Part, or is voidable at the sole option of the grantee, buyer or person contracting to purchase, any heirs, personal representative, or trustee in insolvency or bankruptcy thereof within one (1) year after the date of discovery of such violation. 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 his or her assignee, heir or devisee.

(b) Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Part or the Subdivision Map Act may, within one (1) year of the date of discovery of such violation, bring an action in the superior court to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this Subsection shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Subsection 23.26.003 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this Subsection shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

(c) This Subsection does not bar any legal, equitable or summary remedy to which the County or other public agency, or any person, firm or corporation may otherwise be entitled, and the County or other public agency, or such person, firm or corporation may file a suit in the superior court to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of the Subdivision Map Act or this Part.

(d) The County shall not issue a 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 the Subdivision Map Act or this Part if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or approval shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current

owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the County issues a permit or grants approval for the development of any real property illegally subdivided, the County may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the County may impose conditions applicable to a current division of the property. If a conditional Certificate of Compliance has been filed for record in accordance with the provisions of Subsection 23.26.006, only those conditions stipulated in that certificate shall be applicable.

23.26.003 - Certificate of Compliance

Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Planning Director to determine whether the real property complies with the provisions of the Subdivision Map Act and this Part.

23.26.004 - Certificate of Compliance-Application

The application shall contain the following data and accompanying documents:

(a) A map legibly drawn, to an engineer's scale, with the scale shown on the map showing the subject property with dimensions and the gross and net area, and the following:

1. Location, width and names of all streets and roads adjacent to and providing access to the property.

2. The location and use of all structures on the property, with the distances from the structures to the parcel boundaries and distances between structures, and all existing utilities and easements.

3. The name, address, telephone number and signature of the current owner(s) of the property, and the name, address and telephone number of the person preparing the map, if different from the owner.

4. The current zoning on the property and the current Assessor's parcel number.

(b) A legible copy of the current owner's grant deed or contract of sale, or the recording data therefore.

(c) A map or the current Assessor's parcel number, together with the current Assessor' parcel numbers of all other property owned by the applicant that is contiguous to the subject real property.

(d) Documentation of recorded access to the subject property unless abutting a public street.

(e) A legal description for the subject property, to be typed on plain white paper, 8-1/2" by 11", with l" margins at the top, sides and bottom. This legal description shall be reproducible so as to yield a legible copy that can be used as a part of a recorded Certificate of Compliance.

(f) The date and recording data of the deed, map or document whereby the property was first divided as indicated in the application.

(g) Appropriate fee prescribed by resolution of the Board of Supervisors.

23.26.005 - Issuance of Certificate

If the Planning Director determines that the real property complies with the provisions of the Subdivision Map Act and this Part, the Department shall file a Certificate of Compliance for record with the County Recorder. The Certificate of Compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Part. The Planning Director may charge a fee in accordance with a resolution adopted by the Board of Supervisors.

23.26.006 - Issuance of a Conditional Certificate

If the Planning Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Part, the Planning Director may, as a condition to granting a Certificate of Compliance, impose conditions in accordance with Subsection 23.26.002. Upon the Planning Director making such a determination and establishing such conditions, the Department shall file a conditional Certificate of Compliance for record with the County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the County.

23.26.007 - Effect of a Recorded Map

A recorded final map or parcel map shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

23.26.008 - Effect of an Official Map

Subject to the provisions of Section 66499.35(e) of the Subdivision Map Act, an official map prepared pursuant to Section 66499.52(b) of the Subdivision Map Act shall constitute a Certificate of Compliance with respect to the parcels of real property described therein.

23.26.009 - Notice of Violation

If the Planning Director has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this Part, a Notice of Intention to Record a Notice of Violation shall be mailed by the Department by certified mail to the current owner of record. The notice shall describe the property in detail, name the owners, describe the violation and state that the owner will be given the opportunity to present evidence. The notice shall also contain an explanation as to why the subject parcel is not lawful under Section 66412.6(a) or (b) of the Subdivision Map Act. The notice shall specify the date, time and place for a meeting at which the

owner may present evidence to the Planning Director why a notice of violation should not be recorded.

The meeting shall be held no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing of the Notice of Intention to Record a Notice of Violation. If, within fifteen (15) days of receipt of the notice, the owner fails to file with the Department a written objection to recording the Notice of Violation, the Department shall file the Notice of Violation for record with the County Recorder. If, after the owner has presented evidence, the Planning Director determines that there has been no violation, the Department shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the Planning Director determines that the property has in fact been illegally divided, the Department shall record the Notice of Violation for record with the County Recorder, but not until after the appeal period has passed, and in circumstances in which no appeal has been filed.

The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

23.26.010 - Appeals of Planning Director Action

Appeals of any Planning Director action pursuant to Section 20.13. The Planning Commission and/or Board of Supervisors shall determine whether or not a violation has occurred, and shall record a Notice of Violation when it determines that the property has been illegally divided. (Ordinance 902, eff. 7/6/00)

PART 25
DEVELOPMENT AGREEMENTS

TABLE OF CONTENTS

Chapter Section

25.01 - Authority 93
25.02 - Purpose 93
25.03 - Applicability 93
25.04 - Application Preparation and Filing 93
25.04.001 - Qualification of Applicant 93
25.04.002 - Application Form and Content 93
25.04.003 - Agreement Preparation 93
25.05 - Application Review Procedure 97
25.05.001 - Application Filing 97
25.05.002 - Preliminary Acceptance 97
25.06 - Public Hearing and Approval Procedures 97
25.06.001 - Planning Commission Hearing 97
25.06.002 - Board of Supervisors Hearing and Decision 97
25.06.003 - Reserved 98
25.06.004 - Approval of the Development Agreement 98
25.06.005 - Recordation 98
25.06.006 - Court Review 98
25.07 - Periodic Review 98
25.07.001 - Review Body 98
25.07.002 - Notice of Periodic Review 98
25.07.003 - Public Hearing 99
25.07.004 - Determination by Hearing Body 99
25.08 - Amendment and Cancellation 99
25.08.001 - Action by Mutual Consent 99
25.08.002 - Modification or Cancellation for Cause 99

PART 25
DEVELOPMENT AGREEMENTS

25.01 - Authority

These regulations are adopted pursuant to the authority of the Government Code, Section 65864 *et seq.*, and the terms used in these sections are consistent with the same terms used in Government Code Section 65864, *et seq*. Development Agreements are created entirely at the discretion of Sierra County. The County has no obligation to enter such agreements unless to do so would provide a benefit to the County, as determined by the Board of Supervisors.

25.02 - Purpose

The purpose of this Part is to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development by enabling the County and an applicant to enter into a development agreement which vests certain development rights. The resulting reduction of uncertainty in the development review process will promote long term stability in the Sierra County land use planning process and will thereby result in significant benefits to the citizens of the County. Development Agreements also: 1) set forth the obligations of both the County and the applicant for the time period specified in the agreement; and 2) set forth the regulations to which the development will be subject, except where amendments are made pursuant to the provisions of Section 25.08 below.

25.03 - Applicability

Development agreements may also be, but are not required to be, adopted in conjunction with the processing of specific plans, tentative maps and/or other land use applications.

25.04 - Application Preparation and Filing

25.04.001 - Qualification of Applicant

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person or other entity, who has legal or equitable interest in the real property that is the subject of land use permit application or other application for development pursuant to this code, and a proposed development agreement. An authorized agent may be a qualified applicant. Applicants may be required by the Planning Director to submit proof of their legal or equitable interest in the real property and to agents, proof of their authority to act on behalf of the applicant.

25.04.002 - Application Form and Content

An application for the approval of a development agreement shall include the forms provided by the Planning Department, any filing fee required by the most current Planning Department Fee Schedule, and any additional information required by the Planning Director deemed necessary to properly evaluate the application.

25.04.003 - Agreement Preparation

The Agreement shall be prepared by the County Counsel. Unless determined otherwise by the County Counsel, the Agreement shall be prepared to include the following.

(a) **Draft development agreement**. The draft development agreement and any attachments or exhibits shall be prepared in a manner suitable for recordation by the County Recorder, and shall include the following:

1. **Parties to the agreement.** All parties to the development agreement shall be listed within the first paragraph of the agreement. A statement specifically explaining the contracting party's interest in the real property of the development project shall also be included, which may be in a separate section from the initial listing of parties. Other descriptive information may also be required to clearly and accurately identify the parties to the agreement. If a purpose statement describing the reasons for the nature of the agreement is included, the listing of parties to the agreement may follow the purpose statement.

2. **Relationship of parties.** A clear description of the relationship of all parties to the development agreement, including the following:

    A. Addresses of all parties to which written notices, demands, correspondence and communications are to be directed.

    B. A statement specifying any changes in the relationship of the parties which may occur as a result of the real property that is the site of the development project being included in another governmental jurisdiction, such as through annexation into an incorporated city.

3. **Recitals.** A section that refers to concurrent or prior governmental actions taken on the development project itself or other governmental actions that materially affect the development agreement for that project (see Government Code Section 65867 and Section 65867.5). Actions taken pursuant to the California Environmental Quality Act (CEQA) shall also be mentioned in this section of the development agreement.

4. **Definitions.** All terms used in a context other than normal, daily usage shall be clearly defined. Any term unique or special to the proposed development project shall be clearly defined for purposes of the agreement.

5. **List of exhibits.** Any document, map, plan, form, display, photographs, etc., necessary for the review and approval of the project shall be listed as an exhibit to the development agreement or incorporated by reference to prior approvals that are part of the agreement. At a minimum, the exhibits presented as a part of the development agreement shall be:

    A. A legal description of the real property for which the development agreement is proposed.

    B. A map of the development project.

    C. Approval documents of all prior governmental approvals for the development project.

6. **Assignability.** A statement specifying the assignability of responsibilities, obligations and benefits under the agreement, consistent with the following:

    A. The responsibilities, obligations and benefits of the agreement may only be assigned after notification of all other parties to the agreement.

    B. Successors in interest to property governed by an agreement shall be notified of the provisions of the agreement. The successors in interest shall notify the County of their receipt of such notice.

7. **Duration of the agreement.** The term of the development agreement shall be specified, along with any provisions for extension or modification of the term.

8. **Restrictions on uses of the property.** Any restriction, limitation or other modification of uses on the real property that is the subject of the development agreement and which is not otherwise controlled by applicable governmental regulations shall be specified in the agreement. Such restrictions may include, but are not limited to:

   A. Permitted or prohibited uses;

   B. Density and/or intensity of uses;

   C. Maximum height of building and other structures;

   D. Maximum size of buildings and other structures;

   E. Reservations and dedications of land for common or public purposes; and

   F. Special setbacks or other construction standards.

9. **Subsequent discretionary actions.** The development agreement may include conditions, terms, restrictions and requirements for subsequent discretionary actions and shall provide that any such conditions, terms, restrictions and requirements for subsequent actions, if included, shall not prevent development of the land for the uses and the density or intensity of development set forth in the agreement.

   A. The agreement shall also indicate the duty of the developer/applicant to obtain further approvals if any are required.

   B. The agreement shall contain provisions for cooperation by the parties to the agreement in gaining further approvals and interacting with other agencies.

10. **Effect of regulations or standards adopted after agreement:**

   A. With regard to the real property that is the subject of the development agreement, the County rules, regulations, ordinances, laws, general and specific plans, and official policies governing development, density, permitted uses, growth management, design criteria, construction standards and environmental considerations shall be those in force and effect upon the commencement of the term of the agreement unless otherwise provided in the agreement.

   B. Unless specifically provided for in the agreement, the County will thereafter, during the term of the agreement, apply to the subject development project only such newer, modified rules, regulations, laws, ordinances, design criteria, construction standards and environmental considerations that are not in conflict with those in effect on the date of commencement of the development agreement.

   C. The provisions of (1) and (2) above shall not preclude the application to a development project of those changes in county rules, regulations, laws ordinances or policies specifically mandated and required by

changes in state or federal laws or regulations. In the event that such changes in state or federal laws prevent or preclude compliance with one or more provisions of the development agreement, the parties shall take action to amend the agreement pursuant to Section 25.08.

11. Periodic review. Provisions for periodic review as required by Section 25.07.

12. Amendment, termination, and/or recordation. Provisions for the amendment, cancellation, modification, termination, suspension and/or recordation of the agreement pursuant to Section 25.08.

13. Enforcement and remedies. Provisions for enforcement of the agreement by all parties involved, and legal remedies available to parties injured by the lack of performance of the other parties to the agreement.

14. Attorney's fees and costs:

A. At a minimum, the development agreement shall provide for recovery of attorney's fees and costs of enforcement by the County, in the event that legal action or other enforcement proceeding is undertaken by the County pursuant to these regulations.

B. The agreement shall also provide a reimbursement schedule for county staff time spent processing, reviewing and implementing the provisions of the agreement. This reimbursement schedule shall contain prevailing wage rates of appropriate staff members at the time the agreement is executed. The wage rate shall include the costs to the County of employee benefits, overhead and other appropriate associated costs.

15. Summary of rights and benefits. Summary of special rights granted to the land owner and special benefits being afforded to the public as a result of the agreement.

16. Improvement security/insurance. Where required by the County as a condition of the development project's approval, provisions requiring appropriate and reasonable improvement security pursuant to Government Code Section 66499, *et seq*. The County may also require evidence of compliance with labor standards and insurance required as a standard condition under federal, state or local law at the time of county action on any necessary development permits or any other entitlements for use of the development project real property that is the subject of the development agreement.

17. Miscellaneous terms and conditions. All terms, conditions, requirements and provisions of the development project's permit approvals shall be included in the development agreement. Additional terms, conditions, requirements and provisions not a part of the project permit approvals may be included in the development agreement with the mutual consent of all parties to the agreement.

18. Map of development project. A map of the proposed development project shall be provided which is sufficient to meet the submittal requirements for the project associated with the development agreement and is adequate to clearly inform the public, the hearing bodies and the County staff about the scope and nature of the project proposal. The adequacy of the map shall be determined by the Planning Director.

25.05 - Application Review Procedure

25.05.001 - Application Filing

The application and materials required by Section 25.04 shall be submitted to the Planning Department. The development agreement application may be filed concurrently with other development applications that may be appropriate for the project in question.

25.05.002 - Preliminary Acceptance

The development agreement application shall be reviewed for completeness. After acceptance of the application, the Planning Director shall forward the application, copies of all supporting documents, and a written report for submittal to the County Counsel for document preparation.

25.06 - Public Hearing and Approval Procedures

25.06.001 - Planning Commission Hearing

Consideration of the development agreement draft document(s) shall be scheduled at the next available Planning Commission meeting following receipt of the Planning Director's written report by the Commission Secretary.

(a) **Public notice.** Notice of the hearing shall be provided as required by Section 20.11 which is consistent with the requirements of Government Code Sections 65867, 65854, 65854.5, and 65856. If state law changes to prescribe different notice requirements, legal notice for the consideration of proposed development agreements shall be given in that manner.

(b) **Conduct of hearing.** The public hearing shall be conducted as provided by Section 20.12.

(c) **Recommendation to Board.** After the hearing, the Planning Commission shall report its recommendation in writing to the Board of Supervisors. The report shall include the reasons for the recommendation, and findings as to whether the proposed development agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan;

2. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

3. Is in conformity with public convenience, general welfare and good land use practice;

4. Will be detrimental to the health safety and general welfare of persons residing in the County; and

5. Will adversely affect the orderly development of property or the preservation of property value.

25.06.002 - Board of Supervisors Hearing and Decision

The Board of Supervisors shall conduct a public hearing on a proposed development agreement with the same public notice and in the same manner as provided for the Planning Commission. After the Board of Supervisors completes the public hearing, it may accept, modify, or disapprove

the recommendation of the Planning Commission. It may, but shall not be required to, refer matters not previously considered by the Planning Commission during its hearing back to the Commission for report and recommendation. The Commission may, but need not, hold a public hearing on matters referred back to it by the Board of Supervisors. The Board shall not approve the proposed development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan, provided that nothing in this section shall be construed to mean that the Board of Supervisors must approve a development agreement even if the stated findings are made.

25.06.003 - Reserved

25.06.004 - Approval of the Development Agreement

If the Board of Supervisors approves the proposed development agreement, it shall do so by the adoption of an ordinance supported by the findings as required in Subsection 25.06.002. The agreement shall take effect 30 days after passage of the ordinance, unless a longer period of time is specified.

25.06.005 - Recordation

Within 10 days after the County enters into the development agreement, the County shall have the agreement recorded with the Sierra County Recorder. If the parties to the agreement, or their successors in interest, amend or cancel the agreement as provided in Section 25.08 (Government Code Section 65868 incorporated by reference), or if the County terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the County shall have notice of such action recorded with the County Recorder.

25.06.006 - Court Review

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatsoever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

25.07 - Periodic Review

Unless a longer period is permitted by statute, the County shall review the development agreement at least once during each 12-month period from the date the agreement was entered into, as provided by this section.

25.07.001 - Review Body

Unless otherwise specified in the development agreement, periodic review of a development agreement shall be conducted by the Planning Commission.

25.07.002 - Notice of Periodic Review

The Planning Director shall begin the review proceeding by giving notice to the developer that the County intends to undertake a periodic review of the development agreement. Notice shall be

given at least 10 days in advance of the time at which the matter will be considered by the Planning Commission.

25.07.003 - Public Hearing

The Planning Commission shall conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the agreement. The burden of proof in such matters is upon the developer. The hearing need not be advertised as provided in Subsection 25.06.002 above; however, hearings on periodic review of development agreements shall be included in the regular agenda of the hearing body considering the periodic review.

25.07.004 - Determination by Hearing Body

The hearing body shall determine upon the basis of substantial evidence whether or not the developer has, for the period under review, complied in good faith with the terms and conditions of the agreement.

(a) If the County finds and determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the agreement during the period under review, a written report stating such shall be issued, terminating that review period.

(b) If the County finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the agreement during the period under review, the County may modify or cancel the agreement pursuant to Section 25.08.

(c) The developer may appeal a determination pursuant to Subsection 25.07.004(b) above to the Planning Commission and/or Board of Supervisors in accordance with the procedures outlined in Section 20.13.

25.08 - Amendment and Cancellation

The amendment or cancellation of a development agreement by the mutual consent of the parties, or the modification or termination of a development agreement by the County shall occur as required by this section.

25.08.001 - Action by Mutual Consent

Any party to a development agreement may propose an amendment to or cancellation in whole or in part of the development agreement.

(a) The procedure for proposing an amendment to or a cancellation, in whole or in part, of the agreement is the same as the procedure set forth in Sections 25.04 through 25.06 above.

(b) Where the County initiates the proposed amendment to or cancellation in whole or in part of the agreement, it shall first give notice to the property owner or authorized agent of its intention to initiate such proceedings at least 30 days before giving notice as required by Section 25.06 above.

25.08.002 - Modification or Cancellation for Cause

The County may modify or cancel a development agreement as provided by this Subsection, if the periodic review process specified in Section 25.07 results in a determination pursuant to Subsection 25.07.004(b) that the developer has not complied with the agreement.

(a) Notice of intention to modify or cancel. The County shall give notice to the developer of its intention to hold a hearing not less than 30 days before the hearing. The notice shall contain the information required by Section 20.11, and the following:

1. A statement as to whether or not the County proposes to cancel or modify the agreement; and

2. Any other information that the Planning Director considers necessary to inform the developer of the nature of the proceeding.

(b) Conduct of hearing. At the time and place set for the hearing on modification or cancellation, the developer shall be given an opportunity to be heard. If the hearing is conducted before the Board of Supervisors on appeal, the Board may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The Board of Supervisors may impose those conditions to the action it takes as it considers necessary to protect the interests of the County. The decision of the Board is final. (Ordinance 902, eff. 7/6/00)

PART 26
COVENANTS FOR EASEMENTS

TABLE OF CONTENTS

Chapter Section

26.01 Authority 1
26.02 Purpose 1
26.03 Covenant Form 1
26.04 Recordation 1
26.05 Covenant 1
26.05.001 - Fee 1
26.05.002 - Findings 1
26.05.003 - Release of Covenant 1
26.06 - Legal Challenges 2
26.06.001 - Challenge a Decision 2
26.06.002 - Time Period 2

PART 26
COVENANTS FOR EASEMENTS

26.01 Authority

As a condition of approval for any land use permit, including but not limited to building permits, the County may record or may cause to be recorded, a covenant of easement.

26.02 Purpose

A covenant for easement may be recorded for purposes of parking, ingress, egress, emergency access, light and air access, landscaping, or open-space purposes, and any other purposes specifically authorized by the Legislature.

26.03 Covenant Form

The covenant for easement, or amendment to a recorded covenant for easement and all supporting documentation shall be in a form approved by the County Counsel, and shall describe the real property to be subject to the easement and the real property to be benefited thereby. The covenant of easement shall also identity the approval, permit, or designation granted which relied upon or required the covenant. Unless otherwise waived by the County Counsel, the document shall be executed by all property owners holding record title interest in the property subject to the easement, and other parties possessing an equitable interest in the property subject to the easement.

26.04 Recordation

The covenant, and any amendment thereto, shall be recorded in the records of the County Recorder for the County, and shall thereafter impart notice thereof to all persons to the extent afforded by the recording laws of the state.

26.05 Covenant

Any party subject to a covenant may request a release of the covenant. The Planning Director shall conduct a hearing, after giving notice to the owners of the benefited and burdened property. Alternatively, the Director may refer the matter directly to the Planning Commission who shall conduct the hearing. Decisions to release or not to release a covenant shall be appealable to the Commission and the Board of Supervisors in accordance with Section 20.13.

26.05.001 - Fee

The County may charge a reasonable fee for processing a request for a release in accordance with the filing fee set by the County fee ordinance.

26.05.002 - Findings

A covenant shall be released if the decision making body finds, based upon substantial evidence in the record, that the covenant is no longer necessary to achieve the land use goals of the county.

26.05.003 - Release of Covenant

Upon the passage of the appeal period, the Planning Director shall cause to be recorded a release of the covenant, in a form approved by the County Counsel.

26.06 - Legal Challenges

26.06.001 - Challenge a Decision

An action or proceeding to challenge a decision of the County pursuant to this Part may only be brought by the owner of the benefited or burdened property.

26.06.002 - Time Period

Any action or proceeding shall be filed and served within 30 days of a final decision by the Board of Supervisors. (Ordinance 902, eff. 7/6/00)

PART 32
FLOODPLAIN MANAGEMENT

TABLE OF CONTENTS

Chapter Section

Part 32 Floodplain Management 1
32.01 - Statutory Authorization 1
32.02 - Findings of Fact 1
32.03 - Statement of Purpose 1
32.04 - Methods of Reducing Flood Losses 2
32.05 - Definitions 2
32.06 - Lands to Which this Ordinance Applies 8
32.07 - Basis for Establishing the Areas of Special Flood Hazard 8
32.08 - Compliance 8
32.09 - Abrogation and Greater Restrictions 8
32.10 - Interpretation 8
32.11 - Warning and Disclaimer of Liability 9
32.12 - Severability 9
32.13 - Establishment of Development Permit 9
32.14 - Designation of the Floodplain Administrator 10
32.15 - Duties and Responsibilities of the Floodplain Administrator 10
32.16 - Appeals 11
32.17 - Standards of Construction 12
32.17.001 - Anchoring 12
32.18 - Standards for Utilities 14
32.19 - Standards for Subdivisions 15
32.20 - Standards for Manufactured Homes 15
32.21 - Standards for Recreational Vehicles 16
32.22 - Floodways 16
32.23 - Nature Of Variances 16
32.24 - Conditions for Variances 16
32.25 – Considerations for Approval of Variances 17
32.26 – Appeal Process 18

PART 32
FLOODPLAIN MANAGEMENT

Part 32 Floodplain Management

32.01 - Statutory Authorization

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 *et seq.,* conferred upon local government units 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 Sierra does hereby adopt the following floodplain management regulations.

32.02 - Findings of Fact

(a) The flood hazard areas of Sierra County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are caused by uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

32.03 - Statement of Purpose

It is the purpose of this ordinance 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 to:

(a) protect human life and health;

(b) minimize expenditure of public money for costly flood control projects;

(c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) minimize prolonged business interruptions;

(e) minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;

(f) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

(g) ensure that potential buyers are notified that property is in an area of special flood hazard; and

(h) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

32.04 - Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions to:

(a) restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

(b) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) control filling, grading, dredging, and other development which may increase flood damage; and

(e) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

32.05 - Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

32.05.010 - "Accessory structure" means a non-habitable structure that is used solely for the parking of cars, limited storage of materials and other similar accessory uses.

32.05.020 - "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

32.05.030 - "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

32.05.040 - "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any one year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

32.05.050 - "Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

32.05.060 - "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 or storage of equipment or materials.

32.05.070 - "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

32.05.080 - "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 the effective date of the floodplain management regulations adopted by a community.

32.05.090 - "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on 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).

32.05.100 - "Flood, flooding, or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source.

32.05.110 - "Flood Boundary and Floodway Map (FBFM)" 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 floodway.

32.05.120 - "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

32.05.130 - "Flood Insurance Rate Map" 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 the community.

32.05.140 - "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

32.05.150 - "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

32.05.160 - "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

32.05.170 - "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

32.05.180 - "Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

32.05.190 - "Floodproofing" 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.

32.05.200 - "Floodway" means the channel of a river or other watercourse 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."

32.05.210 - "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

32.05.220 - "Fraud and victimization" as related to Section 32.23 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Sierra County Board of Supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

32.05.230 - "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

32.05.240 - "Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

32.05.250- "Habitable area" is living and/or sleeping quarters, or enclosed conditioned spaces suitable for overnight occupation and eligible for classification under the California Building Code as Residential Group R.

32.05.260 - "Hardship" as related to Section 32.23 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Sierra County Board of Supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

32.05.270 - 'Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

32.05.280 - "Historic structure" means any structure that is

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of the 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;

(c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) 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 the Interior in states with approved programs.

32.05.290 - "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

32.05.300 - "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

32.05.310 - "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

(a) An unfinished or flood resistant enclosure below the lowest floor that is usable 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 it conforms to applicable non-elevated design requirements, including, but not limited to:

1. the wet floodproofing standard in Subsection 32.17.003;

2. the anchoring standards in Subsection 32.17.001;

3. the construction materials and methods standards in Subsection 32.17.002; and

4. the standards for utilities in Section 32.18.

(b) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

32.05.320 - "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 attached to the required utilities. The term "manufactured home" does <u>not</u> include a "recreational vehicle."

32.05.330 - "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

32.05.340 - "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.

32.05.350- "Mixed-Use construction" means buildings, structures or other improvements containing design elements or spaces suitable for both commercial, non-residential uses and residential-type uses including but not limited to habitable areas. Living quarters accessory to permitted commercial uses.

32.05.360 - "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

32.05.370 - "New 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 on or after the effective date of floodplain management regulations adopted by this community.

32.05.380 - "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

32.05.390 - "One-hundred-year flood" or "100-year flood" - see "Base flood."

32.05.400 - "Public safety and nuisance" as related to Section 32.25 of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

32.05.410 - "Recreational vehicle" means a vehicle which is

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light-duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

32.05.420 - "Regulatory floodway" means the channel of a river or other watercourse 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.

32.05.430 - "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 State or Federal financial exposure with regard to the structure or other development.

32.05.440 - “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

32.05.450 - “Sheet flow area” - see “Area of shallow flooding.”

32.05.460 - “Special flood hazard area (SFHA)” means an area having special flood hazards and shown on an FHBM or FIRM as Zone A, Al-A30, AE, A99, E, or M.

32.05.470 - “Start of construction” includes substantial improvement and other proposed new development 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 from the date of the permit. 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 manufacture 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. 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.

32.05.480 - “Structure” means a walled and/or roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

32.05.490 - “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 50 percent of the market value of the structure before the damage occurred.

32.05.500 - “Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

(a) any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

32.05.510 - “Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

32.05.520 - “Violation” means the failure of any 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 in this ordinance is presumed to be in violation until such time as that documentation is provided.

32.05.530 - "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

32.05.540 - "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

32.06 - Lands to Which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Sierra County.

32.07 - 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 Sierra County, California and incorporated areas" dated September 1, 1988 and accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's) dated September 1, 1988, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Sierra County Board of Supervisors by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the Sierra County Planning Department, P.O. Box 530, Downieville, California, 95936.

32.08 - Compliance

No development, structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Sierra County Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

32.09 - Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

32.10 - Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

(a) considered as minimum requirements;

(b) liberally construed in favor of the governing body; and

(c) deemed neither to limit nor repeal any other powers granted under state statutes.

32.11 - Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Sierra County Board of Supervisors, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

32.12 - Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

32.13 - Establishment of Development Permit

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 32.07. Application for a development permit shall be made on forms furnished by the Floodplain Administrator. The applicant shall provide the following minimum information:

(a) Plans in duplicate, drawn to scale, showing:

1. The nature, location, dimensions, and elevation of the area in question; existing or proposed structures, storage of materials and equipment and their location

2. Proposed locations of water supply, sanitary sewer, and other facilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base Flood Elevation information. The applicant shall provide a flood elevation certificate as certified by a registered professional engineer or surveyor.

6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 32.17.003.b. of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

(b) Certification from a registered professional engineer or surveyor that the foundation for the construction is built to the correct elevation standard per the preliminary elevation certificate.

(c) Prior to final approval of the development permit: the applicant shall provide certification from a registered professional engineer or surveyor, in the form of a final elevation certificate, that the final construction meets the correct elevation standard per the preliminary elevation certificate and the requirements of this part.

(d) Certification from a registered professional engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 32.17.003.b.

(e) For a crawl-space foundation, location and total net area of foundation openings as required in Section 32.17.004. of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

(f) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(g) All appropriate certifications listed in Section 32.15.004.

32.14 - Designation of the Floodplain Administrator

The Sierra County Director of Planning and Public Works is hereby appointed to administer, implement, and enforce this Part by granting or denying development permits in accord with its provisions.

32.15 - Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

32.15.001 - Permit Review

Review all development permits to determine that

(a) permit requirements of this ordinance have been satisfied;

(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 not 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 Sierra County; and

(e) All Letters of Map Revision (LOMR's) 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 (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

32.15.002 – Review, Use and Development of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 32.07, 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 Sections 32.17 through 32.22. Any such information shall be submitted to the Sierra County Board of Supervisors for adoption.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265. "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevation" dated July 1995.

32.15.003 - Notification of Other Agencies

In alteration or relocation of a watercourse:

(a) notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(b) submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

(c) assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

32.15.004 - Documentation of Floodplain Development

Obtain and maintain for public inspection and make available as needed the following:

(a) certification required by Subsection 32.17.003(a) (floor elevations);

(b) certification required by Subsection 32.17.003(b) (elevation or floodproofing of nonresidential structures);

(c) certification required by Subsection 32.17.004 (floodproofing standard);

(d) certification of elevation required by Section 32.19(b) (subdivision standards);

(e) certification required by Section 32.22(a) (floodway encroachments).

32.15.005 - Map Determinations

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 32.23 through 32.25.

32.15.006 - Remedial Action

Take action to remedy violations of this ordinance as specified in Section 32.08.

32.16 - Appeals

The Board of Supervisors of Sierra County 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 ordinance.

32.17 - Standards of Construction

In all areas of special flood hazards the following standards are required.

32.17.001 - Anchoring

(a) All new construction and substantial improvements 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; and

(b) All manufactured homes shall meet the anchoring standards of Section 32.20.

32.17.002 - Construction Materials and Methods

All new construction and substantial improvement shall be constructed

(a) with materials and utility equipment resistant to flood damage;

(b) using methods and practices that minimize flood damage;

(c) 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) within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

32.17.003 - Elevation and Floodproofing

(See Section 32.05, Definitions, for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)

(a) Residential Construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

1. In AE, AH, A1-30 Zones, elevated to at least *one foot* above the base flood elevation.

2. In an AO zone, elevated above the highest adjacent grade to a height at least *one foot* above the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

3. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to at least *one foot* above the base flood elevation; as determined under Section 32.15.002.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

(b) Nonresidential Construction.

All new construction or substantial improvements of nonresidential construction shall either be elevated to conform with Subsection 32.17.003(a), or

1. be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 32.17.003(a) so that the structure is watertight with walls substantially impermeable to the passage of water; and

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. be certified by a registered professional engineer or architect that the standards of this Subsection 32.17.003(b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

(c) Garages and low cost accessory structures.

1. 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 flood waters. See Section 32.17.004. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 32.17.002

(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

2. Detached garages and accessory structures.

(A) An "accessory structure," as defined in section 32.05., may be constructed such that its lowest floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

i.) Accessory structures shall be no larger than 1000 square feet, except in the case of barns located on lands in the Agriculture zoning district.

ii.) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

iii.) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

iv.) Any mechanical and utility equipment elevated or floodproofed to or above the BFE;

v.) The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 32.17.004.

(B) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 32.17.003(a).

(d) Mixed-Use Construction and Hotels/Motels

All new construction or substantial improvement of mixed-use structures or hotel/motels shall either be:

1. elevated to conform with Section 32.17.003(a), or

2. designed and constructed such that the lowest floor of habitable areas are elevated to at least *one foot* above the base flood elevation while non-habitable areas below the base flood elevation may be treated either as non-residential construction under the provisions of Section 32.17.003(b) or as a fully enclosed area below the base flood elevation used solely for the parking of vehicles or building access/storage under the provisions of Section 32.17.004.

(e) Manufactured Homes

See section 32.20.

32.17.004 - Flood Openings.

All new 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 and hydrodynamic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following minimum criteria:

(a) For non-engineered openings:

1. have a minimum of two openings on two different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

2. the bottom of all openings shall be no higher than one foot above grade; and

3. openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(b) Be certified by a registered civil engineer or architect.

32.18 - Standards for Utilities

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. infiltration of flood waters into the systems; and

2. discharge from the systems into flood waters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

32.19 - Standards for Subdivisions

(a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

(b) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

32.20 - Standards for Manufactured Homes

(a) All manufactured homes that are placed or substantially improved, within Zones Al-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

1. outside of a manufactured home park or subdivision;

2. in a new manufactured home park or subdivision;

3. in an expansion to an existing manufactured home park or subdivision; or

4. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred “substantial damage” as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least *one foot* above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 32.20(a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. lowest floor of the manufactured home is at least *one foot* above the base flood elevation, or

2. manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade so long as the BFE is no higher than 24 inches above grade.

Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.

32.21 - Standards for Recreational Vehicles

All recreational vehicles placed on sites within Zones Al-30, AH, and AE on the community's Flood Insurance Rate Map will either:

(a) be on the site for fewer than 180 consecutive days, and 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

(b) meet the permit requirements of Sections 32.13 through 32.16 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 32.20(a).

32.22 - Floodways

Located within areas of special flood hazard established in Section 32.07 may be areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

(a) Within an adopted regulatory floodway, Sierra County shall prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

(b) If Section 32.22(a) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 32.13 through 32.16.

32.23 - Nature Of Variances

The variance criteria set forth in this Section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Sierra County Board of Supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

32.24 - Conditions for Variances

(a) Generally, variances may be issued for new construction, substantial improvement, and other

proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 32.13 through 32.22 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may also be issued for the repair or rehabilitation of "historic structures" (as defined in Subsection 32.05.027 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Sierra County Planning Commission or Board of Supervisors need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Sierra County Planning Commission or Board of Supervisors believes will both provide relief and preserve the integrity of the local ordinance.

(e) Variances shall only be issued upon a:

1. showing of good and sufficient cause;

2. determination that failure to grant the variance would result in exceptional "hardship" (as defined in Subsection 32.05.024 of this ordinance) to the applicant; and

3. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 32.05 - see "public safety or nuisance"), cause fraud or victimization (as defined in Section 32.05) of the public, or conflict with existing local laws or ordinances.

(f) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 32.25(a) through 32.25(e) 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.

(g) Upon consideration of the factors of Section 32.24(a) and the purposes of this ordinance, the Sierra County Planning Commission or Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

32.25 – Considerations for Approval of Variances

(a) In reviewing requests for variances, the Sierra County Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, and the:

1. danger that materials may be swept onto other lands to the injury of others;

2. danger of life and property due to flooding or erosion damage;

3 susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. importance of the services provided by the proposed facility to the community;

5. necessity to the facility of a waterfront location, where applicable;

6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. compatibility of the proposed use with existing and anticipated development;

8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. safety of access to the property in time of flood for ordinary and emergency vehicles;

10. expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. 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.

(b) Any applicant to whom a variance is granted shall be given written notice, upon the signature of the Floodplain Administrator that:

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

2. such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Sierra County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(c) The Floodplain Administrator will 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 Insurance Administration, Federal Emergency Management Agency.

32.26 – Appeal Process

(a) Hearings and appeals shall be conducted in accordance with Sierra County Code Sections 20.11 through 20.13.

(Ord. 1006, eff. 12/18/08, prior 902, 808)

PART 33
SURFACE MINING AND RECLAMATION

TABLE OF CONTENTS

Chapter Section

33.01- Findings 1
33.03 - Definitions 1
33.04 - Incorporation of SMARA and State Regulations 3
33.05 - Permit and Reclamation Plan Required 3
33.06 - Exceptions 3
33.07 – Reserved 5
33.08 - Reclamation Plan and Application Requirements 6
33.09 - Application Processing 6
33.010 - Phasing of Reclamation 8
33.011 - Financial Assurances for Reclamation Plans 8
33.012 - Periodic Review and Inspection Required 10
33.013 - Annual Reports 10
33.014 - Interim Management Plans (IMP) for Idle Operations 10
33.015 - Site Development and Operational Requirements 11
33.016 - Amendments and Transfers of Ownership 11
33.017 - Vested Rights 12
33.018 - Public Records 12
33.019 - Violations and Penalties 12

PART 33
SURFACE MINING AND RECLAMATION

33.01- Findings

The Board of Supervisors hereby finds and declares that:

(a) The extraction of minerals is essential to the continued economic well-being of the County and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(b) The reclamation of mined lands, as provided for in this Part, will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(c) Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that the reclamation operations and specifications therefore may vary accordingly.

33.02 - Purpose and Intent

Surface mining operations and the reclamation of mined lands are subject to the requirements of this Part. This Part supplements and should be reviewed in conjunction with the California Surface Mining and Reclamation Act of 1975 (Section 2710 *et seq*. of the Public Resources Code) hereinafter referred to as "SMARA," which contains additional information and requirements applicable to surface mining operation and reclamation. The processing of materials mined on-site (e.g., ore, gravel plants, etc.), and the retail sales of such mined and processed materials from the mine site is permitted, by this Part subject to the conditions of the special use permit.

It is the intent of the Board of Supervisors to create and maintain effective and comprehensive surface mining and reclamation policies and regulations to properly carry out the requirements of the SMARA, Public Resources Code Section 2207, and the California Code of Regulations adopted pursuant thereto (14 Cal. Code of Regs., Section 3500 *et seq*.) to ensure that:

(a) Adverse environmental and other effects of surface mining operations will be prevented or minimized and that the reclamation of mined lands will provide for the beneficial, sustainable, long-term productive use of the mined and reclaimed lands; and

(b) The production and conservation of minerals will be encouraged, while eliminating hazards to public health and safety and avoiding or minimizing adverse effects on the environment, including but not limited to geologic subsidence, air pollution, water quality degradation, damage to biological resources, flooding, erosion, degradation of scenic quality, and noise pollution.

33.03 - Definitions

The definitions set forth in this Section shall govern the construction of this Part.

33.03.001 - "Area of Regional Significance" means 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.

33.03.002 - "Area of Statewide Significance" means an area designated by the 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.

33.03.003 - "Borrow Pits" means excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

33.03.004 - "Compatible Land Uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structure, 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.

33.03.005 - "Haul Road" means a road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.

33.03.006 - "Idle" means surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

33.03.007 - "Incompatible Land Uses" means 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, high density residential, low density residential with high unit value, public facilities, geographically limited by impact intensive industrial, and commercial.

33.03.008 - "Mined Lands" means the surface, subsurface, and ground water 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.

33.03.009 - "Minerals" means 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, excluding geothermal resources, natural gas, and petroleum.

33.03.010 - "Operator" any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

33.03.011 - "Reclamation" means 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.

33.03.012 - "Stream Bed Skimming" means excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher.

33.03.013 - "Surface Mining Operations" means all, or any part of, the process included 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, in-place distillation, retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

33.04 - Incorporation of SMARA and State Regulations

The provisions of SMARA, Public Resources Code Section 2207, California Code of Regulations implementing the Act (14 Cal. Code of Regs, Section 3500 *et seq*.), and 14 Cal. Code of Regulations, Article 9, Chapter 8, Section 3700 *et seq*. ('Reclamation Standards'), hereinafter also referred to as "State Regulations," as those provisions may be amended from time to time, are incorporated into this Part by reference with the same force and effect as if the provisions therein were fully set forth here, excepting that when the provisions of this Part are more restrictive than correlative State provisions, this Part shall prevail.

33.05 - Permit and Reclamation Plan Required

No person shall conduct surface mining operations or permit another person to conduct surface mining operations on his/her property unless a special use permit and reclamation plan have first been approved pursuant to this Sections 20.14 through 20.18, except as otherwise provided in Sections 33.06 and 33.17 of this Part. Special use permit and reclamation plan approval are required for all surface mining operations in all zones where surface mining is allowed; and shall be required for the expansion or substantial change of operation of any surface mine for which such expansion or changes have not been previously approved. Reclamation plan approval is also required for those portions of existing surface mining operations which claim to have vested rights pursuant to Public Resources Code Section 2776, unless otherwise exempted from SMARA by its provisions.

33.06 - Exceptions

The provisions of this Part shall not apply to any of the following activities:

(a) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.

(b) Onsite excavation and onsite earthmoving activities that 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, whether or not surplus materials are exported from the site, subject to all of the following conditions:

1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to the California Environmental Quality Act.

2. The lead agency's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to the California Environmental Quality Act.

3. The approved construction project is consistent with the general plan and zoning of the site.

4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.

(c) Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials are subject to all of the following conditions:

1. The plant site is located on lands designated for industrial or commercial uses in the applicable county or city general plan.

2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the applicable city or county.

3. None of the minerals being processed are being extracted onsite.

4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976.

(d) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1000 cubic yards in any one location of one acre or less, with the written consent of the surface right owner and consistent with applicable law.

(e) Surface mining operations that are required by Federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

(f) Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

(g) Solar evaporation of sea water or bay water for the production of salt and related minerals.

(h) Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

(i) 1. Surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control, and surface

mining operations on lands owned or lease, or upon which easements or rights-of-way have been obtained, by the Reclamation Board for the purpose of flood control if the Department of Water Resources adopts, after submission to and consultation with, the Department of Conservation, a reclamation plan for lands affected by these activities, and those lands are reclaimed in conformance with the standards specified in regulations of the board adopted pursuant to this Part. The Department of Water Resources shall provide an annual report to the Department of Conservation by the date specified by the Department of Conservation on their mining activities.

2. Nothing in the subdivision shall require the Department of Water Resources or the Reclamation Board to obtain a permit or secure approval of a reclamation plan from any city or county in order to conduct surface mining operations specified in paragraph (1). Nothing in this subdivision shall preclude the bringing of an enforcement action pursuant to Public Resources Code Section 2774.1, if it is determined that a surface mine operator, acting under contract with the Department of Water Resources or the Reclamation Board on lands other than those owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources or the Reclamation Board, is otherwise not in compliance with this Part.

(j) 1. Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connections with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

2. This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Sections 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.

(k) Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operation for the extraction of oil or gas that comply with all of the following conditions:

1. The operations are being conducted in accordance with Division 3 (commencing with Section 3000).

2. The operations are consistent with any general plan or zoning applicable to the site.

3. The earthmoving activities are within oil or gas field properties under a common owner or operator.

4. No excavated materials are sold for commercial purposes.

An exception under this Section does not necessarily exempt a project or activity from other regulations or permit requirements of this zoning ordinance or the Sierra County Code.

33.07 – Reserved

33.08 - Reclamation Plan and Application Requirements

An application for a Reclamation Plan shall include the following:

(a) State standards. All reclamation plans shall conform to minimum statewide performance standards required pursuant to the Public Resources Code Section 2772(c) (14 Cal. Code of Regulations, Article 9, Chapter 8, Section 3700 *et seq*.), as adopted by the State Surface Mining and Geology Board, including but not limited to wildlife habitat, backfilling, re-vegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, and waste management.

(b) Information on site and surroundings. The reclamation plan shall also address specific characteristics of the site and surface mine to be reclaimed, such as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and the character of the surrounding area.

(c) General application information. The reclamation plan shall include the information and materials specified by the list of "Required Application Contents for Surface Mining Permits and Reclamation Plans" furnished by the Planning Department.

(d) Information on reclamation phasing. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:

1. the beginning and expected ending dates for each phase;

2. all reclamation activities required;

3. criteria for measuring completion of specific reclamation activities; and

4. estimated costs as provided by Section 33.011 below.

33.09 - Application Processing

Proposed reclamation plans for surface mines shall be processed as follows:

(a) Referral of application. Within 30 days of the acceptance of a special use permit and/or reclamation plan application for a surface mining operation, the Planning Department shall refer the applications and plans to the following:

1. The Director of the State of California Department of Conservation shall be notified of the filing of all surface mining permit applications, reclamation plans and the associated CEQA document. The Department of Conservation shall have 30 days to prepare written comments on the reclamation plan, if the director of the Department of Conservation so chooses.

2. Whenever mining operations are proposed in a 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 (FEMA), and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the California Department of Transportation that the application has been received.

(b) Authority for action on reclamation plans and financial assurances. The Planning Commission shall be the granting authority for review and approval of a reclamation plan, financial assurance and special use permit for mining operations when filed.

(c) Public hearing. Each application for a special use permit and/or reclamation plan for a surface mine shall be subject to at least one public hearing. If applications for a special use permit and a reclamation plan are submitted by the same applicant for the same site, the granting authority may consider and decide upon both applications in one public hearing.

(d) Hearing notice. Notice of a public hearing on a permit or reclamation plan for a surface mine shall be given as specified in Government Code Section 65091.

(e) Procedure for approval. Special use permits for surface mining operations shall be processed and approved as provided by Sections 20.14 through 20.18, which may occur at the same time as reclamation plan. The approval of a reclamation plan, amendment to a reclamation plan, or financial assurances (as provided by Section 33.011) shall also occur as follows:

1. Certification to State. Prior to the final approval of a reclamation plan, financial assurances or any amendments to a reclamation plan or existing financial assurances, the granting authority shall:

   A. Certify to the director of the California Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of the State regulations; and

   B. Submit the plan, assurances, or amendments to the director of the California Department of Conservation for review.

2. Conceptual approval. The granting authority may conceptually approve a reclamation plan and financial assurance before submittal to the director of the California Department of Conservation.

3. Deferral of action. The granting authority may defer action on a surface mining special use permit until taking final action on a reclamation plan and financial assurance. The granting authority may approve the special use permit for surface mining with the condition that surface mining operations shall not commence until financial assurances have been reviewed by the director of the California Department of Conservation, and final action has been taken on the reclamation plan and financial assurances.

4. Response to State comments. The granting authority shall evaluate the written comments provided by the California Department of Conservation during the 45 day comment period. The Planning Department shall prepare a written response describing the disposition of the major issues raised by the State for approval by the granting authority. In particular, when the granting authority's position is different than the recommendations and objections raised by the Department of Conservation, (or any other “responsible” or “trustee” agency) where comments have been based upon those agencies' statutory or regulatory authority, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the granting authority shall be promptly forwarded to the operator/applicant.

5. Final approval. The granting authority shall then approve, conditionally approval or deny the special use permit and/or reclamation plan pursuant to Section 2774 of the Public Resources Code, and to approve the financial assurances as provided by Section 2773.1 of the Public Resources Code.

6. Findings for approval. In approving a special use permit for a surface mining operation, the granting authority shall make all findings required for special use permits by Sections 20.14 through 20.18, and a finding that the project complies with the provisions of applicable State regulations. In approving a reclamation plan, the granting authority shall first find that:

   A. the reclamation plan complies with Section 2772, Section 2773, and Section 2773.1 of the Public Resources Code and any other applicable provisions;

   B. the reclamation plan complies with applicable requirements of the State regulations (14 Cal. Code of Regulations, Section 3500 *et seq*., and 14 Cal. Code of Regulations, Section 3700 *et seq*.);

   C. the reclamation plan and potential use of reclaimed land pursuant to the reclamation plan are consistent with this zoning ordinance, the Sierra County General Plan, and any applicable resource plan;

   D. the reclamation plan has been reviewed pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 *et seq*.) and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;

   E. 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 environmental, topography, and other resources;

   F. that the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and any applicable resource plan; and

   G. a written response to the director of the California Department of Conservation has been prepared.

7. Referral to State. The Planning Department shall forward a copy of each approved special use permit for surface mining operations and/or approved reclamation plan, and a copy of the financial assurances to the California Department of Conservation.

33.010 - Phasing of Reclamation

Reclamation activities shall be phased with respect to the mining operation and 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 occur on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, or as approved by the County.

33.011 - Financial Assurances for Reclamation Plans

In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, appropriate security for performance shall be required by the granting authority as a condition of reclamation plan approval. The applicant shall post security as provided by statewide regulations adopted by the State Mining and Geology Board. Financial assurances shall be made payable to the County and the California Department of Conservation and to the Department of Agriculture or United States Forest Service where mining occurs on National Forest System Lands.

(a) Scope of assurances. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, re-vegetation 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 mitigation measures. Financial assurances for such elements of the plan shall be monitored by the Planning Department.

(b) Amount of assurances.

1. The amount of financial assurances shall be based on 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, as provided by subsection (c) below.

2. A licensed engineer and/or other qualified professionals retained by the operator and approved by the Planning Director shall prepare cost estimates. The estimated amount of financial assurance shall be based on an analysis of physical activities necessary to carry out the approved reclamation plan, the unit costs for each activity, the number of units of each activity, and the actual administrative costs.

3. Financial assurances to ensure compliance with re-vegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation 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.

4. 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 may need to contract with a third party commercial company for reclamation of the site.

(c) Adjustments to assurances. 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 completed in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the next calendar year, provided that the permittee may not claim credit for reclamation scheduled for completion during the coming year. Proposed adjustments to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. If adjustments to the financial assurances are not required, the operator shall explain, in writing, why adjustments are not required.

(d) Term and release of assurances. 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). The financial assurances shall be released upon satisfactory performance.

(e) Authority for Memorandum of Understanding. The County may enter into a Memorandum of Understanding with the United States Forest Service, Department of Agriculture or the Bureau of Land management, Department of the Interior when the

reclamation of a site occurs on Federal lands to enable the responsible agencies to cooperatively administer the financial assurance and other aspects required under Public Resources Code Sections 2710 *et seq*., and Section 2207 as deemed appropriate.

33.012 - Periodic Review and Inspection Required

Whenever the granting authority approves or conditionally approves a permit or reclamation plan for a surface mine, it shall adopt a condition of approval requiring periodic inspection of the site and surface mining operation by the Departments of Public Works, Health, and Planning.

(a) Timing of inspection. The Planning Department shall arrange for inspection within six months of receipt of the annual report required by Section 33.013. In no event shall less than one inspection be conducted in any calendar year.

(b) Purpose of inspection. The periodic inspection shall be required to determine whether the surface mining operation is in compliance with the approved conditional use permit and/or reclamation plan, financial assurances, and State Regulations.

(c) Inspection personnel. Required inspections may be made by a California 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 12 months, or other qualified specialists selected by the Planning Director and retained by the County.

(d) Inspection forms. All inspections shall be conducted using forms provided by the California State Mining and Geology Board.

(e) State notification of inspection. The Planning Department shall notify the California Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mine operator. The mine operator shall be solely responsible for the reasonable cost of the inspection.

(f) Refusal of inspection. Failure by the permittee to allow a required inspection shall constitute grounds for revocation of the permit.

33.013 - Annual Reports

The following annual reports are required:

(a) County report to State. By July 1, of each year, the Planning Department shall submit to the California Department of Conservation a copy of any special use permit or reclamation plan amendments, as applicable, for each active or idle mining operation, or a statement that there have been no changes during the previous year.

(b) Report by surface mine operators. Surface mining operators shall forward an annual status report to the California Department of Conservation and the Planning Department on a date established by the California Department of Conservation, on forms furnished by the State Mining and Geology Board.

33.014 - Interim Management Plans (IMP) for Idle Operations

Within 90 days of a surface mining operation becoming idle (as defined by Section 33.03), the operator shall submit, and the Planning Department shall process, a proposed interim management plan (IMP) as provided by this subsection.

(a) Content of IMP. The proposed IMP shall comply with the requirements of Public Resources Code Section 2770(h), and shall describe measures the operator will implement to maintain the site in compliance with SMARA, including but not limited to all conditions of the special use permit for surface mining and/or the reclamation plan.

(b) Processing of IMP. A proposed IMP shall be processed as an amendment to the approved reclamation plan, and shall not be considered a "project" for purposes of environmental review, pursuant to Public Resources Code Section 2770(h).

1. Referral to State. Upon receipt of a complete proposed IMP, and at least 45 days prior to action on the IMP by the granting authority pursuant to subparagraph (2) below, the Planning Department shall forward the IMP to the California Department of Conservation for review.

2. Approval or denial of IMP. Within 60 days of receipt of a proposed IMP, or longer period mutually agreed upon by the Planning Director and the operator, the granting authority shall review and approve or deny the IMP in accordance with this Section. In the event of a denial, the operator shall have 30 days (or longer period mutually agreed upon by the Planning Director and the operator) to submit a revised IMP. The granting authority shall approve or deny the revised IMP within 60 days of receipt. The denial of a revised IMP by the granting authority may be appealed as provided by Section 20.13 (Appeal of Planning Commission Decision).

(c) Continuation of financial assurances. Financial assurances for idle operations shall be continued as provided by the reclamation plan or as otherwise approved through the IMP for the idle mine.

(d) Duration of IMP. An IMP may remain in effect for a maximum of five years, at which time the granting authority may renew the IMP for a maximum of another five years, or require the surface mining operator to commence reclamation in accordance with the approved reclamation plan.

33.015 - Site Development and Operational Requirements

Surface mining operations shall satisfy the following requirements:

(a) Surface mining practices. The State guidelines for surface mining and reclamation practices contained in the California Code of Regulations are hereby incorporated into this section as though they were fully set forth here. The state regulations shall be the minimum acceptable practices to be followed in surface mining operations.

(b) Buffer and screening required. A noise and/or visual buffer or screen shall be provided along any road rights-of-way and along any property lines as required by conditions of approval, where the granting authority determines that adjacent incompatible uses exist (e.g., schools, parks, or other public or private incompatible uses).

33.016 - Amendments and Transfers of Ownership

(a) Amendments to an approved reclamation plan may be submitted to the Planning Director, detailing proposed changes from the original plan. Deviations from the original plan that are determined by the Planning Director to be substantial shall not be undertaken until such amendments have been reviewed and approved by the granting authority for the original reclamation plan, through the same procedure used for the initial approval.

(b) Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this section.

33.017 - Vested Rights

(a) No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall be required to secure a permit pursuant to this Part unless the continued operation of the mining activity involves an expansion or substantial change of operation not previously approved.

(b) A person shall be deemed to have vested rights as described in subsection (a) above if, before January 1, 1976, he or she had in good faith and in reliance upon a permit or other authorization (if such permit or other authorization was required) diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

(c) Nothing in this section shall be construed as requiring the filing of a reclamation plan for, or the reclamation of mined lands on which surface mining operations were commenced and terminated before January 1, 1976. However, it is recommended that mining operators prepare reclamation plans to address unreclaimed portions of ongoing mining operations which were disturbed before January 1, 1976 and not disturbed since.

33.018 - Public Records

(a) Reclamation plans, reports, applications, and other documents submitted pursuant to this Part are public records, unless it can be demonstrated to the satisfaction of the Planning Director that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion, and is entitled to protection as proprietary information.

(b) The granting authority shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the Director, Department of Conservation and to persons authorized in writing by the operator and by the owner. A copy of all reclamation Plans, reports, applications, and other documents submitted pursuant to this Part shall be furnished to the Director of the Department of Conservation by the granting authority.

33.019 - Violations and Penalties

If the Planning Director determines, based upon an annual or other inspection that a surface mining operation is not in compliance with this section, the approved special use permit, any other required permit, and/or the reclamation plan, the County shall follow the procedures set forth in Public Resources Code Section 2774.1 and Section 2774.2 concerning violations and penalties, as well as the County Code. (Ord. 902, eff. 7/6/00)

PART 34

ABANDONED VEHICLES

TABLE OF CONTENTS

Chapter Section

34.01 - Findings and Determinations 1
34.02 - Definitions 1
34.03 - Exceptions 1
34.04 - Administration and Enforcement 2
34.05 - Right of Entry of Contractor 2
34.06 – Reserved 2
34.07 - Administrative Costs 2
34.08 - Authority to Remove 2
34.09 - Notice of Intent to Abate 2
34.10 - Form of Notice 2
34.11 - Public Hearing Upon Request 3
34.12 - Written Statement by Land Owner 4
34.13 - Mailing of Hearing Notices 4
34.14 - Abatement without Public Hearing 4
34.15 - Rules Governing Hearing 4
34.16 - Reserved 4
34.17 - Order for Removal 4
34.18 - Costs Not Assessed Against Property Owner 4
34.19 - Written Notice of Appeal 5
34.20 - Board of Supervisors to Hear Appeal 5
34.21 - Ten Days to Abate 5
34.22 - Notices of Abatement to Department of Motor Vehicles 5
34.23 - Assessment of Costs 5
34.24 - Abandonment of Vehicle Unlawful 5
34.25 - Refusal to Abate Nuisance Unlawful 5

PART 34

ABANDONED VEHICLES

34.01 - Findings and Determinations

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the Board of Supervisors of the County of Sierra hereby makes the following findings and declarations.

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Part.

34.02 - Definitions

For the purpose of this Part, the following words and/or phrases are defined below and shall have the meanings ascribed to them:

34.02.001 - "Abandoned vehicle" means any vehicle which has been left on private property or on public property other than highways in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

34.02.002 - "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

34.02.003 - "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

34.02.004 - "Owner of the vehicle" means the last registered owner and legal owner of record.

34.02.005 - "Public property" does not include "highway."

34.02.006 - "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

34.03 - Exceptions

This Part shall not apply to:

(a) A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(b) A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

34.04 - Administration and Enforcement

Except as otherwise provided herein, the provisions of this Part shall be administered and enforced by the Sheriff or other regularly salaried full-time County employee designated as Abandoned Vehicle Inspector or any authorized deputy thereof. In the enforcement of this Part, such officer may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the provisions of this Part.

34.05 - Right of Entry of Contractor

When the Board of Supervisors has contracted with or granted a franchise to any person, such person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the provisions of this Part.

34.06 – Reserved

34.07 - Administrative Costs

The Board of Supervisors shall have the authority to, from time to time, determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) pursuant to the provisions of this Part.

34.08 - Authority to Remove

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the County, the Sheriff or other designated officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

34.09 - Notice of Intent to Abate

A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

34.10 - Form of Notice

The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED. DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE
(Name and Address of owner of the land)

As owner shown on the last equalized assessment roll of the land at _____ (address), you are hereby notified that the undersigned pursuant to Part 34 of the Sierra County Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle

registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of the Sierra County Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice. Upon your failure to do so the same will be abated and removed by the County and the costs thereof, together with administrative costs, may be assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As the owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing. If such request is not received by the Abandoned Vehicle Inspector within such ten (10) day period, the Abandoned Vehicle Inspector shall have the authority to abate and remove said vehicle (or said parts of vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such ten (10) day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, and said statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____ _____
(date) Abandoned Vehicle Inspector
(address)

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED. DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE.
(Name and address of last registered and
legal owner of record of vehicle ---
notice shall be given to both if different)

As last registered (and/or legal) owner of record of _____(description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to Part 34 of the Sierra County Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of the Sierra County Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date mailing of this notice.

As last registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing. If such a request is not received by the Abandoned Vehicle Inspector within such ten (10) day period, the Abandoned Vehicle Inspector shall have the authority to abate and remove said Vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____ _____
(date) Abandoned Vehicle Inspector
(address)

34.11 - Public Hearing Upon Request

Upon request by the owner of the vehicle or owner of the land received by the Abandoned Vehicle Inspector within ten (10) days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Abandoned Vehicle Inspector on the question of abatement and removal of the

vehicle or parts thereof as an abandoned, wrecked, dismantled, or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof, against the property on which it is located.

34.12 - Written Statement by Land Owner

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his presence.

34.13 - Mailing of Hearing Notices

Notice of the hearing shall be mailed, by registered or certified mail, at least ten (10) days before the hearing to the owner of the land, and to the registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

34.14 - Abatement without Public Hearing

If such a request for hearing is not received within said ten (10) days after mailing of the notice of intention to abate and remove, the County shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

34.15 - Rules Governing Hearing

All hearings pursuant to the provisions of this Part shall be held before the Abandoned Vehicle Inspector who shall hear all facts and testimony he/she deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property.

The Abandoned Vehicle Inspector shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

34.16 - Reserved

34.17 - Order for Removal

The Abandoned Vehicle Inspector may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the provisions of this Part. It may delay the time for removal of the vehicle or parts thereof, if in his/her opinion, the circumstances justify it. At the conclusion of the public hearing, the Abandoned Inspector may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a pubic nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

34.18 - Costs Not Assessed Against Property Owner

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he/she has not subsequently acquiesced in its presence, the Abandoned Vehicle Inspector shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, he/she shall be notified in writing of the decision.

34.19 - Written Notice of Appeal

Any interested party may appeal the decision of the Abandoned Vehicle Inspector by filing a written notice of appeal with the Abandoned Vehicle Inspector within ten (10) days after its decision.

34.20 - Board of Supervisors to Hear Appeal

The appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the order or take other action deemed appropriate. The clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 34.09. The appeal and hearing shall be conducted in conformance with Section 20.03.

34.21 - Ten Days to Abate

Ten (10) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or ten (10) days from the date of mailing of notice of the decision if such notice is required by Section 34.17, or ten (10) days after affirmance of such decision by the Board of Supervisors, whichever is later, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard or any other suitable site. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

34.22 - Notices of Abatement to Department of Motor Vehicles

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

34.23 - Assessment of Costs

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to this Part are not paid within ten (10) days of the date of the order, or the final disposition of an appeal therefrom, such costs may be assessed against the parcel of land pursuant to Government Code Section 25845 and transmitted to the Tax Collector for collection. Said assessment shall have the same priority as other County taxes.

34.24 - Abandonment of Vehicle Unlawful

It is unlawful and punishable as a misdemeanor for any person to abandon, park, store, leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof, is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways within a city, for a period in excess of sixty (60) days unless, such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

34.25 - Refusal to Abate Nuisance Unlawful

It is unlawful and punishable as a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Part. (Ord. 902, eff. 7/6/00)

PART 35
ENCROACHMENTS

TABLE OF CONTENTS

Chapter Section

35.01 - Name, Authority, and Purpose 1
35.02 - Definitions 1
35.03 - Encroachments Regulated 2
35.04 - Permit Exceptions 3
35.05 - Permit - Application 3
35.06 - Permit - Issuance 4
35.07 - Permit - Conditions 4
35.08 - Reserved 6
35.09 - Permit - Security 6
35.10 - Permit - Denial and Revocation 6
35.11 - Permit - Appeal to Board 7
35.12 - Permit - Administration and Inspection 7
35.13 - Permit - Standards and Specifications 8
35.14 - Reserved 9
35.15 - Permit - Time Limits and Extensions 9
35.16 - Revisions 9
35.17 - Permit Completion 9
35.18 - Emergency Work 9
35.19 - Reserved 10
35.20 - Liability Disclaimer 10
35.21 - Enforcement and Penalties 10

PART 35
ENCROACHMENTS

35.01 - Name, Authority, and Purpose

This Part shall be known as the Sierra County Encroachment Ordinance, enacted pursuant to Streets and Highways Code and following the California Constitution, Article 11, Section 7, for the purpose of protecting the safety of the public traveling on public roads; protecting public roads from unwarranted damage; and protecting the public investment in public roads.

35.02 - Definitions

For the purpose of this Part, the following words and/or phrases are defined and shall have the meanings ascribed to them:

35.02.001 - "Applicant" means any person, firm, company, corporation, association, public agency or organization making written applications to the Department of Public Works for an encroachment permit.

35.02.002 - "Board" means the Sierra County Board of Supervisors.

35.02.003 - "Department" means the Sierra County Department of Public Works and its authorized officials.

35.02.004 - "Director" means the Sierra County Director of Public Works, Road Commissioner or Director of Transportation.

35.02.005 - "Encroachment" means any use or action with respect to a County highway or County property for which a permit is required by this Part, including but not limited to any tower, pole, pole-line, pipe, pipeline, transmission line, driveway, road, fence, sign, embankment, cut, fill, billboard, stand, building, tree, lighting, monument, debris, abandoned and/or inoperable vehicle, or any structure, object, or use of any kind or character not particularly identified or mentioned in this Section which is caused or placed in, on, under or over any portion of a County highway or County property, or which may obstruct, hinder, or in any way affect maintenance or use of or travel on a County highway or County property. Encroachment also includes traveling on the right-of-way of any County highway by any vehicle or combination of vehicles or object of dimension, weight, or other characteristic prohibited by law.

35.02.006 - "Excavation" means the filling, removal or moving of any earth, rock, pavement, concrete or other materials atop, on, or under any portion of right-of-way of any County highway.

35.02.007 - "County highway" means all or any part of right-of-way; whether owned in fee; by easement; by conveyance on a subdivision map; or by prescription of a County owned or maintained highway, street, road, alley, path, or property including the space over it and the ground under it whether or not such entire area is actually used for highway purposes. "Highway" also includes any highway, street or road included with the maintained County highway system as provided in the Streets and Highways Code Section 2121.

35.02.008 - "Obstruction" means any use, structure or object of any kind or character which is placed atop, on, under or over any portion of the right-of-way of any County highway.

35.02.009 - "Permittee" means any person, firm, company, corporation, association. public agency or organization that proposes to do work or encroach on a right-of-way of a County highway and has been issued a valid encroachment permit by the Department. Any and all obligations, responsibilities, conditions, and other requirements of the permittee as identified and described in this Part shall be binding on the permittee, any authorized agent, and subsequent joiners of the encroachment.

35.02.010 - "Right-of-Way" means all of the area between the boundaries of a highway, road, street, alley or path as defined by the instruments creating, or conveying such highway, road, street, alley or path and with respect to County highways created by use or by prescription, the County highway shall include all of the area used for highway purposes, including the road bed and surface from the highway centerline to the top of any cut and to the toe of any slope, or ten (10) feet from the edge of the traveled way, whichever is farther on both sides of the road, all including any shoulders, drainage ditches, fixtures, and road appurtenances.

35.03 - Encroachments Regulated

It shall be unlawful for any person, firm, corporation, company, association, public agency or organization to do or cause to be done any of the following without first obtaining an encroachment permit from the Department:

(a) Excavate or fill on or under any portion of a County highway.

(b) Place or maintain any obstruction on, in, atop, under, or over a County highway.

(c) Install, construct, improve, remove or cut into any sidewalks, driveways, curbs, gutters, walls, culverts, road approaches or road surfacing.

(d) Install repair or remove any facilities or substructures in, on, over or under any County highway.

(e) Establish, place, change, renew, revise or maintain any driveway, access road or encroachment across any portion of a County highway.

(f) Place, maintain, or display in, on, or over any County highway, any kind of advertising sign or device. Any such sign or device placed, maintained or displayed contrary to the provisions of this Part is a public nuisance and the Department may immediately remove it.

(g) Cut or fill upon the natural ground surface upon land adjacent to a County highway, any part of which measures horizontally less than two (2) times the depth of the cut or fill from the closest right-of-way boundary line of any County highway.

(h) Plant, remove, injure or destroy any tree, shrub, plant or flower growing in, on or over a County highway.

(i) Storage of abandoned or inoperable vehicles, travel trailers, private property, debris piles, fences, mail boxes, right-of-way or property monuments in, on or under any County highway.

(j) Move over the surface of any County 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 County highway.

(k) Operate any motor vehicle on any County-owned land closed to use by motor vehicles pursuant to this Part. Any areas closed to use by motor vehicles or otherwise closed or prohibiting any uses shall be designated by resolution of the Board and shall be adequately marked or posted in a manner determined by the Department to notify the public of such regulations and/or prohibitions of use.

35.04 - Permit Exceptions

The provisions of this Part shall not apply to the following:

(a) Construction of federal or State highways which affect County highways from which an agreement with the County has been executed and improvement and/or construction plans contain approval of the Director.

(b) Work performed by the County through its Department or work performed by a person or company for the County pursuant to a contract.

35.05 - Permit - Application

An application for encroachment permit shall be made in writing, upon forms provided by the Department, and shall include the following information:

(a) Name, address, phone number of the applicant, the record owner, the contractor, other person actually making the proposed encroachment, and any agents or representatives which will be in any responsible position relative to the proposed encroachment.

(b) Name, address, phone number of all persons who are authorized to represent the record owner of property affected by the proposed encroachment accompanied by power of attorney or other acceptable document.

(c) Signature of the applicant and the record owner, if different from the applicant, with date application is filed with the Department.

(d) Written description of the proposed encroachment including but not limited to location, purpose, extent, dimensions, time, duration, and nature of the proposed encroachment.

(e) A detailed site plan, drawn to scale showing relation of proposed encroachment with County highways; showing adjacent property lines; showing the nature, extent and standards proposed for the encroachment; and other information such as engineering calculations, cross sections, profiles, site data, and natural conditions as may be required by the Department. The site plan shall include a map or plat and a sketch or diagram in sufficient detail to adequately and easily locate, delineate, illustrate and identify the proposed use or encroachment.

(f) Copies of any written orders or consent to any work performed under the encroachment permit, of the Public Utilities Commission, public utility district, water district, or any other local agency having jurisdiction with any laws, ordinances, regulations, decisions or other form of authoritative orders.

(g) Application fee as determined by Resolution of the Board. Any application for encroachment permit shall be deemed complete upon expiration of thirty (30) days after receipt by the Department of an application, unless the Department, prior to expiration of this thirty (30) day period, transmits to the applicant in writing a request for additional information. The application will be deemed complete and filed upon receipt and acceptance by the Department of the application or additional information as requested by the Department. Not withstanding any other provision of this Part, the Department may issue to a public utility, an annual blanket permit for routine maintenance required by the utility.

35.06 - Permit - Issuance

The Department may issue a single encroachment permit or any number of encroachment permits which are a part of a single project when the applicant has provided to the Department and the Department has accepted as complete the following:

(a) fully executed application form and supporting documentation;

(b) fee as required by resolution of the Board;

(c) security as required; and

(d) any other requirements of this Part.

The encroachment permit, issued by the Department, may be issued for any lawful use, subject to conditions set forth in this Part and required by law. The Department shall not issue any encroachment permit unless and until it has received approval of the County Planning Department for zoning, building and environmental compliance and the County Sheriff when and where applicable.

35.07 - Permit - Conditions

The following minimum conditions and standards are required and shall be specified in any encroachment permit issued by the Department and every encroachment permit issued by the Department shall be subject but not limited to the following:

(a) The encroachment permit shall be subject to all of the provisions and requirements of this Part.

(b) The encroachment permit may be revoked by the Department at any time, without cause, after mailing a "Notice of Revocation" of the encroachment permit within five (5) days after the effective revocation date. This shall not apply to encroachment permits issued to a public utility operating pursuant to a franchise granted by the County.

(c) The encroachment permit and any work or use performed under the issued encroachment permit shall conform and comply with minimum construction standards adopted by resolution of the Board.

(d) The permittee is responsible to call for any Departmental inspections required under the issued encroachment permit.

(e) The encroachment permit shall be null and void, six (6) months after the date of issuance unless the encroachment permit, including any security, has been extended with mutual written consent of the Department and permittee.

(f) The permittee shall identify the name, address, and telephone number of any person who may be in a position of responsibility and authority representing either the record

landowner, applicant, and/or permittee in the performance under the terms of any issued encroachment permit and this Part.

(g) The permittee shall keep any encroachment permit issued under this Part at the site of the work or use authorized by the encroachment permit or in the cab of a vehicle, when its movement on a County highway is involved. The issued encroachment permit shall be shown to any authorized representative of the Department or law enforcement officer, on demand.

(h) The issued encroachment permit shall not be transferable without prior, written consent of the Director.

(i) Any permit issued to any person, a public agency, or a private utility under the provisions of this Part, shall contain a provision that in the event of the future improvement of the highway necessitating the relocation or removal of such encroachment, the permittee shall relocate or remove same at his own expense. In the event of future improvement of a County highway for a proper governmental purpose which necessitates the relocation of an encroachment granted to a public utility, the permittee shall relocate same at permittee's own expense to such different location in the highway as is specified in a written demand from the Department. The Department, in this situation, shall serve upon the permittee its written demand specifying the place and/or location or that the encroachment must be removed from the highway and specifying a reasonable time within which the work must be commenced by the person, public agency or public/private utility.

(j) Any monument set for the purpose of locating or preserving the lines of any road, property, or subdivision, or a precise survey reference point, or a permanent survey bench mark within the County of Sierra shall not be removed, disturbed, or caused to be removed or disturbed without first obtaining permission, in writing, from the Director. The Director, in granting permission to disturb or remove any monument, reference point or bench mark, shall require that such points be temporarily tied out by a surveyor, licensed in the State of California. After completion of all work under the issued encroachment permit, any disturbed or removed monument, reference point, or bench mark shall be accurately re-set by a surveyor, licensed in the State of California. All work required under this Section shall be at the expense of the permittee.

(k) The applicant and permittee agrees to hold the County and each and every officer and employee thereof from any liability or responsibility for any accident, loss or damage to persons or property arising out of or connected in any way with any work done by the applicant or permittee granted hereunder.

(l) No construction material shall be stored nor equipment parked within ten (10) feet from the edge of pavement or traveled way.

(m) All brush, timber, scraps, material and such shall be entirely removed upon completion and the right-of-way shall be left in as presentable a condition as existed before any work commenced.

(n) All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public.

(o) Permittee shall immediately cease work in the vicinity of any archeological or historical resources that are revealed. The Director shall be notified immediately and an evaluation by the Director shall be made relative to the continuance of work.

(p) All permits are revocable immediately on five (5) days written notice and the encroachment must be removed or relocated as may be specified in any written order of the Department revoking said permit. This shall not apply to encroachment permits issued to a public utility operating pursuant to a franchise granted by the County.

The Department may impose any additional, reasonable conditions which may be necessary to assure compliance with this Part or to protect the public interest.

35.08 - Reserved

35.09 - Permit - Security

The Department shall require, as a condition prior to issuance of any encroachment permit, security in the form of cash, bond, money order, certified check or other form as deemed acceptable by the Department. The security shall be provided in the amount determined to be sufficient by the Director based upon the estimate of the Director of the estimated cost necessary to reimburse the County for costs of repairing any damage to or restoring the County highway as a result of damage which may occur to the County highway by reason of such encroachment.

The security required in this Section shall be payable to the County and shall be filed with the Department prior to issuance of the encroachment permit by the Department. The security shall be held in an "Encroachment Permit Trust Fund" by the County Auditor and County Treasurer. Any funds or other security deposited or held shall not be released and returned unless and until the following occurs:

(a) the Director provides, to the County Auditor, adequate evidence through a "Notice of Completion and Acceptance" that the work performed under the issued encroachment permit has been completed under the terms and conditions of the issued encroachment permit and this Part; or

(b) the Director authorizes release of the funds and deposit into the County Road Fund, for performance of work not performed by permittee within the time frame required under the issued encroachment permit; for work required to restore the County highway to its original condition; or for any work necessary to obtain compliance with this Part. The County Auditor, upon receiving evidence from the Director that the work under the issued encroachment permit is completed and accepted, shall release and return any security to the permittee on the expiration of fifteen (15) days.

The Director may, at any time, require new or additional security, when adequate evidence exists, in the opinion of the Director, that the amount of security originally posted by the permittee is deemed insufficient to cover costs or to adequately secure the repair or restoration of any County highway damaged as a result of the encroachment.

The Director may wave the requirement for security when an encroachment permit is issued to any City, political subdivision or local agency or utility. Failure to comply with this Part shall require immediate posting of security as required by this Section.

Failure of the permittee to comply with this section shall be grounds for revocation of the encroachment permit. Any permittee refusing to pay any fees, costs, or charges due as required by this Part shall cause the Department to proceed against the security posted to collect for such fees, costs or charges.

35.10 - Permit - Denial and Revocation

The Department may deny any application for encroachment permit and the reasons for denial shall be transmitted in written form to the applicant within ten (10) days after a determination for denial has been made. The Department may revoke any issued encroachment permit, by written order of the Director,

effective immediately a copy of which shall be mailed to the permittee and to the applicant at the respective addresses specified in the issued permit, upon any one or more of the following grounds:

(a) Violation of any provision or requirement of this Part.

(b) Non-compliance with minimum County standards.

(c) Failure to post additional security as may be required.

(d) Misrepresentation of any material fact in the application.

(e) Violation of any of the terms or conditions of the issued encroachment permit.

(f) Failure to post security or withdrawal of the required security.

The encroachment permit, upon revocation shall become null and void and no work may be performed unless said permit is reinstated by the Department.

35.11 - Permit - Appeal to Board

The applicant, permittee, or any person adversely affected by one or more of the following decisions of the Director may appeal to the Board of Supervisors within ten (10) days after any of the following actions occur:

(a) Denial of an encroachment permit.

(b) Revocation of an encroachment permit.

(c) Approval of an encroachment permit.

(d) Imposition of terms or conditions on an encroachment permit.

(e) Failure by the Department to act on an application for encroachment permit within thirty (30) days after the application is accepted as complete by the Department.

The appellant shall file a "Notice of Appeal" with the Clerk of the Board of Supervisors and shall submit a copy to the Director. The "Notice of Appeal" shall state one or more of the grounds for appeal as set forth in this Section and shall specify in detail, the argument of the appellant.

35.12 - Permit - Administration and Inspection

The Department shall create written procedures for the administration and supervision of the provisions of this Part and shall be responsible for maintenance of all files and records pertinent to encroachment permits. The Department shall require inspections of all encroachment permits issued under authority of this Part and such inspections shall occur during but not limited to the following intervals:

(a) Before initiation of and/or prior to permit issuance.

(b) During use and/or construction.

(c) Upon termination of use and/or completion of construction.

No person shall prevent or obstruct any officer or employee of the performance of any required inspection authorized in this Part.

35.13 - Permit - Standards and Specifications

Any and all uses or work authorized and performed under a current, valid, and issued encroachment permit shall be according to minimum standards of use and/or construction adopted by resolution of the Board. Where minimum construction standards have not been adopted by the Board, and unless otherwise noted, all work performed shall conform to the most current edition of Standard Specifications State of California issued by the Department of Transportation.

The following additional standards shall be as required by the Department when issuing and supervising any encroachment permit:

(a) Noise, Dust and Debris: Each permittee shall conduct and carry out work authorized in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of adjoining property. The permittee shall take appropriate measures, as may be required, to reduce to the fullest extent practicable in the performance of the work, noise, dust and unsightly debris. During the hours of 7:00 p.m. to 7:00 a.m., the permittee shall not use any tool, appliance, or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of neighboring property, without the express written permission of the Director.

(b) Relocating Facilities: In the event of future improvement of a County highway which necessitates the relocation or removal of an encroachment, the permittee shall relocate or remove same at its own expense. In the event of future improvement of a County highway for a proper governmental purpose which necessitates the relocation of an encroachment granted to a public utility, the permittee shall relocate same at permittee's expense to such different location in the highway as is specified in a written demand from the Department. The Director, in this case, shall serve on the permittee a written demand specifying the place or location for which the encroachment must be removed from the County highway and specifying a reasonable time within which the work or relocation shall be commenced.

(c) Protective Measures: Each permittee shall, as required by the Director, place and maintain barriers, warning devices, and signs necessary for safety and traffic control.

(d) Traffic Routing: Each permittee shall take appropriate measures as required by the Director to assure that during the performance work, traffic conditions shall be maintained at all times. The Director may permit closing of County highways to all traffic for a period of time if deemed advisable or necessary and in this case, the Director may require the permittee to give notification to specified interested persons before commencement of work.

(e) Adjoining Property: The permittee shall at all times and at the permittee's own expense preserve and protect from injury, any adjoining property which may be affected as a result of the performance of work under an encroachment permit.

(f) Clean-Up: All County highways shall, as work progresses, be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. All cleanup operations at the location of such work shall be accomplished at the expense of the permittee and shall be completed to the approval of the Director. Upon failure of any permittee to clean-up and remove all refuse and unused materials on any land resulting from work under an encroachment permit the Director may cause the cleanup to be performed and the cost thereof, charged to the permittee and the permittee shall be liable for the cost thereof.

35.14 - Reserved

35.15 - Permit - Time Limits and Extensions

The Department, when issuing an encroachment permit, shall specify a starting date in which work or use under the encroachment permit shall commence and shall specify a completion date in which all work under the encroachment permit shall be completed in compliance with all conditions of approval.

If a delay occurs in beginning, prosecuting, or completing work under an issued encroachment permit and such condition is due to negligence or lack of diligence of the owner and/or permittee the Department may cancel and revoke the encroachment permit and shall either restore the right-of-way to its original condition or shall perform all work proposed under the issued encroachment permit using funding made available through security posted by the permittee and/or owner.

Any issued encroachment permit shall become null and void if work is not commenced within ninety (90) days from the date of issuance. The time limits of an issued encroachment permit may be extended by the Director upon receipt of a written statement by the owner and/or permittee stating the reasons why an extension of time is being requested and the specific amount of time being requested. The Director in extending the original time limits of an issued encroachment permit may require additional security or additional inspections to ensure compliance with this Part. Any issued encroachment permit shall expire and become null and void twelve (12) months after the date of issuances. Thereafter, the Department shall either issue a new encroachment permit, restore the right-of-way to its original condition or complete the encroachment using security posted by the owner and/or permittee.

35.16 - Revisions

Any and all work performed under a valid, current and issued encroachment permit shall comply with the approved encroachment permit, including all conditions, exhibits, standard specifications and other related documents and no changes or alterations shall be made in the location, dimension, character, standard or other relevant component of the encroachment without prior, written authorization from the Director. Any proposed revision shall be submitted to the Department in written or sketch form by the owner and/or permittee. Any revision approved by the Director shall become effective twenty-four (24) hours after execution of written authorization by the Director.

35.17 - Permit Completion

The owner or permittee, upon completion of all work or use authorized and required in any issued encroachment permit, and upon compliance with all conditions issued therewith, shall in writing notify the Department that the work or use is complete and a final inspection is necessary to be performed by the Department. No work or use shall be deemed complete in the absence of this written notice.

The Department, upon receipt of the written notice from the owner or permittee, shall cause to be performed a final inspection of the work or use authorized in the issued encroachment permit. Upon inspection, the Department shall issue a "Notice of Completion and Acceptance" if such work or use is deemed to be complete, satisfactory, and in compliance with all encroachment permit conditions. If such work or use is unsatisfactory or the owner and/or permittee has not complied with the issued encroachment permit conditions, a notice shall be submitted to the owner and/or permittee listing specific areas of non-compliance. Upon issuance by the Department of a "Notice of Completion and Acceptance" the permit shall be deemed complete and the encroachment permit shall be in full force and effect.

35.18 - Emergency Work

The requirements of this Part shall not prevent any person from performing emergency maintenance on any pipe, conduit or transmission facility lawfully on a County highway or from making an emergency encroachment or use which is deemed necessary to protect and preserve life or property when an urgent

necessity arises from an emergency as defined by this Part. Any person making any emergency use or encroachment or who is otherwise affecting the County highway shall apply for a written encroachment permit within ten (10) calendar days after any emergency work is initiated. Any person contemplating or initiating emergency work under this section shall first notify the Department and the Sierra County Sheriff specifying the nature of the emergency, the extent of work contemplated and the location of such work.

35.19 - Reserved

35.20 - Liability Disclaimer

This Part 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 or in the performance of any work for which an encroachment permit is issued hereunder, nor shall the County or any employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized, the issuance of any encroachment permit or the approval of any work permitted hereunder.

35.21 - Enforcement and Penalties

This Part shall be administered and enforced by the Department. The Department shall cause any encroachment or use authorized by encroachment permit to be administered and inspected at sufficient intervals to ensure compliance with the terms, conditions and requirements of any issued encroachment permit and this Part. Any person who performs any of the acts for which an encroachment permit is required by this Part without first obtaining such permit shall be assessed a permit application fee twice the amount specified in the resolution of the Board.

Any person who violates any provision of this Part: any condition of any encroachment permit issued hereunder; fails, neglects, or refuses to comply with any requirements of the Director, this Part or any encroachment permit issued hereunder; or performs any of the acts for which an encroachment permit is required by this Part without first obtaining such permit, shall be guilty of an infraction. Each day any violation of this Part continues shall constitute a separate offense punishable as provided herein. The violation of any provisions of this Part shall constitute a public nuisance subject to abatement in any manner authorized by law; including, but not limited to, summary abatement by the Director, pursuant to the Streets and Highways Code Section 1483 and the Civil Code Section 3494; abatement by actions authorized in the Penal Code Section 373(a) and the Streets and Highways Code, Chapter 5.5, Division 2, and Chapter 6, Division 2; and by suit for injunction.

The Department and the County District Attorney or other appropriate law enforcement personnel shall immediately pursue enforcement, abatement, prosecution against any person violating any provision of this Part. (Ord. 902, eff. 7/6/00)

PART 36
STORAGE OF HAZARDOUS SUBSTANCES IN UNDERGROUND TANKS

TABLE OF CONTENTS

Chapter Section

36.01 - Purpose 1
36.02 - Adoption of State Law & Regulations by Reference 1
36.03 - Definition of Underground Storage Tank 1
36.04 - Designation of Agency 2
36.05 - Permit Required 2
36.06 - Permit Procedure 2
36.07 - Permit Fees 3
36.08 - Appeals 3
36.09 - Violations: Penalties: Civil Remedies 3
36.10 - Severability 3

PART 36
STORAGE OF HAZARDOUS SUBSTANCES IN UNDERGROUND TANKS

36.01 - Purpose

The purpose of this Part is to implement Chapter 6.7 of the Health and Safety Code Section 25280 *et seq*., and any amendments thereto, and to provide for the collection of fees necessary to pay the cost incurred by the County of Sierra in administering a program for the purpose of preventing contamination from the improper storage of hazardous substances stored underground; to ensure that newly constructed storage tanks meet appropriate standards; and that existing underground storage tanks be maintained, inspected and tested to protect the public health, property and resources.

The provisions of this Part shall apply to the incorporated and unincorporated areas of Sierra County excepting any city, which has assumed responsibility for implementation of such program enacted pursuant to Section 25283 of the Health and Safety Code.

In implementing the aforementioned program, the County of Sierra, through its Health Department, will be acting as a local agency as that term is defined in Section 25281(e) of the Health and Safety Code. This Part shall be further implemented according to such regulations as the Board of Supervisors shall, by resolution, adopt.

36.02 - Adoption of State Law & Regulations by Reference

The County of Sierra hereby adopts by reference the requirements of Chapter 6.7 of Division 20 of the Health and Safety Code Sections 25280 through 25299.6, amendments inclusive and the regulations as adopted pursuant thereto by the State Water Resources Control Board for the underground storage of hazardous substances.

36.03 - Definition of Underground Storage Tank

The term "underground storage tank" means any one or combination of tanks, including pipes connected thereto, which is used for the storage of hazardous substances as defined in Health and Safety Code Section 25281(d) and amendments thereto and which is substantially or totally beneath the surface of the ground. The term "underground storage tank" does not include any of the following:

(a) A tank used for the storage of hazardous substances used for the control of external parasites of cattle and subject to the supervision of the County Agricultural Commissioner if the County Agricultural Commissioner determines, by inspection prior to use that the tank provides a level of protection equivalent to that required by Health and Safety Code Section 25291, if the tank was installed after June 30, 1984, or protection equivalent to that provided by Health and Safety Code Section 25292, if the tank was installed on or before June 30, 1984.

(b) A tank which is located on a farm and stores motor vehicle fuel which is used only to propel vehicles used primarily for agricultural purposes.

(c) A tank which holds 1,100 gallons or less is located at a residence of a person, and stores home heating fuel used exclusively for personal and non-income producing purposes.

(d) A tank which is used for aviation or motor vehicle fuel, which is located within one mile of a farm and used by a licensed pest control operator, as defined in Section 11705 of the Food and Agricultural Code, who is primarily involved in agricultural pest control activities.

36.04 - Designation of Agency

The Sierra County Health Department shall be responsible for:

(a) administration and enforcement of this Part;

(b) administration and enforcement of any regulations pertaining thereto as adopted by the Board of supervisors;

(c) administration and enforcement of State Law and the regulations adopted pursuant thereto by the California Water Resources Control Board; and

(d) collection of fees, permit processing, inspection, revocation, and administration/ clean up of unauthorized releases as provided herein.

36.05 - Permit Required

(a) No persons shall install, operate, construct, modify, close or abandon an underground storage tank within the unincorporated and incorporated areas of Sierra County unless by authority of a valid, unexpired and unrevoked permit issued to the owner/ operator by the Sierra County Health Office or his designee.

(b) A permit shall not be issued for any underground storage tank unless the tank or facility meets the appropriate requirements of Chapter 6.7 of the Health and Safety Code, SubPart 16 of Title 23 of the California Administrative Code, and any regulations adopted by the Board of Supervisors.

36.06 - Permit Procedure

(a) An application for the permit shall be filed with the Sierra County Health Department on a form prescribed by the Sierra County Health Officer, and shall be accompanied by the required and requested information, together with any fee for such permit as established by the Board of Supervisors.

(b) All permits shall be valid for a period ending June 30th of each year.

(c) The Sierra County Health Officer or his designee shall act upon the application no later than thirty (30) days after the date it is accepted as complete, unless the applicant has filed with the Health Officer a written notice for extension of time and an extension of time has been granted by the Health Officer or his designee.

(d) All applications for permits shall be accompanied by evidence that the landowner of the subject land upon or under which the tank is to be installed, operated, constructed, modified, abandoned or closed consents to the application for the issuance of the permit by the Sierra County Health Department.

(e) Any person applying for a permit to construct, install or modify an underground storage tank shall submit complete plans and specifications for such construction, installation or modification to the Sierra County Health Department. The Health Department shall review the plans to determine compliance with all applicable laws and regulations pertaining thereto. All plans shall be approved or rejected within twenty (20) working days after receipt by the Health Department; the applicant shall be notified in writing of the decision of the Health Department.

(f) The Sierra County Building Department shall not issue a building permit, where applicable, until it has received notice of plan approval by the Sierra County Health Department.

(g) Upon completion of the construction, installation or modification of any underground storage tank or tanks, the permittee shall prior to operation of said tank or tanks give notice, in writing, of such completion to the Health Department. Within a reasonable time following the receipt of such notice, the Health Department shall inspect such underground tank or tanks, and if approved by the Health Department, the Health Department shall issue a permit or permits to operate such underground storage tank or tanks. No underground storage tank or tanks shall be placed in operation without prior issuance of a valid, unrevoked permit to operate from the Health Department.

(h) Any person proposing to abandon or close an underground storage tank or facility shall, prior to abandoning, closing, destroying or removing an existing underground storage tank or tanks, apply for and obtain a permit to abandon or close, temporarily or permanently, an underground storage tank or tanks; the application shall be made to the Sierra County Health Department by the owner on a form prepared and provided by the Health Department. The application must be accompanied by written plans which must be approved by the Sierra County Health Officer or his designee prior to issuance of any permit.

36.07 - Permit Fees

(a) Fee Schedule. The fee schedule for permits issued pursuant to this Part, exclusive of surcharges adopted by the Legislature of the State of California, pursuant to Section 25287(b) of the Health and Safety Code and amendments, shall be established and set forth by Resolution of the Board of Supervisors.

(b) State Surcharge. The County of Sierra shall collect the state surcharge for each underground storage tank in an amount which is imposed and determined by the State of California. The surcharge is payable every five (5) years. This fee shall be in addition to any other fees collected.

36.08 - Appeals

(a) Any permittee aggrieved with the decision of the Health Officer shall have the right to appeal to the Board of Supervisors within ten (10) days of the decision of the Health Officer.

(b) The Clerk shall set the matter for the hearing before the Board of Supervisors.

36.09 - Violations: Penalties: Civil Remedies

Violations of this Part, including the provisions of the Health and Safety Code as adopted by reference in Section 36.02 shall be punished as provided for in Health and Safety Code Section 25299 and any subsequent amendments thereto.

In addition to all the other penalties and remedies provided by law, if such persons fail to take appropriate action within the time provided, the County Counsel, upon order of the Board of Supervisors, shall bring an action in the name of the County of Sierra in the Superior Court under provisions of the Code of Civil Procedure Sections 525 *et seq*., to enjoin violations of this Part.

36.10 - Severability

If any provision, clause, sentence, or paragraph of this Part or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are hereby declared to be severable. (Ord. 902, eff. 7/6/00)

PART 37
OVERHEAD TO UNDERGROUND UTILITY CONVERSION

TABLE OF CONTENTS

Chapter Section

37.01 - Purpose 1
37.02 -Definitions 1
37.03 - County Clerk to Notify Owner 1
37.04 - Decision of Board Conclusive 1
37.05 - District Designation by Resolution 1
37.06 - Regulations Set by Resolution 1
37.07 - Emergencies 2
37.08 - Unusual Circumstances 2
37.09 - Miscellaneous Exemptions 2
37.10 - Ten Day Notice 2
37.11 -Reserved 3
37.12 - Compliance With Law by Utility Companies 3
37.13 - Service Connection with Termination Facility 3
37.14 - Non-Compliance Remedied by County Engineer 3
37.15 - Services Removed After Posting of Property 3
37.16 - Services Removed After Service of Notice 3
37.17 - Responsibility of County 4
37.18 - Reserved 4
37.19 - Extension of Time 4
37.20 - Violation A Misdemeanor 5

PART 37

OVERHEAD TO UNDERGROUND UTILITY CONVERSION

37.01 - Purpose

The Board of Supervisors may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the County and the underground installation of wires and facilities for supplying electric, communication or similar or associated service.

37.02 -Definitions

Words or phrases used in this Part shall have the following definitions:

37.02.001- "Commission" means the Public Utilities Commission of the State of California.

37.02.002- "District" or "Underground Utility District" means that area in the County within which poles, overhead wires, and associated overhead structures are prohibited, as such area is described in a resolution adopted pursuant to the provisions of Section 37.05.

37.02.003- "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located above-ground within a District and used or useful in supplying electric, communication or similar or associated service.

37.02.004- "Utility" means all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

37.03 - County Clerk to Notify Owner

The County Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof.

37.04 - Decision of Board Conclusive

At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final and conclusive.

37.05 - District Designation by Resolution

If, after any such hearing, the Board of Supervisors requires underground installation within a designated area, the Board shall enact an enabling resolution declaring such designated area an Underground Utility District and order such removal and underground installation.

37.06 - Regulations Set by Resolution

The enabling resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which

effected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

37.07 - Emergencies

Notwithstanding the provisions of this Part, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the Board of Supervisors in order to provide emergency service.

37.08 - Unusual Circumstances

The Board of Supervisors may grant special permission, on such terms as the Board may deem appropriate, in cases involving unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

37.09 - Miscellaneous Exemptions

This Part and any enabling resolution shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(a) Any County facilities or equipment installed under the supervision and to the satisfaction of the County Engineer.

(b) Poles or electroliers used exclusively for street lighting.

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

(d) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

(e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

(f) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

(g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

(h) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

37.10 - Ten Day Notice

Within ten (10) days after the effective date of an enabling resolution, the County Clerk shall notify all affected utilities and all persons owning real property within the District.

(a) The County Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all

necessary facility changes on their premise so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

(b) Notification by the County Clerk shall be made by mailing a copy of the enabling resolution together with a copy of this Part, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

37.11 -Reserved

37.12 - Compliance With Law by Utility Companies

If underground construction is necessary to provide utility service within a District, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

37.13 - Service Connection with Termination Facility

Every person owning, operating, leasing, occupying or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 37.02 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

37.14 - Non-Compliance Remedied by County Engineer

In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of Section 37.13 within the time provided for in the enabling resolution, the County Engineer shall follow the notice requirements in either Section 37.15 or Section 37.16.

37.15 - Services Removed After Posting of Property

The County Engineer shall post written notice on the property being served and thirty (30) days thereafter, shall give the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

37.16 - Services Removed After Service of Notice

(a) The County Engineer shall give notice in writing to the person in possession of such premises, and notice in writing to the owner thereof, as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

(b) The notice may be given either by personal Service or by mail. Service by mail on either of such persons, must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises. The notice must also be sent addressed to the owner thereof as such owner's name appears, on the last equalized assessment roll, and when no address appears, to General Delivery at the post office within Sierra County nearest in location to said premises. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty eight (48) hours after mailing. If notice is given by mail to either the owner or occupant of such premises, the County Engineer shall within forty eight (48) hours after mailing cause a copy of the mailing, at least 8 X 10 inches in size, to be posted in a conspicuous place on said premises.

(c) The notice given by the County Engineer shall specifically specify what work is required to be done and shall state that if the work is not completed within thirty (30) days after receipt of such

notice, the County Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the County Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the County Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the County Engineer, he shall file a written report with the Board of Supervisors setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board of Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

(e) The County Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner stated in subsection (b) above, of the time and place that the Board of Supervisors will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Board of Supervisors shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Board of Supervisors, the amount of the assessment shall become a lien upon the property against which the assessment is made by the County Engineer, and the County Engineer shall turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent (6%) per annum.

37.17 - Responsibility of County

County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the enabling resolution.

37.18 - Reserved

37.19 - Extension of Time

In the event that any act required by this Part or by the enabling resolution cannot be performed within the time provided on account of shortage or materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

37.20 - Violation A Misdemeanor

It is unlawful and punishable as a misdemeanor for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by the enabling resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of the property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 37.13, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this Part. (Ord. 902, eff. 7/6/00)

PART 38
GUIDELINES FOR THE IMPLEMENTATION OF
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

TABLE OF CONTENTS

Chapter Section

38.01 - Authority 1
38.02 - Purpose 1
38.03 - Applicability 1
38.04 – Responsibilities 1
38.04.001 - Board of Supervisors 1
38.04.002 - County Clerk 1
38.04.003 - Planning Director 1
38.04.004 - Planning Commission 2
38.05 - Procedures for Exempt Projects 2
38.05.001- Review for Exemption 2
38.05.002 - Ministerial Projects 2
38.05.003 - Categorical Exemptions 3
38.05.004 – Findings 3
38.06 - Procedures for Non-Exempt Projects 3
38.06.001 - Project Application 3
38.06.002 - Preliminary Determination 3
38.06.003 - Preparation of the Initial Study 4
38.06.004 - Submission of Data 4
38.06.005 – Mitigation 4
38.06.006 - Negative Declaration 4
38.06.007 - Mitigation Monitoring Plan 4
38.06.008 - Public Notice and Review - Negative Declaration 4
38.06.009 - Negative Declaration - Completion 4
38.06.010 - Negative Declaration - Planning Commission Action 5
38.06.011 - Negative Declaration - Board of Supervisors Action 5
38.06.012 - Notice of Determination 5
38.07 - EIR Process 5
38.07.001 - Decision to Prepare an EIR 5
38.07.002 - Notice of Preparation - Draft EIR 5
38.07.003 - Cost of EIR Preparation 6
38.07.004 - Early Public Consultation/Scoping 6
38.07.005 - Draft EIR Consultation 6
38.07.006 - Notice of Completion 6
38.07.007 - Public Review - Draft EIR 6
38.07.008 - State-Wide, Regional or Areawide Significance 6
38.07.009 - Planning Commission Hearing - Draft EIR 6
38.07.010 - Responses to Comments - Draft EIR 7
38.07.011 - Preparation - Final EIR 7
38.07.012 - Review - Final EIR 7
38.07.013 - Hearing - Final EIR 7
38.07.014 - Findings - Final EIR 7
38.07.015 - [RESERVED] 8
38.07.016 - Statement of Overriding Consideration 8
38.07.017 - Mitigation Monitoring Plan 8
38.07.018 - Notice of Determination 8
38.07.019 - Inadequate Final EIR 8

38.08 - Mitigation Monitoring Plan....8
38.08.001 - Mitigation Monitoring Plan....8
38.08.002 - Responsibility for Monitoring....8
38.08.003 - Applicant's Role....8
38.08.004 - Enforcement Procedures....8
38.08.005 - Mitigation Monitoring Program Format....9
38.09 - Fees....9
38.09.001 - Fees Set By Resolution....9
38.09.002 - Fees For Documents....9
38.10 - Appeals....9

PART 38
GUIDELINES FOR THE IMPLEMENTATION OF
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

38.01 - Authority

These procedures are adopted pursuant to the California Environmental Quality Act of 1970, specifically Division 13, Public Resources Code Section 21000 et seq., hereinafter referred to as "CEQA." They are consistent with, and intended to supplement the Guidelines for Implementation of CEQA, as amended in October 1998, by the Secretary of the Resources Agency (Division 6, Title 14, California Administrative Code Section 15000 *et seq*.) hereinafter referred to as the "Guidelines." Any subject matter not addressed by these procedures shall be governed by the Guidelines, which are hereby incorporated by reference. In the event of any conflict between these guidelines and CEQA and the Guidelines, CEQA and the Guidelines shall prevail.

38.02 - Purpose

The purpose of these guidelines is to provide objectives, criteria, and procedures for the environmental evaluation of projects and the preparation and processing of environmental impact reports and negative declarations pursuant to the provisions CEQA.

38.03 - Applicability

These guidelines shall apply to and be binding upon all departments, agencies, and offices of Sierra County in the implementation of CEQA.

38.04 – Responsibilities

38.04.001 - Board of Supervisors

The Board of Supervisors shall review, consider, and when merited certify Negative Declarations and EIRs as adequate. In cases where the Planning Commission is the decision-making body and has the authority for the final approval of a Negative Declaration or acts on a decision made by the Planning Director on appeal, the Board shall serve as the appeals body for such Planning Commission actions.

38.04.002 - County Clerk

The County Clerk shall be responsible for mailing and posting of public notices used as a part of the CEQA decision-making process and for processing appeals for environmental determinations acted on by the Board of Supervisors.

38.04.003 - Planning Director

The Planning Director or his designee shall be responsible for:

(a) Determining whether projects are exempt.

(b) Conducting Initial Studies.

(c) Deciding whether to prepare an EIR or a Negative Declaration.

(d) Mailing and posting public notices for Planning Commission meetings.

(e) Preparing Negative Declarations.

(f) Preparing responses to comments on environmental documents.

(g) Reviewing environmental documents from other agencies.

(h) Certifying Negative Declarations for projects requiring administrative approval.

(i) Preparing Notices of Determination for Negative Declarations and EIRs.

(j) Preparing Notices of Preparation and Completion.

38.04.004 - Planning Commission

The Planning Commission shall be responsible to serve as:

(a) An advisory body to the Board of Supervisors, reviewing, considering and preparing recommendations as to the adequacy of EIRs and Negative Declarations, requiring final Board approval.

(b) A decision-making body, reviewing, considering, and certifying the adequacy of Negative Declarations where the Planning Commission has the authority for final approval. Such Planning Commission actions are subject to appeal before the Board of Supervisors. (See Section 38.10.)

(c) In cases where the Planning Director is the decision-making body and has the authority to certify Negative Declarations for projects requiring administrative approval or to approve other environmental documents, the Planning Commission shall serve as the appeals body. Further appeal of a Planning Commission action is heard before the Board of Supervisors.

38.05 - Procedures for Exempt Projects

38.05.001- Review for Exemption

The Planning Director or his designee shall evaluate each project or activity to determine if it is exempt from the requirements of CEQA. This evaluation shall be done in conjunction with the normal review of project applications for completeness. Types of activities which are exempt from CEQA include:

(a) Projects defined as ministerial in Subsection 38.05.002 and Guidelines Section15369, or categorically exempt in accordance with Guidelines Sections 15300-15331.

(b) Projects or activities where there is no possibility that the activity or project in question may have a significant effect on the environment.

38.05.002 - Ministerial Projects

The Planning Director or his designee shall determine whether a project is ministerial as defined in this Section and Guidelines Section 15369. After finding that a project is ministerial, the Planning Director or his designee may complete a Notice of Exemption (Guidelines Section 15062). The following County actions are considered ministerial in nature:

(a) The issuance of building and construction related permits.

(b) The issuance of business licenses.

(c) The approval of final subdivision maps.

(d) The approval of individual utility service connections and disconnections.

(e) The issuance of sign permits.

(f) The issuance of occupancy permits

(g) Checking of landscape plans.

38.05.003 - Categorical Exemptions

The Planning Director or his designee shall determine whether a project is categorically exempt. Classes of exempt activities are listed in Guidelines Sections 15300-15331. After finding a project categorically exempt, the Planning Director or his designee may complete a Notice of Exemption (Guidelines Section 15062). Examples of typical County projects which are categorically exempt and their exemption class in accordance with the Guidelines are as follows:

(a) Lot line Adjustments, Variances, and Encroachment Permits on land with a slope of less than 20% which do not result in changes in land use and density. (Class 5)

(b) Minor alterations in the condition of the land, such as grading, gardening, and landscaping that do not affect sensitive resources. (Class 4)

(c) New construction/conversion of small structures or replacement/reconstruction of existing structures. (Classes 2 & 3)

(d) Conditional Use Permits involving the operation, repair, maintenance or minor alteration of existing facilities. (Class 1)

(e) Emergencies. As defined by Public Resources Code Section 21080 and Guidelines Section 15269.

38.05.004 – Findings

For projects categorically exempt from CEQA, the decision-making body shall make the finding, as part of the resolution or other action approving the project, that the project is categorically exempt from CEQA and therefore no environmental documents are required.

38.06 - Procedures for Non-Exempt Projects

38.06.001 - Project Application

A project applicant shall submit a completed project application and a environmental questionnaire on approved forms provided by the Planning department.

38.06.002 - Preliminary Determination

Upon receipt of an application by the lead County agency for approval of a project or a proposal for a public project, a copy of the application or proposal and the environmental questionnaire shall be forwarded to the Planning Director. The Planning Director shall make a preliminary determination and report the same to the lead County agency.

38.06.003 - Preparation of the Initial Study

Unless the Planning Director determines that the project is not subject to CEQA or is exempt, he shall conduct or cause to be conducted an Initial Study to determine whether the project may have a significant effect on the environment. Appendix G of the Guidelines shall serve as a guide for preparation of the Initial Study. All phases of project planning, implementation, and operation must be considered in the Initial Study of the project. Upon completion of an Initial Study, the Planning Director shall determine in writing whether a Negative Declaration or an EIR shall be prepared. Such determination and a copy of the Initial Study shall be furnished to the applicant within the time limits required by the Permit Streamlining Act and Guidelines Sections 15102, 15107, 15108. An Initial Study need not be prepared if the Planning Director determines that it is evident that an EIR must be prepared.

38.06.004 - Submission of Data

The Planning Director may require the project applicant to furnish such data and information as the Planning Director determines to be necessary to make a preliminary determination as to whether the project may have a significant effect on the environment and/or to assist in the preparation of an EIR. The Planning Director may require the applicant to submit any additional data, including economic and social data, which the Planning Director determines to be relevant.

38.06.005 – Mitigation

Upon a determination that an EIR shall be prepared, the applicant may submit proposed changes in the project to mitigate potential adverse effects disclosed by the Initial Study or other information.

38.06.006 - Negative Declaration

The Planning Director shall prepare a Negative Declaration if he determines that:

(a) there is no substantial evidence that a project may have a significant environmental effect; or

(b) revisions in a project plan or proposal made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where no significant effects would accrue.

38.06.007 - Mitigation Monitoring Plan

A Mitigation Monitoring Plan shall be adopted when required by CEQA.

38.06.008 - Public Notice and Review - Negative Declaration

If the Planning Director determines to prepare a Negative Declaration, public notice and review of the Negative Declaration shall not be less than 20 days. Public notice and review shall not be less than 30 days if State Clearinghouse review is required. (Guidelines Sections 15072 and 15073)

38.06.009 - Negative Declaration - Completion

Upon completion of a proposed Negative Declaration and after notice and public review as required herein, the proposed Negative Declaration may be transmitted to the Planning Commission for a public hearing. The Planning Director shall give notice of the hearing as required in Section 20.11. If the project requires administrative approval, then the Planning Director will serve as the decision-making body and certify said Negative Declaration.

38.06.010 - Negative Declaration - Planning Commission Action

(a) **Decision-Making Body.** Where the Planning Commission is the decision-making body and has the authority for final approval, the Commission shall review, consider, and certify the adequacy of a proposed Negative Declaration. In such cases, the Commission shall approve and certify or disapprove the proposed Negative Declaration before taking action on the project. Such Planning Commission actions are subject to appeal before the Board of Supervisors. (See Section 38.10.)

(b) **Advisory Body to the Board.** Where the Planning Commission is an advisory body to the Board of Supervisors and does not have the authority for final approval, it shall review, consider and prepare recommendations as to the adequacy of a proposed Negative Declaration, in draft or final form. The Planning Commission shall report its recommendation in writing to the Board of Supervisors.

38.06.011 - Negative Declaration - Board of Supervisors Action

Where a proposed Negative Declaration is forwarded to the Board of Supervisors pursuant to Subsection 38.06.010(b), the Board may conduct a public hearing with the same public notice and in the same manner as provided for the Planning Commission hearing. Said public hearing is limited to new information not previously contained in the proposed Negative Declaration reviewed by the Planning Commission. After the Board of Supervisors completes the public hearing, it may accept, modify or disapprove the recommendation of the Planning Commission. The Board shall approve and certify or disapprove the Negative Declaration before taking action on the project. If it disapproves the Negative Declaration, it shall continue consideration of the project and require that additional information be provided, or require an EIR to be prepared.

38.06.012 - Notice of Determination

After the Planning Director, Planning Commission or Board of Supervisors has made a final decision to carry out or approve a project for which a Negative Declaration has been certified, a Notice of Determination shall be filed in accordance with Guidelines Section 15075 by the Planning Director. The Notice of Determination shall be filed with the County Clerk no later than 5 days following approval of the project. Said Notice shall be posted in the County Clerk's Office for 30 days.

38.07 - EIR Process

38.07.001 - Decision to Prepare an EIR

As soon as the Planning Director or his designee has determined, based on the Initial Study findings that an EIR is required, he shall notify the applicant in writing.

38.07.002 - Notice of Preparation - Draft EIR

After determining that an EIR will be required for a project, the Planning Director or his designee shall complete and distribute a Notice of Preparation. Copies of the Notice of Preparation shall be sent to each responsible agency, trustee agency, and federal agency involved in approving or funding the project. Said Notice shall also be posted in the County Clerk's Office for 30 days. The Notice of Preparation shall notify said agencies that the County, as lead agency, will prepare or cause to be prepared an EIR. The Notice of Preparation shall be in substantially the same form as Appendix I, of the Guidelines. Within 30 days after receiving the Notice of Preparation, each responsible agency shall inform the Planning Department of the scope and content of the environmental information related to the responsible agency's area of responsibility.

38.07.003 - Cost of EIR Preparation

If the County prepares the EIR it shall submit to the applicant an estimate of the costs of its preparation, including administrative costs to the County, and shall collect from the applicant the amount prior to beginning preparation of the draft EIR.

38.07.004 - Early Public Consultation/Scoping

Prior to completion of the draft EIR, the Planning Director may consult directly with any person or organization he believes will be concerned with the environmental effects of the project. Any person, including the project applicant, may submit information or comments to the Planning Director to assist in the preparation of the draft EIR.

38.07.005 - Draft EIR Consultation

Upon completion or receipt of a proposed draft EIR, the Planning Director shall consult with all responsible agencies and such other persons as required by the Guidelines. After completing a draft EIR, the Planning Director shall distribute copies of the EIR for review, and consult with and request comments from public agencies having jurisdiction by law, and such persons having special expertise with respect to any environmental impact as the Planning Director may determine.

38.07.006 - Notice of Completion

A Notice of Completion of a draft EIR shall be filed with the Office of Planning and Research. Said Notice of Completion shall be noticed in the time and manner provided by Guidelines Section 15087 and Public Resources Code Section 21092 *et seq*. Said Notice shall be posted in the County Clerk's Office for 30 days. Copies of the draft EIR shall be placed in the Sierra County Public Library and in the Office of the Planning Department.

38.07.007 - Public Review - Draft EIR

The Planning Director shall provide at least thirty (30) days and not more than ninety (90) days except in unusual situations for public review of a draft EIR. (Guidelines Section 15087.) The time for review shall commence with the day following the day on which copies of the draft EIR are deposited in the mail. Notice of the applicable review period shall be affixed to the EIR. When an EIR is submitted to the State Clearinghouse, the review period shall be at least as long as that required by the State Clearinghouse for review by State agencies.

38.07.008 - State-Wide, Regional or Areawide Significance

When a project is of State-wide, regional or areawide significance according to Guidelines Section 15206, the draft EIR shall be sent to the State Clearinghouse.

38.07.009 - Planning Commission Hearing - Draft EIR

Upon completion of a draft EIR and after notice and public review as required herein, the draft EIR shall be transmitted to the Planning Commission for review and written recommendation to the Board. A public hearing may be conducted, and in such instances, the Planning Director shall give notice of the hearing as required in Section 20.11.

38.07.010 - Responses to Comments - Draft EIR

Following the completion of the public review period, the Planning Director shall respond in writing to comments on the draft EIR received during the public review period and shall include such responses in the final EIR. The response shall describe the disposition of significant environmental issues raised by the comment.

38.07.011 - Preparation - Final EIR

Following the public review period and the preparation of responses to comments, the Planning Director shall prepare the final EIR. (Guidelines Section 15132.)

38.07.012 - Review - Final EIR

The final EIR shall be distributed to responsible agencies. A notice of availability of the final EIR shall be sent to interested persons who submitted oral or written comments on the draft EIR. Copies of the proposed final EIR shall be placed in the Planning Department and other locations selected by the Planning Director.

38.07.013 - Hearing - Final EIR

The Board of Supervisors or the Planning Commission may conduct a public hearing on the final EIR pursuant to Section 20.12. Said public hearing is limited to new information not contained in the draft EIR. The Board, or Commission, as appropriate shall approve and certify or disapprove the final EIR, before taking action on the project.

38.07.014 - Findings - Final EIR

(a) The Board of Supervisors or Commission, as appropriate shall consider the final EIR and make the following findings prior to taking any action on the project:

1. certify that the final EIR has been prepared in compliance with CEQA, the Guidelines and these guidelines;

2. that the EIR reflects the independent judgment of the County; and

3. the project in its approved form will or will not have a significant effect on the environment.

(b) The Board of Supervisors or Commission, as appropriate shall not approve or carry out a project for which the final EIR identifies one or more significant environmental effects unless, it makes one or more of the following findings:

1. Changes or alterations have been required in or incorporated into such project, which mitigate or avoid a significant effect on the environment.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency, and such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the mitigation measures or project alternatives identified in the EIR infeasible to implement.

(c) The findings and facts supporting such findings shall be stated in writing. If the decision-making body determines that there are significant environmental effects identified in the EIR which are

not substantially mitigated, and determines to approve or carry out the project, it shall adopt a statement of overriding considerations.

38.07.015 - [RESERVED]

38.07.016 - Statement of Overriding Consideration

In cases where the County allows the occurrence of significant effects which are identified in the final EIR, but are not mitigated, the Board or Commission, as appropriate must adopt a Statement of Overriding Consideration in accordance with Guidelines Section 15093. Such statement shall be included in the record of the project approved and shall be referenced in the Notice of Determination.

38.07.017 - Mitigation Monitoring Plan

Mitigation Monitoring Plan. A Mitigation Monitoring Plan shall be adopted when required by CEQA.

38.07.018 - Notice of Determination

After approval of a project for which a final EIR has been adopted, the Planning Director shall file a Notice of Determination with the County Clerk in accordance with Guidelines Section 15094. Said Notice shall be posted in the County Clerk's Office for 30 days. If the project requires discretionary approvals from a State agency, the Notice of Determination also shall be filed with the Office of Planning and Research.

38.07.019 - Inadequate Final EIR

If the Board of Supervisors determines that a final EIR is inadequate, then they shall return it to the Planning Director for further processing.

38.08 - Mitigation Monitoring Plan

38.08.001 - Mitigation Monitoring Plan

In accordance with Public Resources Code Section 21081.6, the County shall ensure that mitigation measures, required as a condition of approval, are monitored and tracked for compliance.

38.08.002 - Responsibility for Monitoring

The Planning Director or his designee shall monitor mitigation measures, required as a condition of approval for final EIRs and Negative Declarations, to assure compliance and timely monitoring and reporting.

38.08.003 - Applicant's Role

The applicant shall provide the necessary surveys, inventories, information and actions necessary to comply with the conditions stated in this mitigation monitoring program to comply with the provisions of AB 3180.

38.08.004 - Enforcement Procedures

(a) Measures, including issuance of a stop-work order or business license revocation may be imposed for non-compliance with required adopted mitigation measures.

(b) Additional fees will be imposed for any non-compliance which necessitates additional monitoring and reporting.

38.08.005 - Mitigation Monitoring Program Format

Mitigation measures and implementation measures required as a condition of approval for final EIRs and Negative Declarations shall be monitored and tracked for compliance on forms and in a program format approved by the Planning Director.

38.09 - Fees

38.09.001 - Fees Set By Resolution

The Board of Supervisors shall, by resolution, fix the type and amount of fees and the time of payment of fees necessary to allow the County to cover 100% of its costs for carrying out the provisions of these guidelines, CEQA, and the Guidelines, including the requirements for and the implementation of a mitigation monitoring program.

38.09.002 - Fees For Documents

The County may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

38.10 - Appeals

Any person dissatisfied with any decision of the Planning Director or any other County official, agency, board or commission rendered pursuant to CEQA, the Guidelines or these guidelines, may appeal such decision to the Board of Supervisors in accordance with Section 20.33. (Ord. 902, eff. 7/6/00)