



**REGULAR CITY COUNCIL MEETING
MEETING AGENDA
WEDNESDAY, JANUARY 25, 2017**

**Closed Session Meeting – 5:00 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Evans Phelps, Mayor

**Reinette Senum, Council Member
David Parker, Council Member**

**Duane Strawser, Vice Mayor
Valerie Moberg, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION MEETING – 5:00 PM

- 1. Pursuant to Government Code Section 54956.8 Real Property Transactions: Closed meeting with negotiators, City Manager Mark Prestwich, Assistant City Manager Catrina Olson, Contract City Attorneys Ryan Jones and Kimberly Hall Barlow regarding purchase price and/or terms of acquisition of property identified as APN 05-100-69 and 97 (portions).**
- 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to Government Code §54956.9 – Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 2 potential cases.**
- 3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to Government Code §54956.9 – Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 potential case.**

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Moberg, Parker, Senum, Vice Mayor Strawser, & Mayor Phelps

PLEDGE OF ALLEGIANCE

PROCLAMATION:

PRESENTATION: California Arts Council - Cultural Districts Program, Eliza Tudor, Executive Director, Nevada County Arts Council

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items **NOT ON THE AGENDA** are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

A. Subject: Fire Activity Report – December 2016
Recommendation: Receive and file.

B. Subject: Agreement Between County of Nevada and City of Nevada City for Management of the Nevada City Veteran's Building
Recommendation: Pass a Motion authorizing the Mayor to execute an Agreement with the County of Nevada for management of the Nevada City Veteran's Building.

C. Subject: Side Letter No. 1 to the Nevada City Miscellaneous Employees Association Memorandum of Understanding (MOU) – New Classifications for Senior Maintenance Worker and Wastewater/Water Treatment Plant Operator III – Lead (WWTP/WTP)
Recommendation: Review and approve Side Letter No. 1 to the Nevada City Miscellaneous Employees Association MOU implementing new classifications for Senior Maintenance Worker and Wastewater/Water Treatment Plant Operator III - Lead.

D. Subject: Approval of the Subrecipient Agreement with Nevada County Transportation Commission for Transportation Planning
Recommendation: Pass Resolution 2017-XX approving of the Subrecipient Agreement with the Nevada County Transportation Commission for Transportation Planning and authorizes the Mayor to sign.

E. Subject: Q2 Sales Tax Report (April 2016-June 2016)
Recommendation: Receive and file.

4. APPROVAL OF ACTION MINUTES:

A. City Council Meeting – January 11, 2017

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: 1st Quarter Financial Update, Fiscal Year 16/17
Recommendation: Receive and File.

B. Subject: Ratification of City of Nevada City Disaster Proclamation
Recommendation: Pass Resolution 2017-XX ratifying Director of Civil Defense and Disaster Council's Proclamation Declaring the Existence of a Disaster.

6. PUBLIC HEARINGS:

7. OLD BUSINESS:

A. Subject: Ordinance: Regulation of Mobile Food Vending in Nevada City (second reading)
Recommendation: Waive further reading and pass an Ordinance Adding Chapter 10.44 to the Nevada City Municipal Code Regulating Mobile Food Vending on Public and Private Property.

B. Subject: An Ordinance of the City of Nevada City amending Title 15 of the Nevada City Municipal Code to adopt the 2016 California Building Standards with local amendments similar to those adopted by Nevada County by Ordinance No. 2424 (second reading)
Recommendation: Approve finding that CEQA general rule exception applies, finding this action reflects the independent judgment of the City Council of Nevada City; waiving further reading and pass Ordinance amending Title 15 of the Nevada City Municipal Code.

8. NEW BUSINESS:

A. Subject: Informational Update: 2017 Nevada County Local Agency Formation Commission Sphere of Influence Update for Nevada City
Recommendation: Discuss and provide direction to the City Manager.

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

11. CITY MANAGER’S REPORT:

12. ADJOURNMENT

Certification of Posting of Agenda

I, Mark Prestwich, City Manager for the City of Nevada City, declare that the foregoing agenda for the January 25, 2017 Regular Meeting of the Nevada City City Council was posted January 20, 2017 at the office of the City of Nevada City (City Hall). The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed January 20, 2017 at Nevada City, California

_____, Mark Prestwich, City Manager

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

February 8, 2017	Regular Council Meeting
February 13, 2017	Special Meeting – City Council/Planning Commission Goal Setting Workshop
February 20, 2017	City Hall Closed – Presidents Day
February 23, 2017	Regular Council Meeting
March 8, 2017	Regular Council Meeting
March 22, 2017	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Fire Activity Report – December 2016

RECOMMENDATION: Receive and file.

CONTACT: Sam Goodspeed, Fire Chief



BACKGROUND / DISCUSSION: The attached Fire Activity Report reviews the monthly responses including incident type, location and participation for Nevada City Fire Station 54.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Station 54 Incident Responses
- ✓ Nevada City Incident Responses
- ✓ Station 54 Incident Type Summary
- ✓ Year to Date Incident Participation

Station 54 Incident Responses

Alarm Date Between {12/01/2016} And {12/31/2016}

Alm Date	Alm Time	Location	Incident Type
12/01/2016	05:56:00	12094 Macboyle DR /Grass	611 Dispatched & cancelled en ro
12/01/2016	07:03:00	17103 Greenhorn RD /Grass	311 Medical assist, assist EMS c
12/01/2016	08:02:59	104 Gold Nugget CT /Nevad	445 Arcing, shorted electrical e
12/01/2016	14:36:00	105 Neal ST /Grass Valley	622 No Incident found on arrival
12/01/2016	15:18:26	275 Dorsey DR /5/Grass Va	311 Medical assist, assist EMS c
12/01/2016	21:34:59	846 Old Tunnel RD /Grass	321 EMS call, excluding vehicle
12/02/2016	08:05:05	10345 Grass Valley AVE /G	412 Gas leak (natural gas or LPG
12/02/2016	14:15:47	722 Freeman LN /M/Grass V	321 EMS call, excluding vehicle
12/02/2016	16:02:56	233 Maiden LANE /Grass Va	321 EMS call, excluding vehicle
12/03/2016	00:08:15	13227 Greenhorn RD /Grass	553 Public service
12/03/2016	10:44:00	306 BRIDGE WAY /Nevada Ci	321 EMS call, excluding vehicle
12/03/2016	15:09:00	306 BRIDGE WAY /Nevada Ci	554 Assist invalid
12/05/2016	15:03:00	14514 Homburg WAY /Nevada	114 Chimney or flue fire, confin
12/06/2016	06:59:00	301 Sacramento ST /Nevada	321 EMS call, excluding vehicle
12/06/2016	14:51:00	1350 E Main ST /Grass Val	311 Medical assist, assist EMS c
12/06/2016	17:37:00	150 Sutton WAY /Grass Val	311 Medical assist, assist EMS c
12/06/2016	18:51:00	903 Morgan Ranch DR /Gras	740 Unintentional transmission o
12/07/2016	06:23:00	14655 Greenhorn Road /Gra	311 Medical assist, assist EMS c
12/07/2016	12:55:11	700 HOOVER LN /Nevada Cit	710 Malicious, mischievous false
12/07/2016	14:48:08	11175 Ridge RD /Grass Val	113 Cooking fire, confined to co
12/08/2016	07:29:38	Jones Bar & Will O Wisp /	322 Motor vehicle accident with
12/08/2016	07:34:51	Hwy 20 & Hwy 49 /Nevada C	611 Dispatched & cancelled en ro
12/08/2016	11:28:43	145 Glasson WAY /Grass Va	745 Alarm system activation, no
12/08/2016	17:09:18	150 Sutton WAY /134/Grass	321 EMS call, excluding vehicle
12/08/2016	18:03:45	347 Nile ST /Nevada City,	510 Person in distress, Other
12/08/2016	20:09:52	316 Clay ST /Nevada City,	554 Assist invalid
12/09/2016	16:39:00	Dorsey DR & Sutton WAY /G	324 Motor Vehicle Accident with
12/09/2016	16:43:00	1262 Sutton WAY /Grass Va	311 Medical assist, assist EMS c
12/09/2016	19:13:00	11555 Sky Pines Ridges RD	745 Alarm system activation, no
12/10/2016	03:29:00	11761 Ridge RD /Grass Val	745 Alarm system activation, no
12/10/2016	07:17:00	211 Commercial ST /Nevada	812 Flood assessment
12/10/2016	12:04:00	State Highway 20 HWY & Br	611 Dispatched & cancelled en ro
12/10/2016	12:07:00	396 Dorsey DR /Grass Vall	311 Medical assist, assist EMS c
12/10/2016	18:27:00	State Highway 49 HWY & Co	611 Dispatched & cancelled en ro
12/11/2016	07:01:00	509 Nimrod ST /In the Par	321 EMS call, excluding vehicle
12/12/2016	08:55:00	407 HOLLOW WAY /Nevada Ci	411 Gasoline or other flammable
12/12/2016	09:57:00	2041 Ridge RD /Grass Vall	320 Emergency medical service, o
12/12/2016	15:26:00	301 Sacramento ST /Nevada	320 Emergency medical service, o
12/13/2016	14:56:57	500 Crown Point CIR /Gras	611 Dispatched & cancelled en ro
12/13/2016	16:51:04	316 Olympia Park CIR /221	321 EMS call, excluding vehicle
12/13/2016	22:29:00	251 Willow Valley RD /13/	412 Gas leak (natural gas or LPG
12/14/2016	11:26:19	12799 Loma Rica DR /A & B	745 Alarm system activation, no
12/14/2016	12:58:22	14092 Yama WAY /Grass Val	321 EMS call, excluding vehicle
12/15/2016	06:44:08	415 Sierra College DR /11	321 EMS call, excluding vehicle
12/15/2016	07:48:00	825 Old Tunnel RD /212/Gr	600 Good intent call, Other
12/15/2016	17:41:00	15156 North Bloomfield Ro	324 Motor Vehicle Accident with
12/16/2016	19:13:00	15630 Ridge Estates RD /G	553 Public service
12/17/2016	01:35:00	14622 Banner Lava Cap RD	424 Carbon monoxide incident
12/17/2016	06:53:00	108 Court Street /Nevada	550 Public service assistance, O

Station 54 Incident Responses

Alarm Date Between {12/01/2016} And {12/31/2016}

Alm Date	Alm Time	Location	Incident Type
12/17/2016	08:06:00	13346 Grass Valley AVE /G	700 False alarm or false call, O
12/17/2016	10:56:00	844 Old Tunnel RD /Grass	321 EMS call, excluding vehicle
12/17/2016	12:15:00	400 RAILROAD AVE /Nevada	321 EMS call, excluding vehicle
12/18/2016	08:06:00	13346 Grass Valley AVE /B	735 Alarm system sounded due to
12/18/2016	12:46:00	129 S Auburn ST /Grass Va	463 Vehicle accident, general cl
12/18/2016	13:02:00	150 Sutton WAY /Grass Val	742 Extinguishing system activat
12/19/2016	09:46:00	300 Sierra College DR /Gr	442 Overheated motor
12/19/2016	12:13:00	145 Independence CT /Gras	111 Building fire
12/19/2016	17:36:00	396 Dorsey DR /Grass Vall	700 False alarm or false call, O
12/19/2016	19:56:00	State Highway 20 HWY & Lo	611 Dispatched & cancelled en ro
12/20/2016	07:11:00	16979 Selby LANE /Nevada	114 Chimney or flue fire, confin
12/20/2016	12:04:04	12884 Hoppy Hollow RD /Gr	321 EMS call, excluding vehicle
12/20/2016	16:31:04	106 Clark ST /Nevada City	700 False alarm or false call, O
12/20/2016	17:12:00	Bennett ST & E Main ST /G	551 Assist police or other gover
12/21/2016	08:48:00	555 Searls AVE /Nevada Ci	321 EMS call, excluding vehicle
12/22/2016	11:14:00	637 W Broad ST /2/Nevada	321 EMS call, excluding vehicle
12/22/2016	14:17:47	Loma Rica DR & Brunswick	140 Natural vegetation fire, Oth
12/22/2016	16:41:00	Highway 20 at Pine Flat R	322 Motor vehicle accident with
12/22/2016	17:33:00	10663 Jasper Agate CT /Ne	554 Assist invalid
12/22/2016	18:12:00	224 N Church ST /Grass Va	118 Trash or rubbish fire, conta
12/22/2016	19:32:00	11168 Juniper DR /Nevada	611 Dispatched & cancelled en ro
12/22/2016	20:35:20	1444 Segsworth Way /Grass	412 Gas leak (natural gas or LPG
12/23/2016	10:41:00	150 Sutton WAY /Grass Val	611 Dispatched & cancelled en ro
12/23/2016	12:19:00	State Highway 20 HWY & Pi	463 Vehicle accident, general cl
12/23/2016	18:47:00	10817 Cement Hill RD /Nev	311 Medical assist, assist EMS c
12/23/2016	19:34:00	11555 Sky Pines Ridge RD	611 Dispatched & cancelled en ro
12/23/2016	20:10:00	107 Catherine LN /102/Gra	311 Medical assist, assist EMS c
12/23/2016	23:09:00	12055 Ore De Gold CT /Nev	311 Medical assist, assist EMS c
12/24/2016	05:09:00	1262 Sutton WAY /Grass Va	611 Dispatched & cancelled en ro
12/24/2016	11:23:44	1018 Pampas DR /Grass Val	311 Medical assist, assist EMS c
12/24/2016	12:28:05	400 RAILROAD AVE /16/Neva	554 Assist invalid
12/24/2016	14:45:10	10714 Pittsburg RD /Nevad	324 Motor Vehicle Accident with
12/24/2016	15:47:17	10985 Bubbling Wells RD /	311 Medical assist, assist EMS c
12/24/2016	22:03:18	150 Sutton WAY /108/Grass	554 Assist invalid
12/25/2016	01:38:22	625 Eskaton CIR /225/Gras	321 EMS call, excluding vehicle
12/25/2016	13:20:00	360 Sutton WAY /8/Grass V	743 Smoke detector activation, n
12/26/2016	07:22:54	2072 Nevada City HWY /Gra	113 Cooking fire, confined to co
12/26/2016	13:17:00	13595 Quaker Hill Cross R	321 EMS call, excluding vehicle
12/27/2016	09:06:00	775 Old Tunnel RD /310/Gr	311 Medical assist, assist EMS c
12/27/2016	09:17:00	10712 Banner Lava Cap RD	412 Gas leak (natural gas or LPG
12/27/2016	11:39:00	169 Woodcrest WAY /Grass	554 Assist invalid
12/27/2016	13:03:59	1262 Sutton Way /Grass Va	311 Medical assist, assist EMS c
12/27/2016	13:41:01	121 Dorsey Dr. /Grass Val	611 Dispatched & cancelled en ro
12/28/2016	15:40:00	565 Brunswick RD /1/Grass	730 System malfunction, Other
12/29/2016	16:38:00	10728 Walker DR /Grass Va	311 Medical assist, assist EMS c
12/29/2016	17:57:00	625 Eskaton CIR /303/Gras	554 Assist invalid
12/30/2016	10:54:00	775 Old Tunnel RD /310/Gr	320 Emergency medical service, o
12/31/2016	08:22:49	13916 Racoon Mountain RD	611 Dispatched & cancelled en ro
12/31/2016	18:50:12	400 RAILROAD AVE /3/Nevad	321 EMS call, excluding vehicle

Station 54 Incident Responses

Alarm Date Between {12/01/2016} And {12/31/2016}

Alm Date	Alm Time	Location	Incident Type
12/31/2016	20:50:30	10681 Gold Flat RD /Nevad	311 Medical assist, assist EMS c
12/31/2016	21:44:30	301 Sacramento ST /Nevada	300 Rescue, EMS incident, other
Total Incident Count		100	

NCC Fire

Nevada City Incident List

Alarm Date Between {12/01/2016} And {12/31/2016}

Alm Date	Alm Time	Location	Incident Type
12/01/2016	08:02:59	104 Gold Nugget CT /Nevada	445 Arcing, shorted electrical
12/02/2016	23:19:00	235 COMMERCIAL ST /Nevada	321 EMS call, excluding vehicle
12/03/2016	10:44:00	306 BRIDGE WAY /Nevada City,	321 EMS call, excluding vehicle
12/03/2016	15:09:00	306 BRIDGE WAY /Nevada City,	554 Assist invalid
12/03/2016	15:16:00	Highway 49 & Highway 20	324 Motor Vehicle Accident with no
12/03/2016	23:50:00	728 Nevada Street EXT /Nevada	311 Medical assist, assist EMS crew
12/06/2016	06:59:00	301 Sacramento ST /Nevada	321 EMS call, excluding vehicle
12/07/2016	12:55:11	700 HOOVER LN /Nevada City,	710 Malicious, mischievous false
12/07/2016	15:16:00	805 LINDLEY AVE /Nevada City,	321 EMS call, excluding vehicle
12/08/2016	07:34:51	Hwy 20 & Hwy 49 /Nevada City,	611 Dispatched & cancelled en route
12/08/2016	18:03:45	347 Nile ST /Nevada City, CA	510 Person in distress, Other
12/08/2016	20:09:52	316 Clay ST /Nevada City, CA	554 Assist invalid
12/09/2016	11:02:00	555 Searls AVE /Nevada City,	321 EMS call, excluding vehicle
12/10/2016	07:17:00	211 Commercial ST /Nevada	812 Flood assessment
12/10/2016	09:40:00	950 Maidu AVE /Nevada City,	321 EMS call, excluding vehicle
12/10/2016	18:27:00	State Highway 49 HWY & Coyote	611 Dispatched & cancelled en route
12/11/2016	07:01:00	509 Nimrod ST /In the Parking	321 EMS call, excluding vehicle
12/12/2016	08:55:00	407 HOLLOW WAY /Nevada City,	411 Gasoline or other flammable
12/12/2016	15:26:00	301 Sacramento ST /Nevada	320 Emergency medical service, other
12/13/2016	22:29:00	251 Willow Valley RD	412 Gas leak (natural gas or LPG)
12/17/2016	06:53:00	108 Court Street /Nevada	550 Public service assistance, Other
12/17/2016	12:15:00	400 RAILROAD AVE /Nevada	321 EMS call, excluding vehicle
12/17/2016	19:49:00	925 MAIDU AVE /Nevada City,	381 Rescue or EMS standby
12/18/2016	20:18:00	315 BROAD ST /Nevada City, CA	311 Medical assist, assist EMS crew
12/19/2016	12:48:00	401 BROAD ST /Nevada City, CA	600 Good intent call, Other
12/20/2016	16:31:04	106 Clark ST /Nevada City, CA	700 False alarm or false call, Other
12/21/2016	08:48:00	555 Searls AVE /Nevada City,	321 EMS call, excluding vehicle
12/22/2016	11:06:00	Rood Center /Nevada City, CA	551 Assist police or other
12/22/2016	11:14:00	637 W Broad ST /2/Nevada	321 EMS call, excluding vehicle
12/24/2016	12:28:05	400 RAILROAD AVE /16/Nevada	554 Assist invalid
12/29/2016	01:21:00	Pine Street & Broad Street	320 Emergency medical service, other
12/29/2016	18:58:00	315 Monroe ST /Nevada City,	321 EMS call, excluding vehicle
12/31/2016	18:50:12	400 RAILROAD AVE /3/Nevada	321 EMS call, excluding vehicle
12/31/2016	21:44:30	301 Sacramento ST /Nevada	300 Rescue, EMS incident, other

Total Incident Count 34

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Agreement Between County of Nevada and City of Nevada City for Management of the Nevada City Veteran's Building

RECOMMENDATION: Pass a Motion authorizing the Mayor to execute an Agreement with the County of Nevada for management of the Nevada City Veteran's Building.

CONTACT: Dawn Zydonis, Parks & Recreation Supervisor

BACKGROUND / DISCUSSION:

The City and County of Nevada have had a working agreement since 2004 that allows the City to manage the Nevada City Veteran's Building for recreational purposes and community use. The facility is a benefit to the City when Seaman's Lodge is unavailable. It offers additional meeting space for the City and has been a space for community meetings, recreational programs and private functions.

City staff recommends continued management of the space by entering into the attached agreement with the County. There is one change to the Agreement from previous Agreements. That change is related to Possessory Interest Tax. A taxable Possessory Interest may exist whenever there is a private, beneficial use of publicly-owned, non-taxable real property. Such interests are typically found where private individuals, companies or corporations lease, rent or use federal, state or local government owned facilities and/or land for their own beneficial use. Any repeat renters who receive some personal value from their use of the Nevada City Veteran's Building, could be charged a Possessory Interest Tax. The City has been assured that this would not be the case with the single-use renter; the tax would only apply to the person/business/organization who rents the facility on a regular basis and has an assessed value of \$2,000 or more per year. The assessment will be determined by the Assessor's Office. This tax will be charged to the renter directly. The City will not be responsible for the payment of any Possessory Interest Tax, nor will the City receive any portion of that tax.

ENVIRONMENTAL CONSIDERATIONS: None

FISCAL IMPACT: As noted in the agreement, rental fees shall be split 50/50 between the City and the County. Once County costs are met, the City keeps 100% of the rental fees for the facility. During the 2015-2016 fiscal year, the City met the fixed costs amount for the County and was able to keep 100% of the rental fees for a portion of one quarter.

ATTACHMENT:

- ✓ Agreement between the County of Nevada and the City of Nevada City

AGREEMENT
BETWEEN THE COUNTY OF NEVADA
AND THE CITY OF NEVADA CITY

PREAMBLE

This Agreement is made between the **County of Nevada** (hereinafter "County") and the **City of Nevada City** (hereinafter "City"), effective January 1, 2017.

WHEREAS, the Nevada City Veterans Memorial Building (hereinafter "the facility", located at 415 North Pine Street, Nevada City, California; is owned by COUNTY, and

WHEREAS, the facility is used by United States military veterans' organizations for a few hours each week; and

WHEREAS, the County and City (collectively, "the parties") have previously entered into Agreements whereby the City uses the facility for the City's recreational and cultural programs; and

WHEREAS, the parties desire to renew their arrangement for use of the facility by the City for public recreational and cultural use under terms and conditions that preserve the availability of the facility for the ongoing regular use by veteran's organizations;

NOW, THEREFORE, the parties agree to the following terms and conditions.

1. **Term:** This agreement shall be effective from January 1, 2017 through December 31, 2020, at which time it may be renewed with or without amendments.
2. **Management Services:** The County grants to the City permission to manage the facility and to use it for City recreational programs and community use. This grant is in the nature of a revocable license under the terms and conditions of this Agreement. The City shall, under its management authority, schedule the facility for community use and/or activities by other public and private groups. The City management services shall include but not be limited to the following: the opening and closing of the facility, the promotion of its use, the scheduling of use, the regular inspection of the facility inside and out, and the accounting for all fee revenue received.
3. **Priority of Use:** The City's license is qualified by the following priorities of use: (1) the facility is home to the Veterans of Foreign Wars (VFW), and the VFW's use shall be first priority if notification is made six months in advance. At any time, if space is needed by the VFW and space is not already rented then VFW may follow the City procedures to use the space. There is no charge to the VFW for use of the space within the building; (2) any County-sponsored use that is scheduled at least six months in advance shall be the second priority; (3) any City-sponsored or City-scheduled use shall be the third priority; (4) other community use shall be on a first-come, first-served basis; and, (5) use of the facility for Emergency Operations shall take priority over any other priority.

4. **Rental Fees:** Rental fees shall be approved and adopted from time to time by the Nevada City City Council, after consulting with the County's Chief Information Officer. The City shall collect, safeguard and account for all fee revenue. No fee exemptions shall be granted except as approved by both the City and the County except as provided herein.
5. **Revenue Sharing:** Each fiscal year, beginning July 1, 2017, the parties shall share all gross revenues equally on a 50-50 basis until County reaches 100% of its fixed cost recovery as detailed in Appendix A, after which time all gross revenues shall be retained by the City until it reaches 100% of its variable cost recovery. After 100% cost recovery by each party, all gross revenues for the remainder of the fiscal year shall be shared in the following manner: 80% to City, 10% to County, and 10% to the Veterans of Foreign Wars for the purpose of defraying any and all direct and indirect expenses incurred because of the intensified use of the facility. Each party shall keep a current and correct accounting of all costs incurred in maintaining and operating the facility.
6. **Parking:** Nine (9) parking spaces in the lot adjacent to the facility shall be designated for use by the City in connection with the City's operation of the facility.
7. **Responsibilities:** The City as manager shall keep the facility clean and in good and safe condition. The County shall at its sole expense be responsible for all repairs beyond those normally undertaken by a custodian. The County shall also remain responsible for capital repairs and improvements when needed, and subject to the extent budgeted by the County in its sole discretion. City is responsible for all utilities, landscaping and grounds maintenance, and other operational costs, except as noted in Appendix A. The City shall provide information to the County of Nevada Assessors Office for the purpose of that office to determine Possessory Interest Taxes. This information will be provided upon request from the Assessor's Office.
8. **Termination:** This Agreement may be terminated by either party for any reason with 90 days' advance notification in writing to the other party.
9. **Insurance:** During the Term of this Agreement, the County shall continue to provide comprehensive property insurance coverage for any damage to the building, and the City shall carry its customary general liability coverage, including premises liability, with the City's coverage being primary in the event of a claim or lawsuit against one or both parties. All parties that rent the facility shall also be required to provide insurance in the limits required by the County and naming the County as additional insured. The City and the County shall provide to each other a current and valid certificate of General Liability Insurance, in the amount of \$1,000,000, naming the other as additional insured.
10. **Indemnification:** Each party hereto shall indemnify, defend and hold harmless the other and its officers, officials, employees, agents and volunteers from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees) which result from the negligent act, willful misconduct, or error or omission of the indemnifying party.

11. **Records:** The parties agree to retain and preserve all relevant records pertaining to the facility for at least two years following termination of this Agreement. Each party shall allow the other to inspect and copy any records that it may need.
12. **Entire Agreement:** This Agreement is the entire agreement of the parties, and no other written or oral evidence shall be construed to be part of this Agreement. The parties may at any time amend this Agreement by mutual consent in writing as necessary to achieve the contractual objectives of the parties.
13. **Assignment:** City may not sell, transfer, assign or subcontract all or any portion of its rights, interests in or obligations under this Agreement without the prior written consent of County.
14. **Notices:** All official contacts, remittances and notices shall be delivered or mailed to the parties as follows:

For the COUNTY OF NEVADA:
Tom Coburn, Facilities Manager
10014 North Bloomfield Road
Nevada City, CA 95959
(530) 265-1239

For the CITY OF NEVADA CITY:
Dawn Zydonis, Parks & Recreation
Supervisor
317 Broad Street
Nevada City, CA 95959
(530) 265-2496

IN WITNESS WHEREOF, the COUNTY OF NEVADA and the CITY OF NEVADA CITY have executed this agreement on the day and year set forth below.

NEVADA CITY

COUNTY OF NEVADA:

Evans Phelps
Mayor

Honorable Edward C. Scofield
Chair, Board of Supervisors

Dated: _____

Dated: _____

Attest: _____
Niel Locke
City Clerk

Attest: _____
Julie Patterson Hunter
Clerk of the Board

Approved as to form:

County Counsel

Appendix A

1. County of Nevada expenses for maintenance of the Nevada City Veterans Building:

Property Insurance
Solid Waste Assessment
Ordinary Maintenance and Repairs (except landscaping)

The amount of the County's fixed costs shall be \$8,200 for the period July 1, 2015 through June 30, 2018 and shall increase annually thereafter by the amount of increase in the Consumer Price Index for the State of California, Urban Wage Earners and Clerical Workers.

2. City of Nevada City expenses for maintenance and operation of the Nevada City Veterans Building

Cost Categories:
Custodial services
Landscaping
Facility management
Reservations
Facility attendants
Instructors
Promotion and marketing
Furnishings and supplies
Utilities (gas, electricity, water, sewer)
Solid waste collection, recycling and disposal

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Side Letter No. 1 to the Nevada City Miscellaneous Employees Association Memorandum of Understanding (MOU) – New Classifications for Senior Maintenance Worker and Wastewater/Water Treatment Plant Operator III – Lead (WWTP/WTP)

RECOMMENDATION: Review and approve Side Letter No. 1 to the Nevada City Miscellaneous Employees Association MOU implementing new classifications for Senior Maintenance Worker and Wastewater/Water Treatment Plant Operator III - Lead.

CONTACT: Catrina Olson, Assistant City Manager

BACKGROUND / DISCUSSION:

In June of 2016 the City completed a compensation and classification study. Through the study it was identified that the City would benefit from adding new classifications to the Department of Public Works (DPW) and the Wastewater/Water Department. It was recommended by The Mercer Group, Inc., the consultant the performed the compensation and classification study, that the City add the classification of Senior Maintenance Worker to the DPW and WWTP/WTP Operator III – Lead to the WWTP/WTP Department.

The proposed implementation of the two new classifications is to promote and improve greater supervision and leadership within each of these departments. The City will be filling these positions through internal promotion of qualified candidates within these departments creating current and future growth opportunity for existing City staff. The establishment of the two new classifications will not increase the City's staff noting again that the positions will be filled with the promotion of internal staff.

The City has met and conferred with the NC Miscellaneous bargaining unit regarding the addition of the classifications and they are in agreement. The attached amendment outlines the addition of these classifications and recommended salary to be provided by the City for each of the positions. The proposed annual salary range for the Senior Maintenance Worker will be \$40,956 - \$49,776 and is a 5 step scale. The proposed annual salary range for the WWTP/WTP Operator III Lead will be \$58,464 - \$71,064 and is a 5 step scale. The proposed salary scales a 10% higher than the Maintenance Worker II and the WWTP/WTP Operator II positions.

Both of the positions will receive the same salary and benefit increases as defined for the Maintenance Worker II and the Wastewater/Water II in Articles III – Compensation Plan and Article VIII – Retirement. These positions are also subject to all of the

remaining provisions of the MOU as outlined in the remaining articles in the MOU as they pertain to each classifications.

FISCAL IMPACT:

The Senior Maintenance Worker position will increase salary and benefits by approximately \$6,400 and will be split between the general fund, the water fund – distribution, and the wastewater fund – collection each by 1/3 of the \$6,400. The WWTP/WTP Operator III – Lead position will increase salary and benefits by approximately \$7,375 and will be split between the water fund at 25% and wastewater fund at 75%.

ATTACHMENTS:

- ✓ Side Letter No. 1 to Miscellaneous Employees Association – New Classifications of Senior Maintenance Worker and WWTP/WTP III Operator - Lead

**CITY OF NEVADA CITY
SIDE LETTER NO. 1 TO MEMORANDUM OF UNDERSTANDING**

TO: Mark Prestwich, City Manager

FROM: Catrina Olson, Assistant City Manager / Finance & Administration

SUBJECT: Amendment No. 1 to the Nevada City Miscellaneous Employees Association Memorandum of Understanding (MOU) – New Classifications for Senior Maintenance Worker and Wastewater/Water Treatment Plant Operator III – Lead (WWTP/WTP)

DATE: January 18, 2017

Amendment No. 1 to the MOU agreement effective July 1, 2016 through June 30, 2018 between the City of Nevada City and the Nevada City Miscellaneous Employees Association create two new job classifications. The new job classifications will be in the Department of Public Works for a Senior Maintenance Worker and in the Wastewater/Water Department for a WWTP/WTP Operator III – Lead. These two new job classifications include increased job responsibility consisting of supervision and oversight for all field operations, plant operations and staff supervision with added administrative responsibilities

The following outlines the salary for the position of Senior Maintenance Worker and WWTP/WTP Operator III – Lead:

Senior Maintenance Worker

WWTP/WTP III Operator - Lead

\$3,413	\$3,584	\$3,763	\$3,950	\$4,148
\$19.69	\$20.68	\$21.71	\$22.79	\$23.93

\$4,872	\$5,116	\$5,371	\$5,641	\$5,922
\$28.11	\$29.51	\$30.99	\$32.54	\$34.17

Both the positions of Senior Maintenance Worker and WWTP/WTP Operator III – Lead will receive the same salary and benefit increases as defined for the Maintenance Worker II and the Wastewater /Water II in Articles III – Compensation Plan and Article VIII – Retirement. These positions are also subject to all of the remaining provisions of the MOU as outlined in the remaining articles in the MOU as they pertain to each classification.

Mark Prestwich, City Manager

Date

Catrina Olson, Asst City Manager

Date

William Sander

Date

Monica Barbao

Date

William Highsmith

Date

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Approval of the Subrecipient Agreement with Nevada County Transportation Commission for Transportation Planning

RECOMMENDATION: Pass Resolution 2017-XX approving of the Subrecipient Agreement with the Nevada County Transportation Commission for Transportation Planning and authorizes the Mayor to sign.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND/DISCUSSION: Nevada City and the Nevada County Transportation Commission (NCTC) are each empowered by law to conduct, participate in and provide regional transportation planning activities and desire to cooperate in the exercise of those powers. NCTC has been awarded Rural Planning Assistance (RPA) and State Transportation Improvement Program (STIP) Planning Programming and Monitoring (PPM) funds administered through the California Department of Transportation (“Caltrans”), to implement and support regional transportation planning activities. The City of Nevada City (Subrecipient) is eligible to apply for and receive state and federal financial assistance and to participate with NCTC, local and state agencies, the general public, and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure.

Staff is recommending the Council adopt a Resolution acknowledging its approval of the subrecipient agreement with NCTC for Transportation Planning.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENT:

- ✓ Resolution 2017-XX
- ✓ NCTC-Subrecipient Agreement for Transportation Planning

RESOLUTION NO. 2017-XX

**RESOLUTION APPROVING THE SUBRECIPIENT AGREEMENT WITH
NEVADA COUNTY TRANSPORTATION COMMISSION FOR
TRANSPORTATION PLANNING**

WHEREAS, the City of Nevada City and the Nevada County Transportation Commission (NCTC) are each empowered by law to conduct, participate in and provide regional transportation planning activities and desire to cooperate in the exercise of those powers; and

WHEREAS, since 1994 the Nevada County Transportation Commission (NCTC) has had a “Memorandum of Understanding (MOU) Regarding Regional Transportation Planning” in place with its member agencies, the Cities of Grass Valley and Nevada City, the Town of Truckee, and Nevada County. The MOU provides that NCTC will adopt an annual work program after submitting the proposed work program to each party to the MOU for its review and comment. Each party acknowledges its approval of the projects contained in the proposed annual work program by adoption of a resolution.

WHEREAS, during 2015, Caltrans Division of Audits and Investigations conducted a “pre-award audit” of NCTC’s management practices. Notwithstanding the MOU that is in place, the Caltrans auditor recommended that NCTC enter into contractual agreements with local agencies that perform work identified in the annual work program. In response to the Caltrans auditor’s recommendation, NCTC’s legal counsel has prepared the attached Subrecipient Agreement between the NCTC and the City of Nevada City.

BE IT RESOLVED by the City Council of the City of Nevada City, hereby acknowledges its approval of the Subrecipient Agreement with the Nevada County Transportation Commission for Transportation Planning and authorizes the Mayor to sign.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City held on the 25th day of January, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Evans Phelps, Mayor

ATTEST:

Niel Locke, City Clerk

SUBRECIPIENT AGREEMENT
BETWEEN THE
NEVADA COUNTY TRANSPORTATION COMMISSION
AND
THE CITY OF NEVADA CITY

FOR LOCAL AGENCY PARTICIPATION IN THE REGIONAL TRANSPORTATION PLANNING PROCESS DURING FISCAL YEAR 2016/17

THIS SUBRECIPIENT AGREEMENT is made and entered into effective **July 1, 2016**, by and between the **CITY OF NEVADA CITY (“Subrecipient”)**, and the **NEVADA COUNTY TRANSPORTATION COMMISSION (“NCTC”)**, the Regional Transportation Planning Agency for Nevada County, California.

WHEREAS, NCTC has been awarded Rural Planning Assistance (RPA) and State Transportation Improvement Program (STIP) Planning Programming and Monitoring (PPM) funds administered through the California Department of Transportation (“Caltrans”), to implement and support regional transportation planning activities; and

WHEREAS, Subrecipient is eligible to apply for and receive state and federal financial assistance as a public body corporate and politic of the State of California; and

WHEREAS, Subrecipient has agreed to participate with NCTC, local and state agencies, the general public, and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure, consistent with NCTC’s adopted Overall Work Program, and to participate in the regional planning process; and

WHEREAS, the parties wish to enter into this Subrecipient Agreement (“Agreement”) to document the terms and conditions of NCTC’s reimbursement to Subrecipient for Subrecipient’s services.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Scope of Work:** Subrecipient will participate in the activities identified in “Exhibit A”, attached hereto and incorporated herein by this reference (hereinafter “Activities”). Exhibit A includes a listing of Regional Transportation Planning Activities that Subrecipient, will participate in, identifies activities that are not eligible for reimbursement, and includes an Activity Schedule. Any proposed amendment to Exhibit A must be agreed to in advance by the parties pursuant to a written amendment in accordance with Section 11 and is subject to approval by Caltrans, Federal Highway Administration (FHWA) or any other federal or state agency having jurisdiction.
2. **Time of Performance:**
 - a. Subrecipient will commence work upon the effective date of this Agreement and will complete work as expeditiously as is consistent with generally accepted standards of professional skill and care and the orderly progress of work.

Subrecipient agrees to follow, and to require its consultants to follow, the Activity Schedule identified in Exhibit A. If a substantive change to the identified Activity Schedule is desired, Subrecipient's Project Manager will provide an immediate written request for approval to the NCTC's Project Manager, including the reasons for the requested change. Approval by NCTC's Project Manager will not be unreasonably withheld.

- b. All work will be completed and this Agreement will expire on **June 30, 2017**, unless otherwise terminated as provided for in this Agreement or extended by written agreement between the parties, which agreement is subject to approval by Caltrans, FHWA or any other federal or state agency having jurisdiction.
3. Compliance with Laws: Subrecipient will comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, circulars, and directives, including, without limitation, all federal regulatory requirements associated with the applicable federal funding.
4. Funding Amount: Under this Agreement, Subrecipient will be reimbursed by NCTC for Subrecipient's staff time related to the Activities. Subrecipient will also be reimbursed for all related consultant invoices paid by Subrecipient. NCTC shall pay Subrecipient in full for all services performed pursuant to this Agreement, a total sum not to exceed **Seven Thousand Five Hundred Dollars (\$7,500)**. Subrecipient will not perform work, nor be required to perform work, outside those services specified in this Agreement or which would result in billings in excess of **\$7,500**, without the prior written agreement of both parties. In no instance will NCTC be liable for any unauthorized or ineligible costs.
5. Reporting and Payment:
 - a. Subrecipient will provide NCTC with both a written report on participation in the Activities in Exhibit A and an invoice for reimbursement pursuant to Subsection 5(b) of this Agreement.
 - b. Payments to Subrecipient will be made in arrears. Subrecipient will submit a detailed and properly documented invoice for reimbursement, which will include the following: (i) a description of the work performed, (ii) a detailed accounting of costs incurred, and (iii) evidence that Subrecipient has already incurred costs for the Activities.
 - c. Subrecipient will be notified within ten (10) business days following receipt of its invoice by NCTC of any circumstances or data identified in Subrecipient's invoice that would cause withholding of approval and subsequent payment. Subrecipient's invoice will include documentation of reimbursable expenses and billed items sufficient for NCTC, in its opinion, to substantiate billings. NCTC reserves the right to withhold payment of disputed amounts.
 - d. NCTC will submit invoices for reimbursement to Caltrans for approval and NCTC will make reimbursement payment to Subrecipient promptly following receipt of funds from Caltrans. Under no circumstances will NCTC be required to

pay any amounts to Subrecipient prior to receipt of funds from Caltrans, nor will NCTC pay more than the amount reimbursed by Caltrans.

- e. Subrecipient agrees that the Contract Cost Principles and Procedures, found in 2 CFR, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Chapter I Part 200 et seq (formerly found in the Office of Management and Budget Circular A-87, Revised “Cost Principles for State, Local, and Indian Tribal Governments”) will be used to determine the allowability of individual items of cost.
 - f. NCTC also agrees to comply with Federal procedures in 49 CFR, Part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”
 - g. Any costs for which payment has been made to NCTC that are determined by subsequent audit to be unallowable under 2 CFR, Chapters I and II, Parts 200, 215, 220, 225, and 230 (formerly set forth in 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31 et seq.; Office of Management and Budget Circular A-87, Revised “Cost Principles for State, Local, and Indian Tribal Governments”; or 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), are subject to repayment by Subrecipient to NCTC.
 - h. Any subcontract in excess of \$25,000 entered into as a result of this Agreement, will contain all of the provisions of Subsections 5(e) through 5(g) above.
6. Independent Contractor: Subrecipient, and the agents and employees of Subrecipient, in the performance of this Agreement, will act as and be independent contractors and not officers or employees or agents of NCTC. Subrecipient, its officers, employees, agents, and subcontractors, if any, will have no power to bind or commit NCTC to any decision or course of action, and will not represent to any person or business that they have such power. Subrecipient has and will retain the right to exercise full control of the supervision of the work and over the employment, direction, compensation and discharge of all persons assisting Subrecipient in the performance of work funded by this Agreement. Subrecipient will be solely responsible for all matters relating to the payment of its employees and contractors, including but not limited to compliance with all laws, statutes, and regulations governing such matters.
7. Termination:
- a. Either party may terminate this Agreement for any reason, with or without cause, at any time, by giving the other party fifteen (15) days written notice. The notice will be deemed served and effective for all purposes on the date it is deposited in the U.S. mail, certified, return receipt requested, addressed to the other party at the address indicated in Section 15 below.
 - b. If either party issues a notice of termination, NCTC will reimburse Subrecipient for work actually performed up to the effective date of the notice of termination, subject to the limitations in Section 5 and less any compensation to Subrecipient

for damages suffered as a result of Subrecipient's failure to comply with the terms of this Agreement.

- c. Subrecipient will have the right to terminate this Agreement in the event NCTC is unable to make required payments, including, without limitation, a failure of Caltrans to appropriate funds. In such event, Subrecipient will provide NCTC with seven (7) days written notice of termination. The notice will be deemed served and effective on the date it is deposited in the U.S. mail, certified, return receipt requested, addressed to NCTC at the address indicated in Section 15. NCTC will make payment to Subrecipient through the date of termination, subject to the provisions of Section 5 above including, but not limited to, the provisions of Subsection 5(d).
8. Assignment: The parties understand that NCTC entered into this Agreement based on the Activities proposed by Subrecipient. Therefore, without the prior express written consent of NCTC, this Agreement is not assignable by the Subrecipient either in whole or in part.
9. Binding Agreement: This Agreement will be binding on the parties hereto, their assigns, successors, administrators, executors, and other representatives.
10. Time: Time is of the essence in this Agreement and will follow the timeline set forth in the Scope of Work in Exhibit A, unless modified pursuant to Section 11.
11. Amendments: No alteration or variation of the terms of this Agreement will be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, will be binding on any of the parties hereto.
12. Contractors and Subcontractors: Subrecipient will be fully responsible for all work performed by its contractors and subcontractors.
 - a. NCTC reserves the right to review and approve any contract or agreement to be funded in whole or in part using funds provided under this Agreement.
 - b. Any contract or subcontract to be funded in whole or in part using funds provided under this Agreement will require the contractor and its subcontractors, if any, to:
 - (1) Comply with applicable state and federal requirements that pertain to, among other things, labor standards, non-discrimination, the Americans with Disabilities Act, Equal Employment Opportunity, Drug-Free Workplace, and 2 CFR, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Chapters I and II, Parts 200, 215, 220, 225, and 230.
 - (2) Maintain at least the minimum state-required Workers' Compensation Insurance for those employees who will perform the work or any part of it.
 - (3) Maintain unemployment insurance and disability insurance as required by law, along with liability insurance in an amount that is reasonable to compensate any person, firm, or corporation who may be injured or

damaged by the Subrecipient or any subcontractor in performing work associated with this Agreement or any part of it.

- (4) Retain all books, records, accounts, documentation, and all other materials relevant to this Agreement for a period of three (3) years from the date of termination of this Agreement, or three (3) years from the conclusion or resolution of any and all audits or litigation relevant to this Agreement and any amendments, whichever is later.
- (5) Permit NCTC and/or its representatives, upon reasonable notice, unrestricted access to any or all books, records, accounts, documentation, and all other materials relevant to this Agreement for the purpose of monitoring, auditing, or otherwise examining said materials.
- (6) Comply with all applicable requirements of Title 49, Part 26 of the Code of Federal Regulations, as set forth in Section 28.

13. Indemnity: Subrecipient specifically agrees to indemnify, defend, and hold harmless NCTC, its directors, officers, agents, and employees (collectively the “Indemnitees”) from and against any and all actions, claims, demands, losses, costs, expenses, including reasonable attorneys' fees and costs, damages, and liabilities (collectively “Losses”) arising out of or in any way connected with the performance of this Agreement, excepting only Losses caused by the sole, active negligence or willful misconduct of an Indemnitee. Subrecipient shall pay all costs and expenses that may be incurred by NCTC in enforcing this indemnity, including reasonable attorneys' fees. The provisions of this Section shall survive the expiration, termination, or assignment of this Agreement.

14. Audit, Retention and Inspection of Records:

- a. NCTC or its designee will have the right to review, obtain, copy, and audit all books, records, computer records, accounts, documentation, and any other materials (collectively “Records”) pertaining to performance of this Agreement, including any Records in the possession of any contractors or subcontractors. Subrecipient agrees to provide NCTC or its designee with any relevant information requested and will permit NCTC or its designees access to its premises, upon reasonable notice, during normal business hours, for the purpose of interviewing employees and inspecting and copying such Records for the purpose of determining compliance with any applicable federal and state laws and regulations. Subrecipient further agrees to maintain such Records for a period of three (3) years after final payment under the Agreement, or three (3) years from the conclusion or resolution of any and all audits or litigation relevant to this Agreement and any amendments, whichever is later.
- b. If so directed by NCTC upon expiration of this Agreement, Subrecipient will cause all Records relevant to the Scope of Work to be delivered to NCTC as depository.

15. Project Managers: NCTC’s Project Manager for this Agreement is Daniel B. Landon, unless NCTC otherwise informs Subrecipient in writing. With the exception of notice of termination sent by certified mail pursuant to Section 7 above, any notice, report, or other

communication required by this Agreement will be mailed by first-class mail to the NCTC's Project Manager at the following address:

Daniel B. Landon, Executive Director
Nevada County Transportation Commission
101 Providence Mine Road, Suite 102
Nevada City, California 95959
Telephone: (530) 265-3202

Subrecipient's Project Manager for this Agreement is Bryan McAlister. No substitution of Subrecipient's project manager is permitted without prior written agreement by NCTC, which agreement will not be unreasonably withheld. With the exception of notice of termination sent by certified mail pursuant to Section 7(a) above, any notice, report, or other communication to Subrecipient required by this Agreement will be mailed by first-class mail to:

Bryan McAlister, City Engineer
City of Nevada City
317 W. Broad St.
Nevada City , CA 95959
(530) 265-2496

16. Successors: This Agreement will be binding on the parties hereto, their assigns, successors, administrators, executors, and other representatives.
17. Waivers: No waiver of any breach of this Agreement will be held to be a waiver of any prior or subsequent breach. The failure of NCTC to enforce at any time the provisions of this Agreement or to require at any time performance by the Subrecipient of these provisions, will in no way be construed to be a waiver of such provisions, nor to affect the validity of this Agreement or the right of NCTC to enforce these provisions.
18. Litigation: Subrecipient will notify NCTC immediately of any claim or action undertaken by it or against it that affects or may affect this Agreement or NCTC, and will take such action with respect to the claim or action as is consistent with the terms of this Agreement and the interests of NCTC.
19. Americans with Disabilities Act (ADA) of 1990: By signing this Agreement, Subrecipient assures NCTC that it complies with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101, et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.
20. Compliance with Non-discrimination and Equal Employment Opportunity Laws: It is NCTC's policy to comply with state and federal laws and regulations including Title VI of the Civil Rights Act of 1964, ADA, and other federal discrimination laws and regulations, as well as the Unruh Civil Rights Act of 1959, the California Fair Employment and Housing Act, and other California State discrimination laws and regulations. NCTC does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, sexual

orientation or gender identity in conducting its business. NCTC prohibits discrimination by its employees, Subrecipient, and Subrecipient's contractors and consultants.

Subrecipient assures NCTC that it complies with, and that Subrecipient will require that its contractors and subcontractors comply with, the following non-discrimination and equal opportunity laws. Any failure by Subrecipient to comply with these provisions shall constitute a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as NCTC may deem appropriate.

- a. Subrecipient and its contractors and subcontractors shall comply with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., with U.S. D.O.T. regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act", 49 C.F.R. Part 21, and with any applicable implementing federal directives that may be issued.
- b. Subrecipient and its contractors and subcontractors shall comply with all applicable equal employment opportunity (EEO) provisions of 42 U.S.C. §§ 2000e, implementing federal regulations, and any applicable implementing federal directives that may be issued. Subrecipient and its contractors and subcontractors shall ensure that applicants and employees are treated fairly without regard to their race, color, creed, sex, disability, age, or national origin.
- c. Subrecipient and its contractors and subcontractors will not unlawfully discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, sexual orientation, race, color, ancestry, religion, national origin, physical disability, mental disability, medical condition, age or marital status. Subrecipient and its contractors and subcontractors will insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Subrecipient and its contractors and subcontractors will comply with all applicable federal and state employment laws and regulations including, without limitation, the provisions of the California Fair Employment and Housing Act (Government Code § 12900, et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, § 7285.0, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code §§ 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Subrecipient and its contractors and subcontractors will give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- d. Subrecipient and its contractors will include the non-discrimination and equal employment opportunity provisions of this section (provisions a. through c. above) in all contracts to perform work funded under this Agreement.

21. Drug-Free Certification: By signing this Agreement, Subrecipient hereby certifies under penalty of perjury under the laws of the State of California that Subrecipient will comply

with the requirements of the Drug-Free Workplace Act of 1990 (Government Code § 8350, et seq.) and will provide a drug-free workplace by taking the following actions:

- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited, and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The person's or the organization's policy of maintaining a drug-free workplace;
 - (3) Any available counseling, rehabilitation, and employee assistance programs; and
 - (4) Penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee of Subrecipient who works under this Agreement will:
 - (1) Receive a copy of Subrecipient's Drug-Free Workplace Policy Statement; and
 - (2) Agree to abide by the terms of Subrecipient's Statement as a condition of employment on this Agreement.

22. Union Organizing: By signing this Agreement, Subrecipient hereby acknowledges the applicability of Government Code § 16645 through § 16649 to this Agreement, excluding § 16645.2 and § 16645.7.

- a. Subrecipient will not assist, promote, or deter union organizing by employees performing work on this Agreement if such assistance, promotion, or deterrence contains a threat of reprisal or force, or a promise of benefit.
- b. Subrecipient will not meet with employees or supervisors on NCTC or state property if the purpose of the meeting is to assist, promote, or deter union organizing, unless the property is equally available to the general public for meetings.

23. Prohibition of Expending State or Federal Funds for Lobbying:

- a. Subrecipient certifies, to the best of its knowledge or belief, that:
 - (1) No State or Federal appropriated funds have been paid or will be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or

modification of any State or Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds, other than Federally appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with this Federal Agreement, Subrecipient will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- b. This certification is a material representation of fact upon which reliance was placed when this Agreement was entered into. Submission of this certification is a prerequisite for making or entering into this Agreement imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- c. Subrecipient also agrees by signing this Agreement that it will require that the language of this certification be included in all lower tier contracts and subcontracts.

24. Prevailing Wage and Labor Requirements:

- a. Should Subrecipient award any construction contracts utilizing Federal funds under this Agreement, Subrecipient agrees to comply with all pertinent statutes, rules and regulations promulgated by the federal government including, but not limited to, (i) prevailing wage requirements of the Davis Bacon Act (40 U.S.C. §276a, *et seq.*) and related regulations (29 CFR Part 5); (ii) anti-kick back and payroll records requirements of the Copeland "Anti-Kickback" Act (40 U.S.C. §276c and 18 U.S.C. §874) and related regulations (29 CFR Part 3); and (iii) workweek computation and overtime requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. §327-333) and related regulations (29 CFR Part 5).
- b. Should Subrecipient award any "public work" contract, as defined by California Labor Code Section 1720, utilizing State funds under this Agreement, Subrecipient agrees to comply with all pertinent California statutes, rules, and regulations including, but not limited to, prevailing wage provisions of Labor Code Section 1771.
- c. Any contract or subcontract entered into as a result of this Agreement will contain all of the provisions of this section.

25. Disadvantaged Business Enterprise (DBEs) Participation: This Agreement is subject to, and Subrecipient agrees to comply with, Title 49, Part 26 of the Code of Federal Regulations (CFR) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation (DOT) Financial Assistance Programs." DBE's and other small businesses, as defined in Title 49 CFR Part 26, are encouraged to participate in the performance of agreements financed in whole or in part with federal funds; however,

DBE participation is not a condition of award. Subrecipient agrees to complete the NCTC DBE Information Form so that NCTC may compile statistics for federal reporting purposes. The NCTC DBE Information Form is attached hereto as “Exhibit B” and incorporated herein by this reference.

- a. Non-Discrimination: Subrecipient shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. Subrecipient shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of United States Department of Transportation assisted contracts. Failure by Subrecipient to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as NCTC deems appropriate.
- b. Prompt Payments to DBE and Non-DBE Subcontractors: Subrecipient shall insert the following clauses in any contract funded under this Agreement:
 - (1) A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-day rule is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with Subrecipient 's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
 - (2) Subrecipient shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by Subrecipient of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by Subrecipient. Any delay or postponement of payment may take place only for good cause and with Subrecipient’s prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

- c. Records: Subrecipient shall maintain records of all contracts and subcontracts entered into with certified DBEs and records of materials purchased from certified DBE suppliers. The records shall show the name and business address of each DBE contractor, subcontractor or vendor and the total dollar amount actually paid each DBE contractor, subcontractor or vendor. The records shall show the date of payment and the total dollar figure paid to all firms. Upon completion of the contract, a summary of these records shall be prepared and submitted to NCTC.

- d. Termination of a DBE: In conformance with 49 CFR Section 26.53:
 - (1) Subrecipient shall not permit its contractor to terminate a listed DBE subcontractor unless the contractor has received prior written authorization from Subrecipient's Project Manager. Subrecipient's Project Manager will authorize termination only if the Project Manager determines that the contractor has good cause to terminate the DBE subcontractor. As used in this Section, "good cause" includes those circumstances listed in 49 CFR Section 26.53(f)(3).
 - (2) Prior to requesting Subrecipient's authorization to terminate and/or substitute a DBE subcontractor, the contractor shall give notice in writing to the DBE subcontractor, with a copy to Subrecipient, of its intent to request termination and/or substitution, and the reason for the request. The DBE subcontractor shall have five days to respond to the contractor's notice and state the reasons, if any, why it objects to the proposed termination of its subcontract and why Subrecipient should not approve the contractor's action. Subrecipient may, in instances of public necessity, approve a response period shorter than five days.
 - (3) If a DBE subcontractor is terminated or fails to complete its work for any reason, the contractor shall be required to make good faith efforts to replace the original DBE subcontractor with another DBE.

- e. DBE Certification and Decertification: If a DBE subcontractor is decertified during the life of the contract, the decertified subcontractor shall notify the contractor in writing with the date of decertification. If a subcontractor becomes a certified DBE during the life of the contract, the subcontractor shall notify the contractor in writing with the date of certification. The contractor shall then provide to Subrecipient's Project Manager written documentation indicating the DBE's existing certification status.

- f. Noncompliance by Subrecipient: Subrecipient's failure to comply with any requirement of this Section is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as NCTC may deem appropriate.

- g. Any contract entered into by Subrecipient as a result of this Agreement shall contain all of the provisions of this Section.

26. Non-Liability of NCTC: NCTC shall not be liable to Subrecipient or any third party for any claim for loss of profits or consequential damages. Further, NCTC shall not be liable to Subrecipient or any third party for any loss, cost, claim or damage, either direct or consequential, allegedly arising from a delay in performance or failure to perform under this Agreement.
27. Debarment Responsibilities: Subrecipient agrees that it will comply with the provisions of 24 CFR Part 24 relating to the employment, engagement of services, awarding of contracts or funding of any contractors or subcontractors during any period of debarment, suspension or placement in ineligibility status.
28. Costs and Attorneys' Fees: If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and reasonable attorneys' fees.
29. Governing Law and Choice of Forum: This Agreement will be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement will be brought in the Superior Court of Nevada County.
30. Integration: This Agreement represents the entire understanding of NCTC and Subrecipient as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 11.
31. Severability: If any term or provision of this Agreement or the application thereof to any person or circumstance will, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those to which it is invalid or unenforceable, will not be affected thereby, and each term and provision of this Agreement will be valid and will be enforced to the fullest extent permitted by law, unless the exclusion of such term or provision, or the application of such term or provision, would result in such a material change so as to cause completion of the obligations contemplated herein to be unreasonable.
32. Headings: The headings of the various sections of this Agreement are intended solely for convenience of reference and are not intended to explain, modify, or place any interpretation upon any of the provisions of this Agreement.
33. Authority: Each person signing this Agreement on behalf of a party hereby certifies, represents, and warrants that he or she has the authority to bind that party to the terms and conditions of this Agreement.
34. Ownership; Permission: Subrecipient represents and warrants that all materials used in the performance of the project work, including, without limitation, all computer software materials and all written materials, produced are owned by Subrecipient or that all required permissions and license agreements have been obtained and paid for by Subrecipient. Subrecipient will defend, indemnify and hold harmless NCTC and its directors, officers, employees, and agents from any claim, loss, damage, cost, liability, or expense to the extent of any violation or falsity of the foregoing representation and warranty.

35. Counterparts: This Agreement may be executed in multiple counterparts, each of which will constitute an original, and all of which taken together will constitute one and the same instrument.
36. Amendments Required by Federal or State Agencies: If the FTA, FHWA, Caltrans, or any other federal or state agency having jurisdiction, requires a change to the terms of this Agreement, the parties will amend this Agreement as necessary, or will terminate it immediately.
37. Ambiguities: The parties have each carefully reviewed this Agreement and have agreed to each term and condition herein. No ambiguity will be construed against either party.
38. Press Releases: Each party will obtain other party's prior written approval of any press releases, or other public outreach materials, that include any reference to such other party or such other party's logo.

IN WITNESS WHEREOF, THE PARTIES HAVE ENTERED INTO THIS AGREEMENT AS OF THE DATE FIRST APPEARING ABOVE:

City of Nevada City

City of Nevada City

Date: _____

APPROVED AS TO FORM:

Hal McGraw, City Attorney

Date: _____

**NEVADA COUNTY TRANSPORTATION
COMMISSION**

Lawrence A. Jostes, Chairman

Date: _____

APPROVED AS TO FORM:

Renne Sloan Holtzman Sakai, LLP
Legal Counsel

Date: _____

EXHIBIT A

Regional Transportation Planning Activities

- Identify and analyze issues relating to integration of regional transportation and community goals and objectives in land use, housing, economic development, social welfare and environmental preservation.
- Identify and document transportation facilities, projects and services required to meet regional and interregional mobility and access needs.
- Define solutions in terms of the regional multimodal transportation system, land use and economic impacts, financial constraints, air quality and environmental concerns (including wetlands, endangered species and cultural resources).
- Assess the operational and physical continuity of the regional transportation system components within and between metropolitan and rural areas, and interconnections to and through regions.
- Incorporate transit and intermodal facilities, bicycle transportation facilities and pedestrian walkways in regional transportation plans and programs where appropriate.
- Participate with regional, local and state agencies, the general public and the private sector in planning efforts to identify and plan policies, strategies, programs and actions that maximize and implement the regional transportation infrastructure.
- Develop partnerships with local agencies responsible for land use decisions to facilitate coordination of regional transportation planning with land use, open space, job-housing balance, environmental constraints, and growth management.
- Monitor existing traffic conditions and safety data.
- Utilize techniques that assist in community-based development of innovative regional transportation and land use alternatives to improve community livability, long-term economic stability and sustainable development.
- Participate in the review and update of the multiyear congestion mitigation air quality (CMAC) project listing.
- Review and comment on performance-based regional transportation plan documents and reports.
- Participate in planning and development of capital improvement programs that will be integrated into the Regional Transportation Improvement Program.
- Use partners to identify policies, strategies, programs and actions that enhance the movement of people, goods, services and information on the regional, inter-regional, and state highway system.
- Conduct planning activities (including corridor studies, and other transportation planning studies) to identify and develop candidate projects for the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP).
- Preserve existing transportation facilities, planning ways to meet transportation needs by using existing transportation facilities more efficiently, with owners and operators of transportation facilities/systems working together to develop operational objectives and plans which maximize utilization of existing facilities.

Ineligible Activities include, but not limited to:

- Non-planning related TDA administration such as fulfilling TDA auditing requirements, processing TDA invoices and fund reports, TDA allocation and claims process, etc. (planning related activities such as unmet transit needs assessment are eligible if they support the regional transportation planning process and RTP).
- Non-planning related transit administration for 5310, 5311, JARC, New Freedom, etc. including application development and assistance (review of 5310 applications and programming of funds as it relates to the TIP process are eligible planning activities).
- RHNA Process (portions may be eligible, but not the RHNA process as a standalone task).
- Project development documents such as Project Initiation Documents and Project Study Reports.
- Review of project level EIRs is only eligible if it is to ensure consistency and compliance with the MPOs/RTPAs RTPs and other regional transportation planning plans and products.
- Implementation of a study or plan.
- Project Delivery activities.
- City or county level transportation studies unless it is regionally significant or has a direct effect on the highway/transit system.
- Lobbying.
- Project design, engineering, and construction.
- Association membership dues and staff time attending CALCOG, NARC, AMPO, NSSR, etc. if planning activities are not segregated.

EXHIBIT B
NCTC DBE FORMS

Q2 2016



City of Nevada City Sales Tax *Update*

Third Quarter Receipts for Second Quarter Sales (April - June 2016)

Nevada City In Brief

Nevada City's receipts from April through June were 10.5% above the second sales period in 2015.

Several segments of the business/industry group reported large sales gains while the building and construction group was also more active this quarter. Casual dining was popular this period, especially with the prior opening of two new eateries.

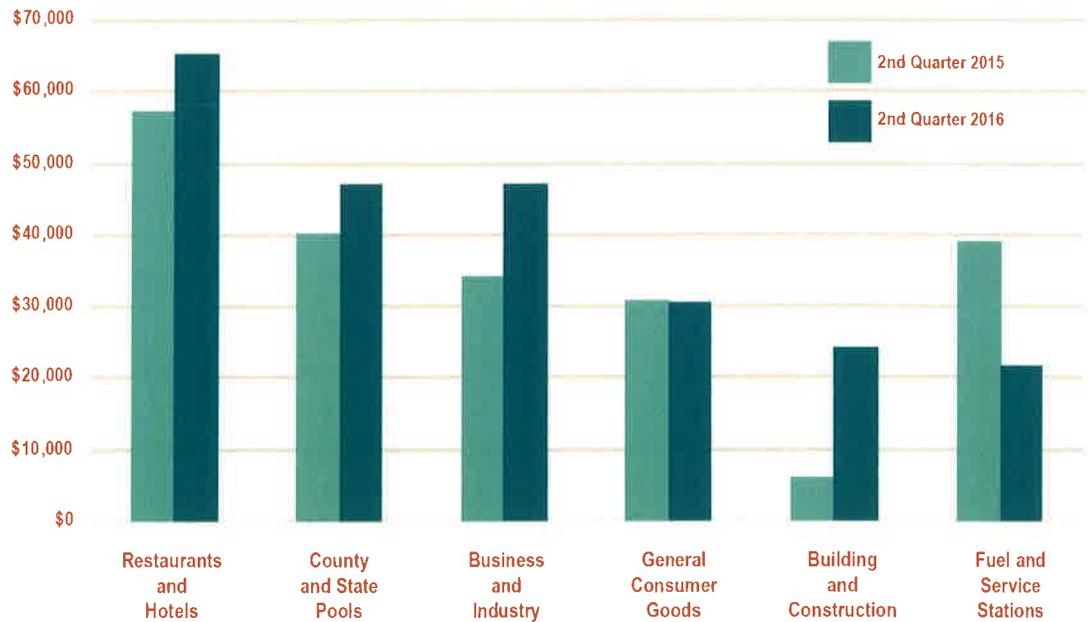
A reporting anomaly boosted the size of the countywide use tax pool and increased the City's allocation by 17%.

Dampening these gains were a reporting change that lowered receipts from the fuel/service station group.

Measure S, which supports street maintenance activities, reported a total of \$155,998 while Measure L reported \$115,736 this period. These amounts represent gains over the same period one year ago of 2.67% and 2.2% respectively. Building and construction activity generated the greatest gains for both measures while lower fuel prices created the greatest decline of all business groups.

Net of aberrations, taxable sales for all of Nevada County grew 4.5% over the comparable time period; the Far North region was up 4.2%.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS IN ALPHABETICAL ORDER

49er Communications	New Moon Cafe
Abstrakt	Northridge of Nevada City
Crazy Horse Saloon & Grill	Plaza Tire & Auto Service
D&D Plumbers Supply	Port of Subs Express Market
Earth Song Market & Cafe	Robinson Enterprises
Express Mart & Liquor	Sopa Thai Cuisine
Ferrellgas	SPD Market
Friar Tucks	SPD Saw Shop
Jernigans Tap House & Grill	Telestream
JH Petroleum	Three Forks Bakery & Brewing
Leftys Grill	Tour of Nevada City Bicycle Shop
Matteos Public	Vital Garden Supply
Mi Pueblo Taqueria	

REVENUE COMPARISON

One Quarter - Fiscal Year To Date

	2015-16	2016-17
Point-of-Sale	\$191,686	\$209,236
County Pool	40,180	47,074
State Pool	173	78
Gross Receipts	\$232,039	\$256,388
Less Triple Flip*	\$(58,010)	\$0
Measure S	\$151,943	\$155,998
Measure L	\$113,325	\$115,786

California Overall

Statewide local sales and use tax receipts were up 1.9% over last year's spring quarter after adjusting for payment aberrations.

The largest gains were for building supplies, restaurants, utility/energy projects and countywide use tax pool allocations. Tax revenues from general consumer goods and business investment categories rose slightly while auto sales leveled off.

Interest In Tax Reform Grows

With modest growth in sales and use taxes, agencies are increasingly reliant on local transaction tax initiatives to cover growing infrastructure and employee retirement costs. As of October 1, there are 210 active add-on tax districts with dozens more proposed for the upcoming November and April ballots.

The Bradley-Burns 1% local sales tax structure has not kept pace with social and economic changes occurring since the tax was first implemented in 1933. Technology and globalization are reducing the cost of goods while spending is shifting away from taxable merchandise to non-taxed experiences, social networking and services. Growing outlays for housing and health care are also cutting family resources available for discretionary spending. Tax-exempt digital downloads and a growing list of legislative exemptions have compounded the problem.

California has the nation's highest sales tax rate, reaching 10% in some jurisdictions. This rate, however, is applied to the smallest basket of taxable goods. A basic principle of sound tax policy is to have the lowest rate applied to the broadest possible basket of goods. California's opposite approach leads to revenue volatility and causes the state and local governments to be more vulnerable to economic downturns.

The State Controller, several legislators and some newspaper editorials have suggested a fresh look at the state's tax structure and a few ideas for reform have been proposed, including:

Expand the Base / Lower the Rate:

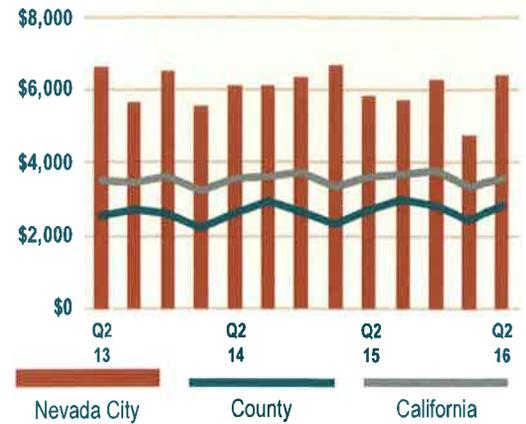
Eliminate much of the \$11.5 billion in exemptions adopted since the tax was first implemented and expand the base to include the digital goods and services commonly taxed in other states. This would allow a lower, less regressive tax that is more competitive nationally and would expand local options for economic development.

Allocate to Place of Consumption:

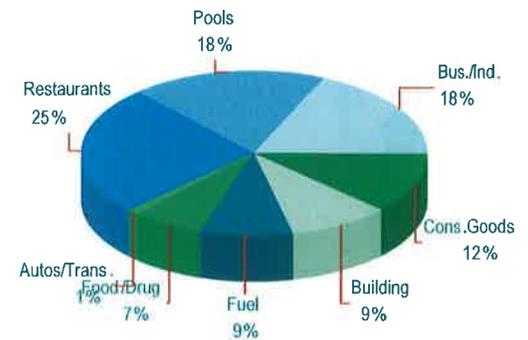
Converting to destination sourcing, already in use in the state's transactions and use tax districts, would maintain the allocation of local sales tax to the jurisdiction where stores, restaurants and other carryout businesses are located, but return the tax for online and catalog sales to the jurisdiction of the buyer that paid the tax. One outcome of this proposal would be the redirection of tax revenues to local agencies that are currently being shared with business owners and corporations as an inducement to move order desks to their jurisdictions.

Tax reform will not be easy. However, failing to reach agreement on a simpler, less regressive tax structure that adapts this century's economy could make California a long-term "loser" in competing with states with lower overall tax rates.

SALES PER CAPITA



REVENUE BY BUSINESS GROUP
Nevada City This Quarter



NEVADA CITY TOP 15 BUSINESS TYPES

Business Type	Nevada City		County	HdL State
	Q2 '16	Change	Change	Change
Auto Repair Shops	4,809	-2.2%	9.6%	4.7%
Casual Dining	60,535	14.7%	3.8%	4.5%
Contractors	— CONFIDENTIAL —	—	27.9%	6.4%
Electrical Equipment	— CONFIDENTIAL —	—	88.9%	23.5%
Garden/Agricultural Supplies	— CONFIDENTIAL —	—	30.6%	5.8%
Grocery Stores Liquor	— CONFIDENTIAL —	—	1.2%	1.1%
Jewelry Stores	2,926	13.5%	0.2%	0.1%
Petroleum Prod/Equipment	— CONFIDENTIAL —	—	-31.1%	-31.2%
Plumbing/Electrical Supplies	— CONFIDENTIAL —	—	15.0%	7.2%
Quick-Service Restaurants	3,781	20.1%	6.3%	6.5%
Repair Shop/Equip. Rentals	— CONFIDENTIAL —	—	-13.1%	3.9%
Second-Hand Stores	3,386	-4.0%	2.3%	4.4%
Service Stations	— CONFIDENTIAL —	—	-16.0%	-19.2%
Specialty Stores	9,478	0.5%	8.1%	2.1%
Sporting Goods/Bike Stores	— CONFIDENTIAL —	—	15.0%	9.3%
Total All Accounts	209,236	9.2%	4.5%	-0.6%
County & State Pool Allocation	47,152	16.8%	11.9%	15.2%
Gross Receipts	256,388	10.5%	5.8%	1.4%

CITY OF NEVADA CITY
DRAFT ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF JANURARY 11, 2017

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to **Quick Links** and Click on **Agendas & Minutes** and find the Archived Videos in the middle of the screen. Select the meeting date and Click on **Video** to watch the meeting. For website assistance, please contact Corey Shaver, Deputy City Clerk at (530) 265-2496, ext 133.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION MEETING – 5:30 PM

1. Pursuant to Government Code Section 54956.8 Real Property Transactions: Closed meeting with negotiators, City Manager Mark Prestwich, Contract City Attorneys Hal DeGraw and Kimberly Hall Barlow to participate in negotiations with representatives of Sierra Fund regarding purchase and/or terms of acquisition of property identified as APN 05-100-69 and 97 (portions).

Action: Closed Session meeting cancelled.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Moberg, Parker, Senum, Vice Mayor Strawser & Mayor Phelps

PLEDGE OF ALLEGIANCE

PROCLAMATION:

PRESENTATION:

1. BUSINESS FROM THE FLOOR-PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS:

Vice Mayor Strawser joined by Council Member Parker requested City Staff review the zoning ordinance for size/massing of 2nd dwelling units and refer to Planning Commission for possible ordinance modifications.

Please refer to the meeting video on the City's website at www.nevadacityca.gov for additional comments.

3. CONSENT ITEMS:

A. Subject: Accounts Payable Report: December 2016
Recommendation: Receive and file.

B. Subject: Tree Mortality Grant Program Agreements
Recommendation: Pass a Motion: 1) Approving Resolution 2017-XX authoring the Mayor to sign an Agreement with California Department of Forestry and Fire Protection; and 2) Authorizing the City Manager to sign the Grant Agreement accepting \$200,000 from the State Natural Resources Agency.

C. Subject: Compliance with the California Environmental Quality Act (CEQA) for the Little Deer Creek Restoration and Floodplain Mitigation Project
Recommendation: Pass Resolution 2017-XX adopting the Mitigated Negative Declaration (MND) prepared by Stantec, and Sierra Streams Institute in compliance with CEQA.

- D. **Subject:** REQUEST FOR EXTENSION OF TIME – Glenn Christ, Applicant/Owner Request to extend recordation of Final Map/Use Permit for 16-unit subdivision known as “Gracie Commons” for 2 years, pursuant to City’s Subdivision Ordinance Section 16.04.380
Recommendation: Approve the Extension of Time for the Tentative Final Map, the Use Permit accommodating the Planned Unit Development proposal, and the Architectural Review, subject to the Conditions of Approval as previously approved.
- E. **Subject:** Agreement Between County of Nevada and City of Nevada City for Management of the Nevada City Veteran’s Building
Recommendation: Pass a Motion authorizing the Mayor to execute an Agreement with the County of Nevada for management of the Nevada City Veteran’s Building.
- F. **Subject:** Correction to Side Letter No. 1 for the Nevada City Police Officers Association (NCPOA) and Side Letter No. 1 to Correct the Nevada City Police Supervisors and Nevada County Professional Firefighters Local 3800 Memorandum of Understanding (MOU) Implementation Dates
Recommendation: Review and approve side letters for the NCPOA, Nevada City Police Supervisors and Nevada County Professional Firefighters Local 3800 correcting implementation dates for salary and CalPERS contribution increases.

Action: City Council removed Consent Item 3E from the Agenda and pulled Item 3D for discussion. Motion by Senum, seconded by Parker to approve Consent Items 3A, 3B, 3C, and 3F as presented.
(Approved 5 – 0)

Action: After Council discussion of Consent Item 3D, motion by Senum, seconded by Parker to approve Consent Items 3D as presented.
(Approved 5 – 0)

4. APPROVAL OF ACTION MINUTES:

- A. City Council Meeting – December 14, 2016

Action: Motion by Strawser, seconded by Parker to approve December 14, 2016 Minutes as presented.
(Approved 5 – 0)

5. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. **Subject:** Monthly Update on City Council Six-Month Strategic Objectives
Recommendation: Receive and file.

Action: Received and filed.

6. PUBLIC HEARINGS:

7. OLD BUSINESS:

- A. **Subject:** Ordinance: Adding Chapter 1.22 to Title 1 and Chapter 9.28 to Title 9 of the Nevada City Municipal Code Relating to Establish Administrative Enforcement and Civil Remedies for Safety Violations on Private Property (Second Reading)
Recommendation: Waive further reading and pass an Ordinance adding Chapter 1.22 to Title 1 and Chapter 9.28 to Title 9 of the Nevada City Municipal Code relating to Establishing Administrative Enforcement and Civil Remedies for Safety Violations on Private Property.

Action: Motion by Strawser, seconded by Moberg to waive further reading and pass an Ordinance adding Chapter 1.22 to Title 1 and Chapter 9.28 to Title 9 of the Nevada City Municipal Code relating to Establishing Administrative Enforcement and Civil Remedies for Safety Violations on Private Property.
(Approved 5 – 0)

- A. **Subject:** Ordinance: Amending Chapter 5.28 of the Nevada City Municipal Code Pertaining to Cable Systems and State Video Franchises (Second Reading)
Recommendation: Waive further reading and pass an Ordinance amending Chapter 5.28 of the Nevada City Municipal Code relating to Cable Systems and State Video Franchises.

Action: Motion by Strawser, seconded by Parker to waive further reading and pass an Ordinance adding Chapter 5.28 to Title 5 of the Nevada City Municipal Code relating to Cable Systems and State Video Franchises.

(Approved 5 – 0)

8. NEW BUSINESS:

A. Subject: Review of “ParkEasy Nevada City” Parking Expansion Strategy

Recommendation: Review and provide direction to staff to convene a community workshop for citizen review of the “ParkEasy Nevada City” parking expansion strategy and refer proposal to the Planning Commission for review.

Action: Direction provided to staff to convene Community Workshop on February 1 and review Parking Expansion Strategy with the Planning Commission at their February 2017 meeting, and consider similar 7-Hills Business District parking opportunities.

B. Subject: Ordinance: Regulation of Mobile Food Vending in Nevada City

Recommendation: Approve An Ordinance Adding Chapter 10.44 to the Nevada City Municipal Code Regulating Mobile Food Vending on Public and Private Property

Action: Motion by Strawser, seconded by Moberg to read title only and introduce for first reading with formatting modifications recommended by the City Attorney.

(Approved 5 – 0)

A. Subject: An Ordinance of the City of Nevada City amending Title 15 of the Nevada City Municipal Code to adopt the 2016 California Building Standards with local amendments similar to those adopted by Nevada County by Ordinance No. 2424 (First Reading)

Recommendation: Approve finding that CEQA general rule exception applies, finding this action reflects the independent judgment of the City Council of Nevada City; approve for introduction and first reading of ordinance by title only, waiving further reading of the entire Ordinance.

Action: Motion by Senum, seconded by Parker to read title only and introduce for first reading.

(Approved 5 – 0)

9. CORRESPONDENCE:

10. ANNOUNCEMENTS:

Please refer to the meeting video on the City’s website at www.nevadacityca.gov.

11. CITY MANAGER’S REPORT:

12. ADJOURNMENT – 8:07 p.m.

Evans Phelps, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: 1st Quarter Financial Update, Fiscal Year (fy) 16/17

RECOMMENDATION: Receive and file.

CONTACT: Catrina Olson, Assistant City Manager

BACKGROUND / DISCUSSION:

As of September 30, 2016, the City had \$521k in the General Checking, \$686 million in the Local Agency Investment Fund (LAIF) yielding .60%, and \$1.24 million in Certificates of Deposit (CD's) with an average portfolio maturity of 3 years and an average yield of 1.2%. The cumulative cash total for the City was \$2.54 million vs. \$3.12 million September 30, 2015. The reduced cash flow is significantly tied to the project work that the City has been conducting associated to grants and Measure "S" and is timing related as the City submits for reimbursements.

The City's General Fund does not currently have any long term debt as of September 30, 2016 vs. \$14.6k September 30, 2015. The reduction in debt is associated to the payoff of vehicles that were purchased through Ford. The City did not take a transfer of funds leveraging Nevada City Property Taxes from Nevada County for the fy 16/17.

The City's Enterprise Fund long term debt was \$4.1 million as of September 30, 2016 vs. \$4.3 million as of September 30, 2015, \$170k lower, associated to regular principal reduction payments.

As of September 30, 2016, General Fund revenues were \$726k vs. \$556k September 30, 2015, an increase of \$170k, year over year (yoy) associated with increases in sales tax, transient occupancy tax, business licenses and other income. The increase in sales taxes is timing related as the City received and posted a sales tax payment that didn't post until early October last fiscal year. The increase in business licenses is related to the fee structure change and approximately \$20k is related to businesses opting to pay for a 3 year business license which is considered unearned revenue and will be moved into the next fiscal year during the year-end close. The increase in other income is associated to the final insurance reimbursement for the Police Department 2015 Chevy Tahoe and is a one-time revenue. General Fund revenues received at \$726k were 20%

(not quite 25% associated to timing in receipt of property taxes) of the \$3.5 million budget. Extracting the \$20k of unearned revenue, the additional sales tax payment of \$60.8k and the insurance claim reimbursement of \$11.2k would leave revenues at \$634k for the 1st quarter still higher comparatively yoy.

As of September 30, 2016, the General Fund expenditures were at \$1.26 million vs. \$1.04 million September 30, 2015, an increase of \$222k yoy. General Administration expenditures at \$230k were 24% of the \$949k operational and capital budget. The Fire Department expenditures at \$233k were 34% of the \$803k operational and capital. Salary and benefit costs for two of the new Firefighters will be covered by Measure “L” funds for the first 9 months of fy 16/17. The City has secured funding through ballot Measure “C” for the three additional positions that were added at Station 54 to replace those removed by the Consolidated Fire District. The City will begin using these funds for the three positions beginning April 2017 upon receipt of the first new special tax revenue installment. The Police Department expenditures at \$529k were 32% of the \$1.66 million budget. The Department of Public Works expenditures at \$109k were 27% of the \$409k operational budget. The Parks and Recreation Department expenditures at \$101k were 37% of the \$273k budget. The Park and Recreation Department’s budget overage as of the end of the 1st quarter for fy 15/16 was tied to the seasonality of the expenditures for the pool and pool programs. The Veteran’s Building expenditures at \$12k were 24% of the \$49k budget. Typically at the completion of the 1st quarter departmental expenditures should be approximately 25% of budget. Overall operational expenditures at \$1.04 million were 28% of the \$3.73 million budget.

The General Fund had expenditures exceeding revenues of \$532k as of September 30, 2016, higher than the previous fiscal year because the City had capital outlay expenditures in the Fire Department and the Police Department that were not expended in the 15/16 fiscal year. The City has a positive unassigned fund balance of \$591k ending fy 15/16 and has maintained a continued improving economic financial position over the last five fiscal years. It continues to be crucial that City Staff monitor incoming revenues and prioritize and review program expenditures to support preserving and improving the current financial status.

As of September 30, 2016, Special Fund revenues were \$559k and were 15% of the \$3.69 million budget. The City’s two special tax measures have performing on budget. The City has received \$154k in Measure “S” sales tax revenues and were 26% of the \$595k budget, and \$114k in Measure “L” sales tax revenues and were 26% of \$435k budget. Most Special Fund revenues are tied to the timing of expenditures by the City and reimbursement based.

As of September 30, 2016, the Special Fund expenditures including capital outlay were \$181k and were 1% of the overall \$3.8 million budget. Special Fund expenditures are all timing related.

As of September 30, 2016, the Water Fund revenues were \$180k vs. \$162k September 30, 2015. The increase in Water Fund revenues of \$18.3k was associated to increased water consumption compared to the same time last year. Water Fund revenues received at \$180k were 24% of the \$762k budget.

As of September 30, 2016 the Water Fund expenditures were at \$192k vs. \$178k September 30, 2015. The increase of \$14k in Water Fund expenditures was associated primarily to an increase in water equipment repair and maintenance and the purchase of NID water. The Water Department and Water Distribution fund with expenditures of \$191k were 25% of the \$778k operational and capital budget.

The Water Fund had expenditures exceeding revenues of \$12k as of September 30, 2016. The Water Fund had been experiencing an improved unrestricted financial position, however, has experienced continued erosion ending fy 14/15 at \$(168k) and now ending fy 15/16 \$(324k). If conservation practices of recent years remain, the City will continue to experience a slowing in Water Fund revenues, and with the increase in expenditures for necessary repairs, it is critical that City Staff explore efficiencies in operations and reductions in expenditures to maintain the improving financial position of the Water Fund.

As of September 30, 2016, the Wastewater Fund revenues were \$244k vs. \$187k September 30, 2015. The increase in Wastewater Fund revenues of \$56k was associated to the fee structure revenue collection correction. Last fiscal year the financial system was programmed incorrectly and the City was under billing wastewater charges. The error was found and corrected and the City has been collecting the correct amount including back charges. Wastewater Fund revenues received at \$244k were 20% of the \$1.3 million budget.

As of September 30, 2016, the Wastewater Fund expenditures were at \$483k vs. \$466k September 30, 2015. The increase of \$17k in Wastewater Fund expenditures was associated to capital outlay of \$88k for the Wastewater Treatment Plant. The Wastewater Department and Wastewater Distribution fund with expenditures of \$483k were 29% of the \$1.67 million operational and capital outlay budget.

The Wastewater Fund had expenditures exceeding revenues of \$238k as of September 30, 2016. The Wastewater Fund continues to maintain a positive fund position with an

unrestricted balance of \$2.0 million ending fy 15/16. However, the last 3 fiscal years has experienced significant erosion. City Staff will need to closely monitor incoming revenues, which wastewater rates have not been adjusted since 2005, and prioritize and review operational and capital expenditures to support preserving and improving the wastewater fund financial status.

ATTACHMENTS:

- Fund Financial Status Report
- Statement of Condition
- Revenue and Expenditure Report (General Fund, Special Funds, Water Fund & Sewer Fund)
- Major Revenue Graphs

City of Nevada City - Investment Schedule 2016/2017

<u>Institution</u>	<u>Amount</u>	<u>Rate</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Term</u>	<u>FDIC #</u>	<u>FDIC Ins.</u>
Ally Bank Midvale	\$248,000	0.80%	10/30/2013	10/30/2015	2 Yr	57803	Yes
Bank of Baroda	\$248,000	1.00%	2/4/2014	2/6/2017	3 Yr	33681	Yes
GE Capital Retail Bank	\$248,000	1.05%	4/11/2014	4/11/2017	3 Yr	27314	Yes
Sallie Mae	\$248,000	1.35%	9/10/2014	9/11/2017	3 Yr	58177	Yes
GE Capital Bank Inc. Retail	\$247,000	1.80%	9/8/2014	9/5/2018	4 Yr	33778	Yes

June 30, 2016

General Checking	\$ 520,846.80
Core Money Market	\$ 16,482.18
LAIF	\$ 685,523.75
Cash On Hand	\$ 1,222,852.73

CD's \$1,239,000

Total Cash \$ 2,539,805.00

City of Nevada City
Statement of Condition
September 30, 2016

<u>Cash & Investments</u>	<u>Actual</u> <u>September 30, 2016</u>	<u>Actual</u> <u>September 30, 2015</u>
Checking	\$ 520,847	\$ 517,289
Core Account	\$ 16,482	\$ 16,474
LAF	\$ 685,524	\$ 1,031,635
Certificates of Deposit	\$ 1,239,000	\$ 1,487,000
Fire Department	\$ 77,953	\$ 67,630
Petty Cash	\$ 475	\$ 175
Total Cash & Investments	\$ 2,540,280	\$ 3,120,203

<u>Debt Governmental Activities</u>	<u>Balance</u> <u>September 30, 2016</u>	<u>Balance</u> <u>September 30, 2015</u>	<u>Comments</u>
Leases:			
Ford Motor Credit Municipal	\$ -	\$ 14,598	Payments made once yearly Apr
Loans:			
Total Governmental Debt	\$ -	\$ 14,598	

<u>Debt Business Type Activities (Water&Wastewater)</u>	<u>Balance</u> <u>September 30, 2016</u>	<u>Balance</u> <u>September 30, 2015</u>	<u>Comments</u>
COP's:			
Citizens - Wastewater Treatment Plant Refunding 2008	\$ 501,097	\$ 562,224	Payments made twice yearly Jun/Dec
USDA - Wastewater COP's Series 2005	\$ 1,895,000	\$ 1,928,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & Int)
USDA - Wastewater COP's Series 2007	\$ 1,619,000	\$ 1,646,000	Payments made twice yearly Dec/July (1st pmt Int only/2nd pmt princ. & Int)
Loan:			
First Security Finance - Water Plant Bond Refi	\$ 94,771	\$ 143,615	Payments made twice yearly Mar/Sept
Total Business Type Debt	\$ 4,109,868	\$ 4,279,839	

<u>PERs projected Contribution Rates:</u>	<u>Empl. Contrib. 16/17</u>	<u>Empl. Contrib. 15/16</u>	<u>Unfunded Accrued Liability as of 6/30/16</u>
Miscellaneous Employees (4% employee contrib. as of 07/15)	23.465%+ 8%	18.197%+ 8%	\$ 1,650,904
Safety Employees (Fire 4% & PD 6.5% employee contrib. as of 7/15)	36.272%+ 9%	27.27%+ 9%	\$ 1,940,102
2nd Tier Retirement (employee contributes 6% towards 7% employee portion)	7.806%+7%	7.271%+7%	\$ 3,270
Safety Employees (2%@60)	13.117%+7%	12.212%+7%	\$ 2,068
PEPRA (new members)			
Miscellaneous Employees (2%@62)(Employee contributes 6.25%)	6.533% + 6.25%	6.209% + 6.25%	\$ 2,000
Safety Employees (2.7%@57) (Employee contributes 9.5%)	9.513% + 9.5%	9.069% + 9.5%	\$ 2,921
			\$ 3,601,265

City of Nevada City
Revenues & Expenditures General Fund
September 30, 2016

	Actual September 30, 2016	Actual September 30, 2015	Adopted Annual Budget FY 16/17	\$\$ Annual Budget	% Annual Budget
Revenues - Governmental Activities					
Sales Taxes	\$ 251,990	\$ 173,963	\$ 948,000	\$ (696,010)	27%
Property Taxes (includes prop tax in lieu of VLF)	\$ 61,563	\$ 53,873	\$ 1,410,960	\$ (1,349,397)	4%
Transient Occupancy Taxes	\$ 95,395	\$ 86,263	\$ 331,000	\$ (235,605)	29%
Franchises	\$ 26,733	\$ 27,113	\$ 145,850	\$ (119,117)	18%
Licenses	\$ 80,571	\$ 54,683	\$ 74,620	\$ 5,951	108%
Planning	\$ 5,980	\$ 3,860	\$ 35,000	\$ (29,020)	17%
Parks & Recreation	\$ 45,387	\$ 38,918	\$ 152,300	\$ (106,913)	30%
Veteran's Building	\$ 3,909	\$ 3,261	\$ 14,000	\$ (10,091)	28%
Parking Meters	\$ 31,755	\$ 28,331	\$ 90,000	\$ (58,245)	35%
Safety (includes PD POST, Fire Department/Strike, Asset Forfeiture/muff etc)	\$ 71,825	\$ 44,648	\$ 220,450	\$ (148,625)	33%
Grants	\$ -	\$ -	\$ 14,000	\$ (14,000)	0%
All Other Revenues	\$ 50,842	\$ 40,775	\$ 105,275	\$ (54,433)	48%
Total Governmental Revenue	\$ 725,950	\$ 555,688	\$ 3,541,455	\$ (2,761,072)	20%

Funds from Other Financing Sources
Transfers in (fire taxes, CABY Admin., SLESF, Prop 172, Measure 'L')

\$ -	\$ -	\$ -	\$ 680,215
\$ 725,950	\$ 555,688	\$ 4,221,670	

TOTAL GENERAL FUND REVENUES

Expenditures - Governmental Activities					
General Government (Finance & Administration)					
Capital Outlay	\$ 126,432	\$ 124,180	\$ 509,093	\$ (382,661)	25%
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ 5,000	\$ (5,000)	
City Council	\$ 1,625	\$ 736	\$ (356,727)	\$ (17,825)	8%
A-87 Cost Allocation Adjustment	\$ 646	\$ 246	\$ 1,668	\$ (4,954)	12%
Planning Commission	\$ -	\$ -	\$ 467	\$ (85,994)	19%
A-87 Cost Allocation Adjustment	\$ 20,186	\$ 15,674	\$ 106,180	\$ -	26%
City Attorney	\$ 35,355	\$ 40,778	\$ 135,668	\$ (100,313)	
City Planner	\$ -	\$ -	\$ 18,311	\$ -	27%
City Manager	\$ 45,451	\$ 39,098	\$ 165,278	\$ (119,827)	
A-87 Cost Allocation Adjustment	\$ -	\$ -	\$ -	\$ -	
Capital Outlay	\$ -	\$ -	\$ (50,631)	\$ -	27%
A-87 Cost Allocation Adjustment	\$ 696	\$ 596	\$ 2,584	\$ (1,888)	31%
City Clerk&Treasurer	\$ 232,514	\$ 172,448	\$ 753,125	\$ (520,611)	84%
Fire Department	\$ 42,244	\$ -	\$ 50,000	\$ (7,756)	31%
Capital Outlay	\$ -	\$ -	\$ 30,407	\$ -	31%
A-87 Cost Allocation for Administrative Staff - Charge to FD	\$ 512,009	\$ 411,953	\$ 1,644,146	\$ (1,132,137)	115%
Police Department	\$ 17,224	\$ -	\$ 15,000	\$ 2,224	26%
Capital Outlay	\$ -	\$ -	\$ 70,201	\$ (282,600)	5%
A-87 Cost Allocation for Administrative Staff - Charge to PD	\$ 99,823	\$ 108,842	\$ 382,423	\$ (17,963)	36%
Public Works (b&g, streets)	\$ 637	\$ -	\$ 18,600	\$ (17,963)	
Capital Outlay	\$ -	\$ -	\$ 56,189	\$ -	
A-87 Cost Allocation for Administrative Staff - Charge to PW	\$ 2,295	\$ 8,031	\$ 44,200	\$ (35,869)	27%
Community Agency Support	\$ 107,581	\$ 101,266	\$ 297,848	\$ (190,267)	
Park and Recreation (p&r, pool, summer prg.)	\$ -	\$ -	\$ -	\$ -	
Capital Outlay	\$ -	\$ -	\$ 55,369	\$ (35,139)	
A-87 Cost Allocation for Administrative Staff - Charge to P&R	\$ 12,845	\$ 11,890	\$ 47,984	\$ (35,139)	31%
Veteran's Building	\$ -	\$ -	\$ 1,192	\$ -	
A-87 Cost Allocation for Administrative Staff - Veteran's Building	\$ -	\$ -	\$ 4,028,625	\$ (2,867,571)	
Total General Fund Expenditures	\$ 1,257,564	\$ 1,035,737	\$ 4,028,625	\$ (2,867,571)	31%

\$ (531,614)	\$ (480,049)	\$ 193,045
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NET GENERAL FUND REVENUES/EXPENDITURES

**City of Nevada City
Revenues & Expenditures Committed Funds
September 30, 2016**

<u>Revenues - Special</u>	Fund	<u>Actual</u> <u>September 30, 2016</u>	<u>Adopted Annual Budget</u> <u>FY 16/17</u>	<u>Variance to</u> <u>Budget</u>
AB1600 Mitigation Fees	200	\$ 74	\$ 10,620	\$ (10,546)
Donation Projects	205	-	-	-
Highway Bridge Grant Project	209	-	225,000	(225,000)
Gas Tax	210	23,139	70,970	(47,831)
NCTC RSTP & Local Ped & Bike	212/213	-	147,000	(147,000)
CMAQ Streets and Roads	215	24,212	222,000	(197,788)
Regional Traffic Mitigation	217	-	3,880	(3,880)
FEMA Grant	218	2,918	-	2,918
Little Deer Creek	227	18,590	150,000	(131,410)
Brownsfield '10 Grant Reimbursement	229	-	-	-
Fire Tax	230/231	4,977	99,780	(94,803)
NC Rec/Quimby Park & Recreation Mitigation	241	-	19,800	(19,800)
CDBG-Enterprise	250	-	186,000	(186,000)
CABY - Nev City	265	97,806	850,500	(752,694)
CABY - Washington	266	82,333	537,665	(455,332)
Prop 172	271	9,715	30,000	(20,285)
SLESF - Supplemental Law Enforcement	273	25,021	100,175	(75,154)
Measure "L" Sales Tax	280	113,563	434,500	(320,937)
Constitution Day	710	3,250	6,000	(2,750)
Measure "S" Sales Tax	715	153,675	594,850	(441,175)
Special Revenue Interest		38	430	(392)
Total Special Revenue		\$ 559,310	\$ 3,689,170	\$ (3,129,469)

Expenditures - Special Revenue Activities

AB1600	200	\$ 4,499	\$ 15,000	\$ (10,501)
Donation Projects	205	-	500	(500)
Highway Bridge Grant Project	209	-	-	-
<i>Capital Outlay</i>		26,510	225,000	(198,490)
Gas Tax	210	49,400	25,000	24,400
<i>Capital Outlay</i>		-	75,000	(75,000)
NCTC RSTP & Local Ped & Bike	212/213	-	147,000	(147,000)
CMAQ - ST&RD	215	-	-	-
<i>Capital Outlay</i>		3,520	222,000	(218,480)
Regional Traffic Mitigation	217	-	3,880	(3,880)
FEMA Grant	218	3,428	-	3,428
Indian Trails	220	800	1,000	(200)
LWCF-Pool Rehab	224	269	-	269
Little Deer Creek	227	7,812	150,000	(142,188)
Brownsfield '10	229	2,058	-	2,058
Fire Tax	230/231	-	99,780	(99,780)
NC Rec/Quimby Park & Recreation Mitigation	241	-	-	-
<i>Capital Outlay</i>		-	19,800	(19,800)
CDBG	250	-	-	-
<i>Capital Outlay</i>		-	186,000	(186,000)
CABY - Nev City	265	-	714,000	(714,000)
<i>Capital Outlay</i>		374	136,500	(136,126)
CABY - Washington	266	5,435	537,665	(532,230)
Prop 172	271	-	30,000	(30,000)
Mathivet	272	-	25,000	(25,000)
SLESF - Supplemental Law Enforcement	273	-	100,000	(100,000)
Measure "L"	280	34,232	388,525	(354,293)
<i>Capital Outlay</i>		-	217,000	(217,000)
Constitution Day	710	3,200	6,000	(2,800)
Measure "S"	715	36,005	110,210	(74,205)
<i>Capital Outlay</i>		3,201	400,000	(396,799)
<i>A-87 Cost Allocation for Administrative Staff - Charge to</i>				
Total Special Revenue Expenditures		\$ 180,742	\$ 3,834,860	\$ (3,654,118)

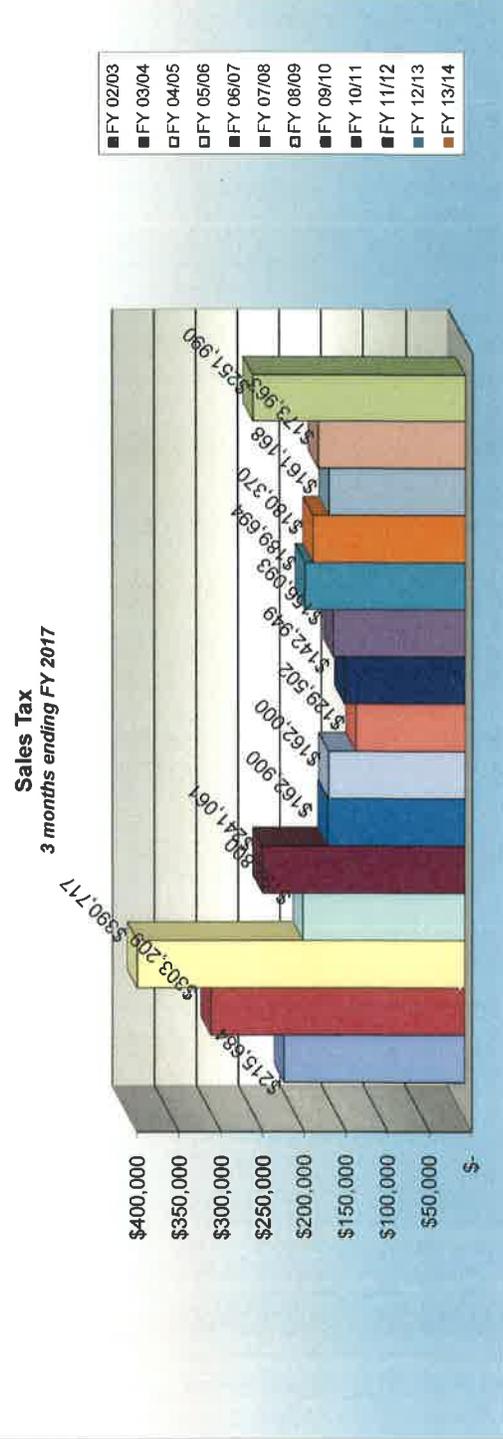
**City of Nevada City
Revenues & Expenditures Enterprise Funds
September 30, 2016**

	Actual September 30, 2016	Actual September 30, 2015	Annual Budget FY 16/17	Annual Budget FY 16/17	%
	\$	\$	\$	\$	Annual Budget
Water Fund Revenues					
Water Fund (includes interest)	179,947	161,660	762,030	762,030	24%
Water AB1600 Mitigation	7	-	-	-	
Total Water Revenues	179,954	161,660	762,030	762,030	24%
Water Fund Expenditures					
Water Plant	146,577	127,402	381,371	381,371	38%
Capital Outlay	3,775	135	105,000	105,000	4%
Water Distribution	40,867	50,775	204,165	204,165	20%
Capital Outlay	637	-	15,300	15,300	
A-87 Cost Allocation for Administrative Staff - Charge to Water	-	-	72,338	72,338	
Total Water Expenditures	191,856	178,312	778,174	778,174	25%
NET WATER FUND REVENUES/EXPENDITURES	(11,902)	(16,652)	(16,144)	(16,144)	
Wastewater Fund Revenues					
Wastewater Plant (includes interest)	232,435	187,584	1,216,945	1,216,945	19%
Wastewater - Program Income	12,000	-	35,000	35,000	
Wastewater AB1600 Mitigation	-	-	-	-	
Total Wastewater Revenues	244,435	187,584	1,251,945	1,251,945	20%
Wastewater Fund Expenditures					
Wastewater Plant	357,883	341,287	986,845	986,845	36%
Capital Outlay	88,309	35,073	215,000	215,000	41%
Wastewater Collection	36,076	52,252	176,230	176,230	20%
Capital Outlay	637	37,540	202,735	202,735	0%
A-87 Cost Allocation for Administrative Staff - Charge to Wastewater	-	-	89,233	89,233	
Total Wastewater Expenditures	482,905	466,153	1,670,043	1,670,043	29%
NET WASTEWATER FUND REVENUES/EXPENDITURES	(238,470)	(278,568)	(418,098)	(418,098)	

YTD Analysis Sales Tax (includes property in lieu of sales tax)

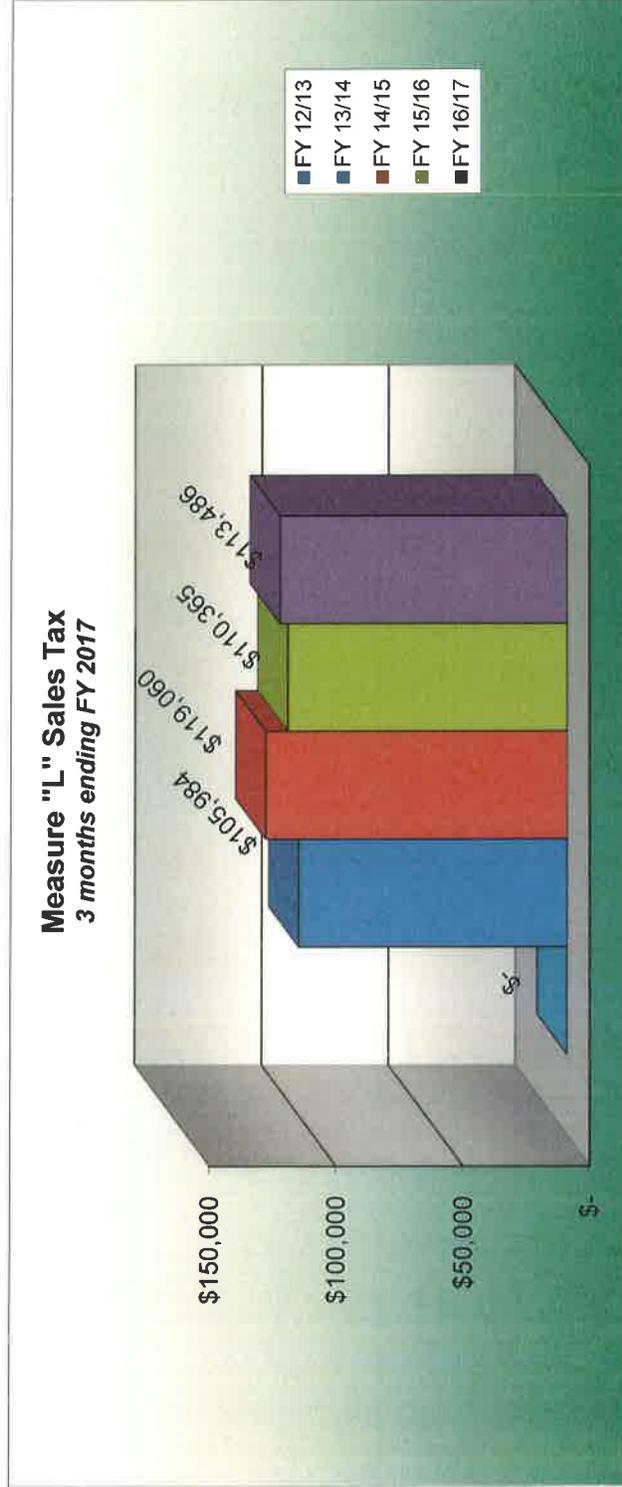
3200-107

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03	\$ 63,300	\$ 76,900	\$ 75,484	\$ 64,100	\$ 81,000	\$ 123,550	\$ 72,500	\$ 96,700	\$ 117,170	\$ 64,700	\$ 86,200	\$ 67,900	\$ 989,504
			\$ 215,684										
FY 03/04	\$ 62,500	\$ 73,900	\$ 166,809	\$ 69,800	\$ 93,000	\$ 118,483	\$ 84,900	\$ 113,200	\$ 124,281	\$ 63,800	\$ 85,100	\$ 104,040	\$ 1,159,813
			\$ 303,209										
FY 04/05	\$ 78,400	\$ 104,500	\$ 207,817	\$ 57,300	\$ 76,400	\$ 85,698	\$ 74,000	\$ 98,700	\$ -	\$ 147,721	\$ 77,300	\$ 58,957	\$ 1,066,793
			\$ 390,717										
FY 05/06	\$ 82,600	\$ 110,200	\$ -	\$ 94,004	\$ 73,700	\$ 114,885	\$ 202,709	\$ 105,000	\$ -	\$ 99,035	\$ 212,337	\$ 89,076	\$ 1,183,547
			\$ 192,800										
FY 06/07	\$ 75,600	\$ 100,800	\$ 64,961	\$ 62,700	\$ 83,700	\$ 117,358	\$ 206,922	\$ 101,300	\$ -	\$ 150,002	\$ 200,622	\$ 91,491	\$ 1,255,156
			\$ 241,061										
FY 07/08	\$ 69,800	\$ 93,100	\$ -	\$ 137,713	\$ 58,800	\$ 64,326	\$ 261,046	\$ 107,800	\$ 42,475	\$ 45,700	\$ 241,146	\$ 109,416	\$ 1,231,322
			\$ 162,900										
FY 08/09	\$ -	\$ 78,700	\$ 83,300	\$ 50,100	\$ 66,800	\$ 120,161	\$ 162,516	\$ 81,400	\$ -	\$ -	\$ 106,987	\$ 152,525	\$ 902,489
			\$ 162,000										
FY 09/10	\$ 56,100	\$ 66,500	\$ 6,902	\$ 51,400	\$ -	\$ 73,747	\$ 154,471	\$ -	\$ 97,734	\$ 28,400	\$ 148,071	\$ 31,725	\$ 715,050
			\$ 129,502										
FY 10/11	\$ 36,500	\$ 48,700	\$ 57,749	\$ 35,100	\$ 46,800	\$ 96,873	\$ 123,798	\$ 63,700	\$ 36,695	\$ 34,100	\$ 125,998	\$ 62,874	\$ 766,887
			\$ 142,949										
FY 11/12	\$ 41,800	\$ 55,800	\$ 58,493	\$ 44,800	\$ 44,000	\$ 79,233	\$ 154,208	\$ 62,200	\$ 59,591	\$ 35,900	\$ 155,408	\$ 75,347	\$ 866,780
			\$ 156,093										
FY 12/13	\$ 43,800	\$ 58,400	\$ 87,494	\$ 52,200	\$ 69,600	\$ 35,096	\$ 164,179	\$ 67,700	\$ 44,530	\$ 41,500	\$ 168,679	\$ 66,270	\$ 899,448
			\$ 189,694										
FY 13/14	\$ 52,300	\$ 69,700	\$ 58,370	\$ 46,300	\$ 61,700	\$ 56,847	\$ 161,122	\$ 65,900	\$ 60,167	\$ 36,100	\$ 159,922	\$ 97,309	\$ 925,737
			\$ 180,370										
FY 14/15	\$ 54,200	\$ 72,200	\$ 34,768	\$ 45,500	\$ 60,700	\$ 75,592	\$ 179,747	\$ 71,000	\$ 49,672	\$ 45,200	\$ 186,647	\$ 80,897	\$ 956,123
			\$ 161,168										
FY 15/16	\$ 48,264	\$ 63,800	\$ 61,898	\$ 49,600	\$ 66,200	\$ 52,000	\$ 51,300	\$ 68,500	\$ 75,726	\$ 57,700	\$ 76,800	\$ 87,926	\$ 759,715
			\$ 173,963										
FY 16/17	\$ 62,100	\$ 82,800	\$ 107,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 251,990
			\$ 251,990										



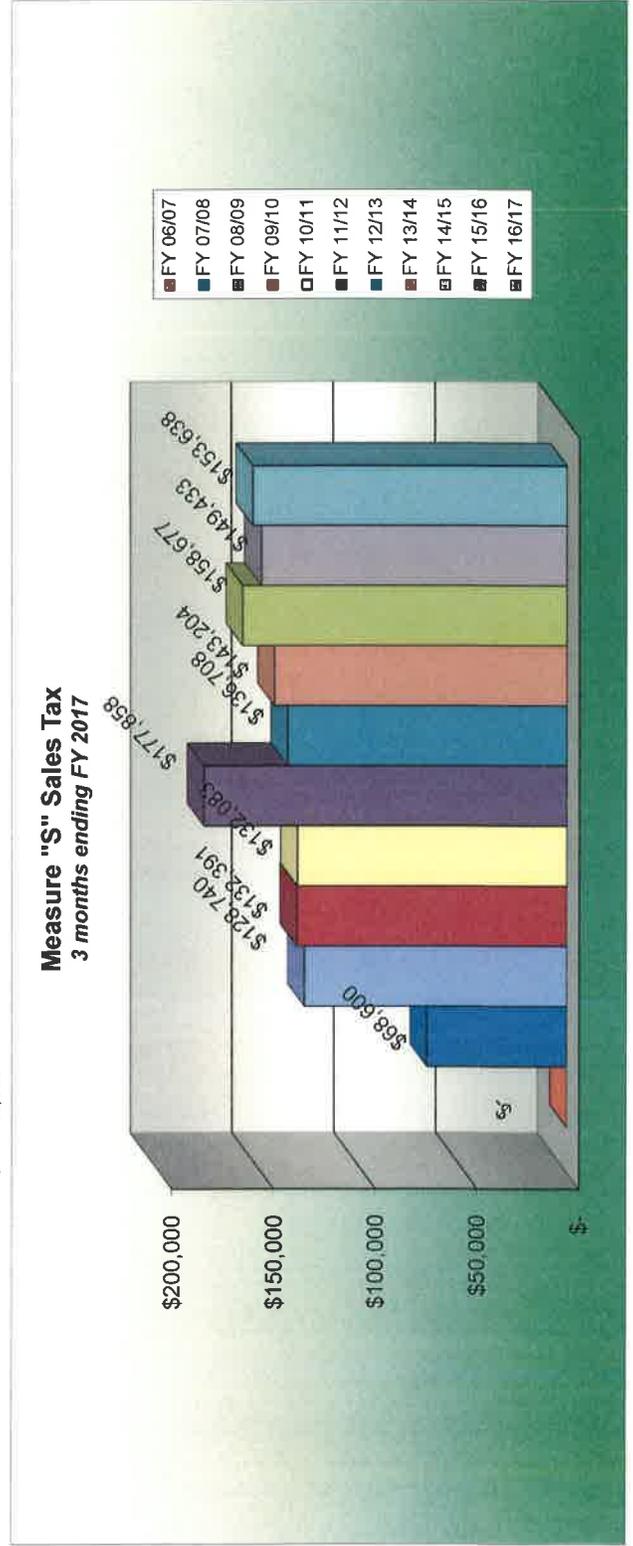
**YTD Analysis Measure "L" Sales Tax
3200-107**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 12/13			\$ -							\$ 26,822	\$ 26,400	\$ 35,200	\$ 88,422
FY 13/14	\$ 26,400	\$ 35,200	\$ 44,384	\$ 30,200	\$ 40,200	\$ 36,796	\$ 30,500	\$ 40,700	\$ 45,879	\$ 31,700	\$ 42,200	\$ 20,971	\$ 425,130
			\$ 105,984										
FY 14/15	\$ 29,100	\$ 38,800	\$ 51,160	\$ 30,400	\$ 40,500	\$ 45,730	\$ 33,000	\$ 44,000	\$ 26,978	\$ 25,500	\$ 34,000	\$ 61,573	\$ 460,741
			\$ 119,060										
FY 15/16	\$ 33,200	\$ 44,200	\$ 32,965	\$ 32,600	\$ 43,500	\$ 22,286	\$ 32,800	\$ 43,700	\$ 36,510	\$ 28,100	\$ 37,500	\$ 23,889	\$ 411,250
			\$ 110,365										
FY 16/17	\$ 30,300	\$ 40,400	\$ 42,786										\$ 113,486
			\$ 113,486										



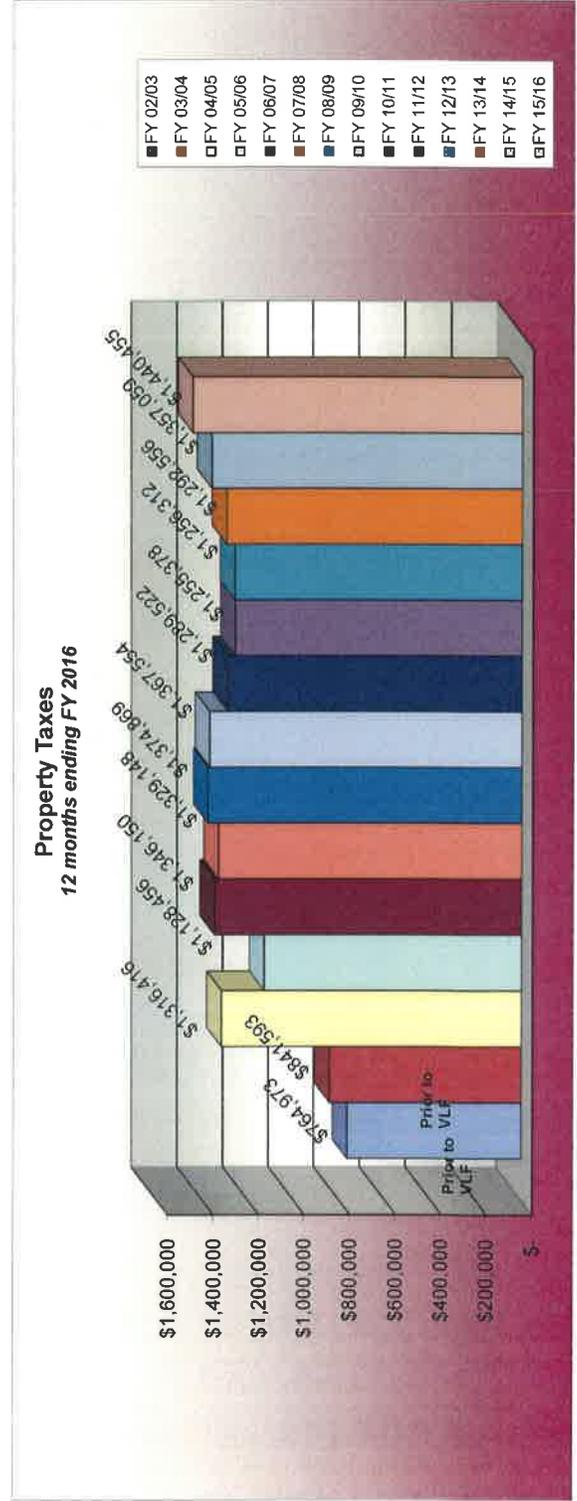
**YTD Analysis Measure "S" Sales Tax
3200-107**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 06/07													
FY 07/08	\$ 29,400	\$ 39,200	\$ -	\$ 79,769	\$ 42,100	\$ 100,974	\$ 40,100	\$ 53,400	\$ 79,588	\$ 22,600	\$ 30,100	\$ 137,228	\$ 654,459
FY 08/09	\$ 48,800	\$ 48,800	\$ 68,600	\$ 45,200	\$ 60,200	\$ 63,900	\$ 51,400	\$ 56,300	\$ -	\$ 47,701	\$ 33,100	\$ 101,532	\$ 588,073
FY 09/10	\$ 37,200	\$ 49,600	\$ 128,740	\$ 40,200	\$ 44,700	\$ 41,377	\$ 38,000	\$ -	\$ 86,066	\$ 28,100	\$ 41,000	\$ 43,297	\$ 495,131
FY 10/11	\$ 35,100	\$ 46,800	\$ 132,391	\$ 36,800	\$ 49,000	\$ 51,244	\$ 38,300	\$ 51,100	\$ 44,096	\$ 30,100	\$ 44,200	\$ 52,610	\$ 529,534
FY 11/12	\$ 37,600	\$ 50,100	\$ 132,083	\$ 37,000	\$ 49,300	\$ 65,276	\$ 41,100	\$ 54,800	\$ 44,133	\$ 32,300	\$ 43,100	\$ 93,994	\$ 638,861
FY 12/13	\$ 51,300	\$ 68,400	\$ 177,858	\$ 43,500	\$ 58,000	\$ 51,363	\$ 42,400	\$ 56,400	\$ 41,623	\$ 33,600	\$ 44,800	\$ 34,587	\$ 542,981
FY 13/14	\$ 41,900	\$ 55,800	\$ 136,708	\$ 45,900	\$ 61,200	\$ 34,106	\$ 42,700	\$ 56,900	\$ 48,950	\$ 35,400	\$ 47,200	\$ 43,217	\$ 558,777
FY 14/15	\$ 40,600	\$ 54,100	\$ 143,204	\$ 40,900	\$ 54,600	\$ 61,086	\$ 44,200	\$ 58,900	\$ 38,774	\$ 34,400	\$ 45,800	\$ 39,251	\$ 576,588
FY 15/16	\$ 44,700	\$ 59,600	\$ 158,677	\$ 44,000	\$ 58,600	\$ 29,429	\$ 44,000	\$ 58,600	\$ 52,555	\$ 38,500	\$ 51,300	\$ 31,193	\$ 557,609
FY 16/17	\$ 40,800	\$ 54,400	\$ 149,433	\$ 40,800	\$ 54,400	\$ 58,438	\$ 58,638						\$ 153,638



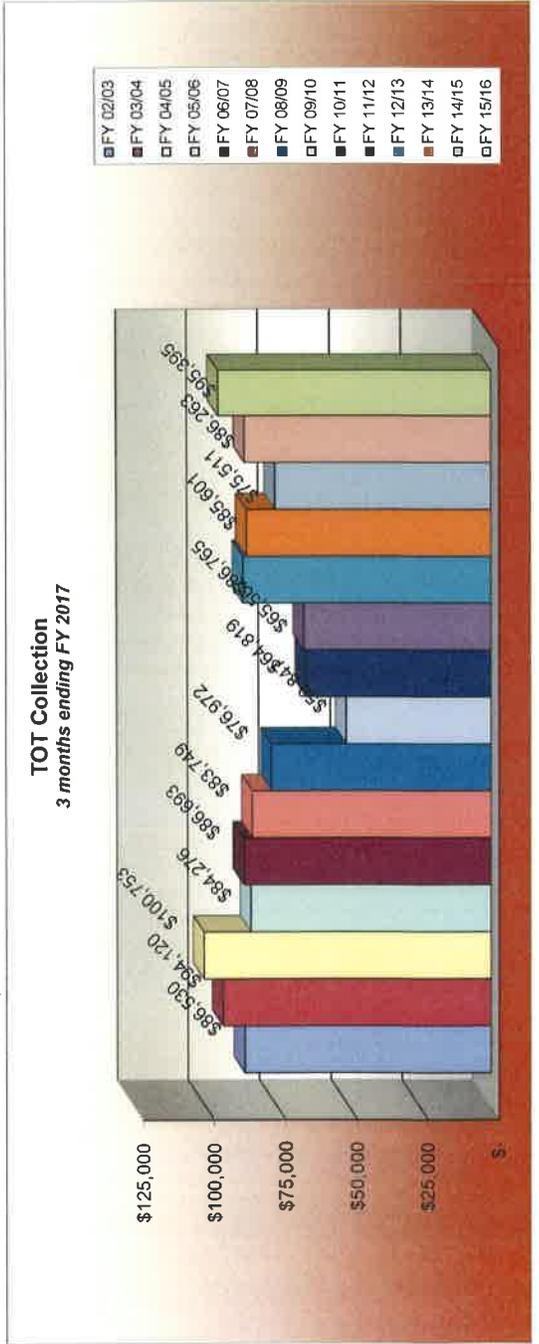
**YTD Analysis Property Taxes
3100**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03						\$ 20	\$419,355				\$ 303,583	\$ 42,015	\$ 764,973
FY 03/04							\$439,225				\$ 140,135	\$262,233	\$ 841,593
FY 04/05							\$451,229				\$ 793,856	\$ 71,331	\$ 1,316,416
FY 05/06							\$615,649				\$ 439,110	\$ 73,696	\$ 1,128,456
FY 06/07							\$775,021				\$ 505,087	\$ 66,041	\$ 1,346,150
FY 07/08							\$725,621				\$ 541,000	\$ 62,527	\$ 1,329,148
FY 08/09							\$757,317				\$ 555,497	\$ 62,054	\$ 1,374,869
FY 09/10							\$744,833				\$ 567,056	\$ 55,666	\$ 1,367,554
FY 10/11							\$705,616				\$ 534,009	\$ 49,896	\$ 1,289,522
FY 11/12							\$686,226				\$ 522,126	\$ 47,026	\$ 1,255,378
FY 12/13							\$689,971				\$ 515,379	\$ 50,963	\$ 1,256,312
FY 13/14							\$704,881				\$ 530,673	\$ 57,001	\$ 1,292,556
FY 14/15							\$746,043				\$ 557,144	\$ 53,873	\$ 1,357,059
FY 15/16							\$763,539				\$ 615,353	\$ 61,563	\$ 1,440,455



**YTD Analysis Transient Occupancy Tax
3200-106**

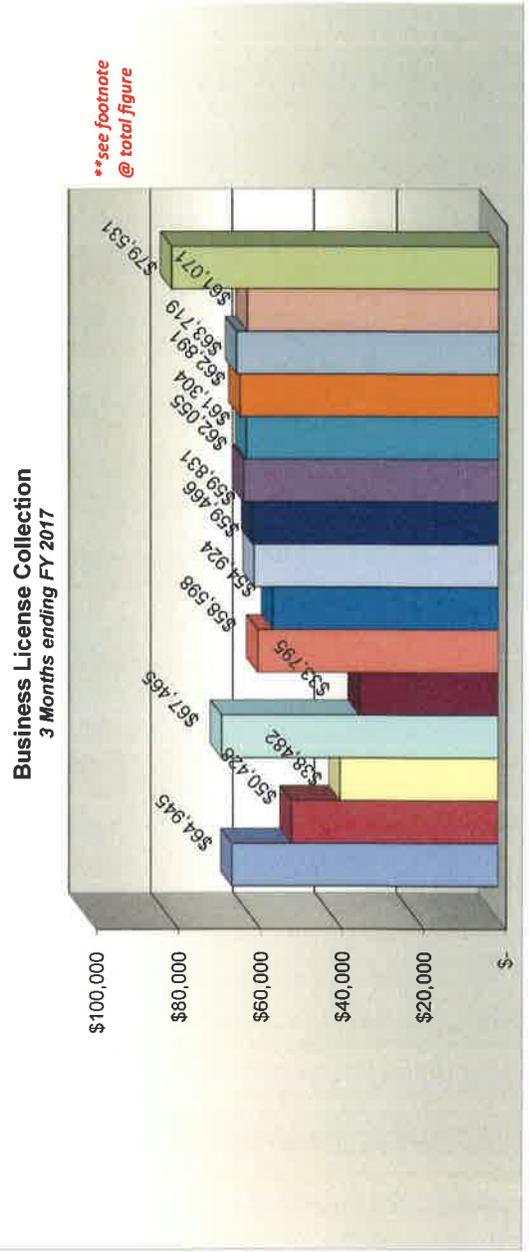
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03	\$ 57,886	\$ 25,244	\$ 3,400	\$ 62,205	\$ 32,690	\$ 8,046	\$ 54,132	\$ 24,000	\$ 3,569	\$ 37,733	\$ 15,546	\$ 22,222	\$ 346,672
			\$ 86,530										
FY 03/04	\$ 62,309	\$ 19,941	\$ 11,871	\$ 62,958	\$ 20,964	\$ 12,349	\$ 40,321	\$ 34,518	\$ 8,842	\$ 41,374	\$ 10,951	\$ 10,578	\$ 336,975
			\$ 94,120										
FY 04/05	\$ 61,619	\$ 25,050	\$ 14,084	\$ 60,440	\$ 30,827	\$ 9,106	\$ 46,591	\$ 35,178	\$ 6,329	\$ 10,349	\$ 34,107	\$ 10,662	\$ 344,342
			\$ 100,753										
FY 05/06	\$ 3,412	\$ 72,828	\$ 8,036	\$ 78,308	\$ 4,509	\$ 10,105	\$ 66,086	\$ 18,053	\$ 4,631	\$ 4,849	\$ 53,530	\$ 2,921	\$ 327,268
			\$ 84,276										
FY 06/07	\$ 19,279	\$ 59,088	\$ 7,486	\$ 74,099	\$ 20,238	\$ 16,328	\$ 17,162	\$ 57,461	\$ 6,273	\$ 19,647	\$ 35,888	\$ 10,656	\$ 344,444
			\$ 86,693										
FY 07/08	\$ 22,782	\$ 53,480	\$ 7,486	\$ 75,807	\$ 7,784	\$ 6,829	\$ 63,626	\$ 4,068	\$ 4,522	\$ 28,673	\$ 15,264	\$ 3,893	\$ 294,215
			\$ 83,749										
FY 08/09	\$ 17,503	\$ 51,500	\$ 7,969	\$ 24,812	\$ 43,993	\$ 7,987	\$ 25,032	\$ 7,618	\$ 7,358	\$ 18,375	\$ 10,039	\$ (18,827)	\$ 203,360
			\$ 76,972										
FY 09/10	\$ 18,178	\$ 25,562	\$ 7,107	\$ 32,603	\$ 8,556	\$ 11,546	\$ 18,366	\$ 13,477	\$ 6,930	\$ 12,371	\$ 8,627	\$ 16,976	\$ 180,299
			\$ 50,847										
FY 10/11	\$ 36,641	\$ 13,936	\$ 14,242	\$ 34,421	\$ 10,348	\$ 13,916	\$ 20,191	\$ 11,108	\$ 4,775	\$ 12,078	\$ 15,478	\$ (201)	\$ 186,933
			\$ 64,819										
FY 11/12	\$ 20,422	\$ 32,092	\$ 13,049	\$ 39,416	\$ 15,389	\$ 19,049	\$ 33,209	\$ 18,064	\$ 5,239	\$ 26,328	\$ 14,286	\$ 31,110	\$ 267,654
			\$ 65,562										
FY 12/13	\$ 30,720	\$ 26,910	\$ 29,135	\$ 44,698	\$ 22,224	\$ 11,635	\$ 34,497	\$ 15,100	\$ 7,129	\$ 17,782	\$ 16,834	\$ 14,218	\$ 270,883
			\$ 86,765										
FY 13/14	\$ 43,388	\$ 20,864	\$ 21,350	\$ 139,377	\$ 6,414	\$ 17,386	\$ 41,066	\$ 3,571	\$ 8,612	\$ 11,378	\$ 21,373	\$ 5,989	\$ 340,766
			\$ 85,601										
FY 14/15	\$ 52,346	\$ 13,222	\$ 9,943	\$ 25,243	\$ 42,520	\$ 14,207	\$ 26,458	\$ 34,115	\$ 5,217	\$ 41,202	\$ 1,664	\$ 21,457	\$ 287,593
			\$ 75,511										
FY 15/16	\$ 46,582	\$ 21,775	\$ 17,906	\$ 7,732	\$ 55,544	\$ 13,882	\$ 23,931	\$ 54,258	\$ 4,625	\$ 50,453	\$ 12,864	\$ 14,261	\$ 323,814
			\$ 86,263										
FY 16/17	\$ 57,419	\$ 20,595	\$ 95,395										\$ 95,395



**YTD Business Licenses
3300-120**

	<u>YTD</u>
FY 02/03	\$ 64,945
FY 03/04	\$ 50,428
FY 04/05	\$ 38,482
FY 05/06	\$ 67,465 (accrued for 05/06 audit \$35389.50)
FY 06/07	\$ 33,795 (reverse for 05/06 accrual \$35389.50 the \$35k was an unrealized overaccrual)
FY 07/08	\$ 58,598
FY 08/09	\$ 54,924
FY 09/10	\$ 59,466
FY 10/11	\$ 59,831
FY 11/12	\$ 62,055
FY 12/13	\$ 61,304
FY 13/14	\$ 62,891
FY 14/15	\$ 63,719
FY 15/16	\$ 61,071

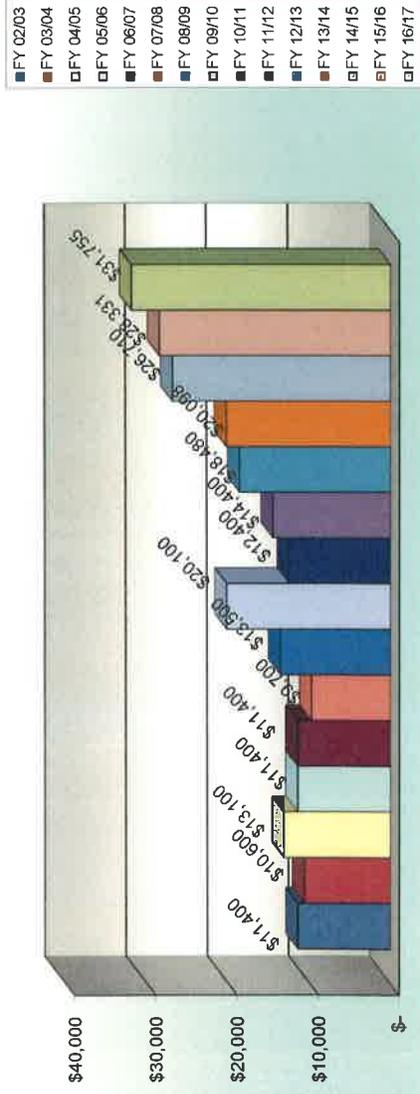
FY 16/17 \$ 79,531 ****(\$24k is unearned revenue and will be moved to future fy - based on businesses that did 3 year renewals)**



**YTD Analysis Parking Meter Collection
3700-166**

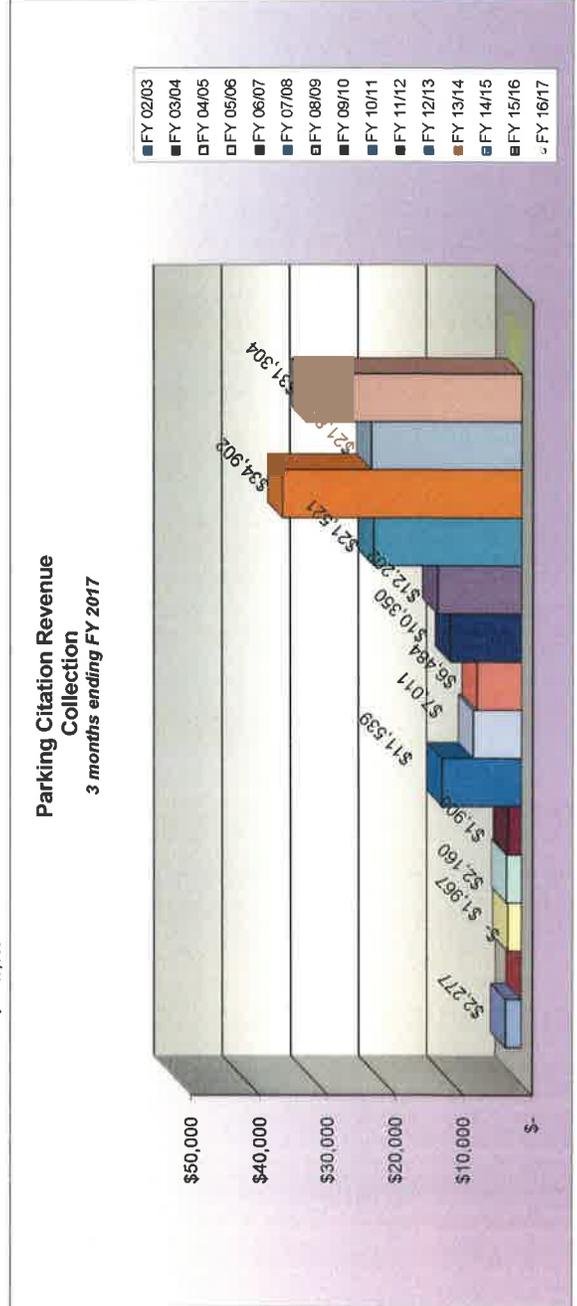
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03	\$ 4,700	\$ 2,000	\$ 4,700	\$ 3,200	\$ 3,700	\$ 3,000	\$ 2,200	\$ 4,700	\$ 3,200	\$ 3,500	\$ 6,700	\$ 3,700	\$ 45,300
		\$ 11,400											
FY 03/04	\$ 3,200	\$ 4,200	\$ 3,000	\$ 3,000	\$ 4,200	\$ 3,200	\$ 2,500	\$ 2,700	\$ 3,200	\$ 6,748	\$ -	\$ 6,900	\$ 43,048
		\$ 10,600											
FY 04/05	\$ 3,700	\$ 5,200	\$ 4,200	\$ -	\$ 4,000	\$ 4,200	\$ 2,700	\$ 3,200	\$ 3,500	\$ 4,774	\$ 2,700	\$ 3,700	\$ 41,874
		\$ 13,100											
FY 05/06	\$ 4,700	\$ 4,700	\$ 2,000	\$ 4,700	\$ 5,400	\$ 5,205	\$ -	\$ 3,700	\$ 5,700	\$ -	\$ 5,200	\$ 4,700	\$ 46,005
		\$ 11,400											
FY 06/07	\$ -	\$ 7,700	\$ 3,700	\$ 4,200	\$ -	\$ 7,400	\$ 4,000	\$ -	\$ 5,400	\$ 5,700	\$ 4,000	\$ 7,300	\$ 49,400
		\$ 11,400											
FY 07/08	\$ 2,200	\$ 7,500	\$ -	\$ 10,200	\$ 5,000	\$ -	\$ 5,500	\$ 4,125	\$ -	\$ 7,500	\$ 5,500	\$ 9,742	\$ 57,267
		\$ 9,700											
FY 08/09	\$ 3,500	\$ 5,000	\$ 5,000	\$ 6,200	\$ 5,500	\$ 11,400	\$ 6,700	\$ 7,200	\$ -	\$ 6,200	\$ 6,200	\$ 13,078	\$ 75,978
		\$ 13,500											
FY 09/10	\$ 8,200	\$ 6,700	\$ 5,200	\$ 8,200	\$ 8,200	\$ 5,200	\$ 7,200	\$ 9,215	\$ 6,200	\$ 7,385	\$ 7,200	\$ 1,822	\$ 80,722
		\$ 20,100											
FY 10/11	\$ 4,000	\$ 8,400	\$ -	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 6,400	\$ -	\$ 7,200	\$ 7,200	\$ 15,400	\$ 77,400
		\$ 12,400											
FY 11/12	\$ -	\$ 8,200	\$ 6,200	\$ 6,200	\$ 6,200	\$ 7,200	\$ 7,400	\$ 8,200	\$ 5,200	\$ 7,200	\$ 7,200	\$ 13,049	\$ 82,249
		\$ 14,400											
FY 12/13	\$ 3,080	\$ 8,200	\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,400	\$ 7,200	\$ 5,200	\$ 6,919	\$ 7,200	\$ 8,108	\$ 12,747	\$ 87,653
		\$ 16,480											
FY 13/14	\$ 6,285	\$ 6,886	\$ 6,927	\$ 7,513	\$ 7,582	\$ 6,789	\$ 12,321	\$ 60	\$ 13,092	\$ 7,026	\$ 6,310	\$ 11,088	\$ 91,879
		\$ 20,086											
FY 14/15	\$ 6,491	\$ 7,514	\$ 12,705	\$ 9,941	\$ 6,502	\$ 9,163	\$ 7,498	\$ 7,683	\$ 7,968	\$ 7,592	\$ 8,112	\$ 3,456	\$ 94,626
		\$ 26,710											
FY 15/16	\$ 7,587	\$ 14,291	\$ 6,453	\$ 8,440	\$ 7,532	\$ 6,155	\$ 6,995	\$ 6,158	\$ 8,594	\$ 8,781	\$ 8,945	\$ 5,600	\$ 95,531
		\$ 28,331											
FY 16/17	\$ 8,025	\$ 9,003	\$ 14,727	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,755
		\$ 31,755											

**Meter Revenue Collection
3 months ending FY 2017**



**YTD Analysis Parking Citations Collection
3700-162**

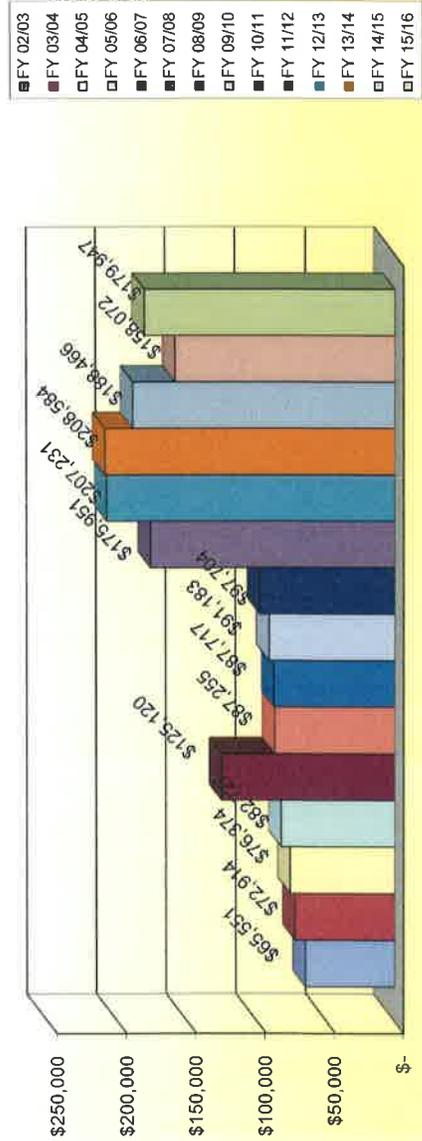
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03	\$ -	\$ -	\$ 2,277	\$ 1,054	\$ 1,666	\$ 1,626	\$ -	\$ 2,220	\$ 825	\$ 2,824	\$ -	\$ 1,718	\$ 14,210
FY 03/04	\$ -	\$ -	\$ 2,277	\$ 2,236	\$ 1,425	\$ 1,154	\$ (10)	\$ 2,882	\$ 1,762	\$ 1,576	\$ 1,938	\$ 571	\$ 13,534
FY 04/05	\$ 891	\$ 1,076	\$ -	\$ 847	\$ 1,126	\$ -	\$ 1,144	\$ (114)	\$ 1,618	\$ 450	\$ 795	\$ 1,645	\$ 9,478
FY 05/06	\$ 584	\$ 987	\$ 1,967	\$ 997	\$ 902	\$ 1,705	\$ 205	\$ 765	\$ 612	\$ 452	\$ 270	\$ 885	\$ 8,953
FY 06/07	\$ 681	\$ 716	\$ 511	\$ 1,839	\$ 2,048	\$ 2,085	\$ 1,535	\$ 1,561	\$ 965	\$ 472	\$ 865	\$ 2,170	\$ 15,448
FY 07/08	\$ 4,367	\$ 7,172	\$ 1,908	\$ 5,300	\$ 6,101	\$ 2,356	\$ 1,370	\$ 3,353	\$ 3,684	\$ 3,125	\$ 4,450	\$ 4,265	\$ 45,543
FY 08/09	\$ 1,735	\$ 3,366	\$ 11,539	\$ 3,210	\$ 2,805	\$ 1,715	\$ 1,243	\$ 2,766	\$ 4,045	\$ 3,480	\$ 2,240	\$ 3,379	\$ 31,894
FY 09/10	\$ 1,566	\$ 3,881	\$ 7,011	\$ 1,261	\$ 1,475	\$ 1,172	\$ 740	\$ 1,460	\$ 4,011	\$ 6,860	\$ 3,095	\$ 2,980	\$ 29,538
FY 10/11	\$ 1,934	\$ 4,484	\$ 6,484	\$ 4,563	\$ 1,361	\$ 2,559	\$ 1,104	\$ 2,557	\$ 1,862	\$ 2,658	\$ 3,128	\$ 2,321	\$ 32,463
FY 11/12	\$ 2,406	\$ 5,767	\$ 10,350	\$ 1,709	\$ 3,904	\$ 5,180	\$ 1,730	\$ 3,511	\$ 2,575	\$ 4,086	\$ 3,802	\$ 3,618	\$ 42,317
FY 12/13	\$ 8,740	\$ 2,053	\$ 12,202	\$ 6,705	\$ 9,054	\$ 3,161	\$ 4,436	\$ 4,165	\$ 4,718	\$ 5,760	\$ 2,752	\$ 2,309	\$ 64,581
FY 13/14	\$ 7,983	\$ 13,950	\$ 21,621	\$ 10,728	\$ 12,784	\$ 9,367	\$ 8,422	\$ 10,165	\$ 12,348	\$ 10,014	\$ 11,345	\$ 9,648	\$ 129,783
FY 14/15	\$ 1,648	\$ 12,581	\$ 34,902	\$ 7,623	\$ 8,345	\$ 5,098	\$ 3,490	\$ 2,461	\$ 7,385	\$ 8,053	\$ 8,721	\$ 8,729	\$ 80,861
FY 15/16	\$ 8,681	\$ 13,166	\$ 21,852	\$ 68	\$ 11,294	\$ 20,396	\$ 15,149	\$ 14,996	\$ 21,626	\$ 17,617	\$ 20,457	\$ 25,428	\$ 178,335
FY 16/17	\$ 18,065	\$ 15,188	\$ 47,183	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 47,183



**YTD Analysis Water Revenue
600-3800**

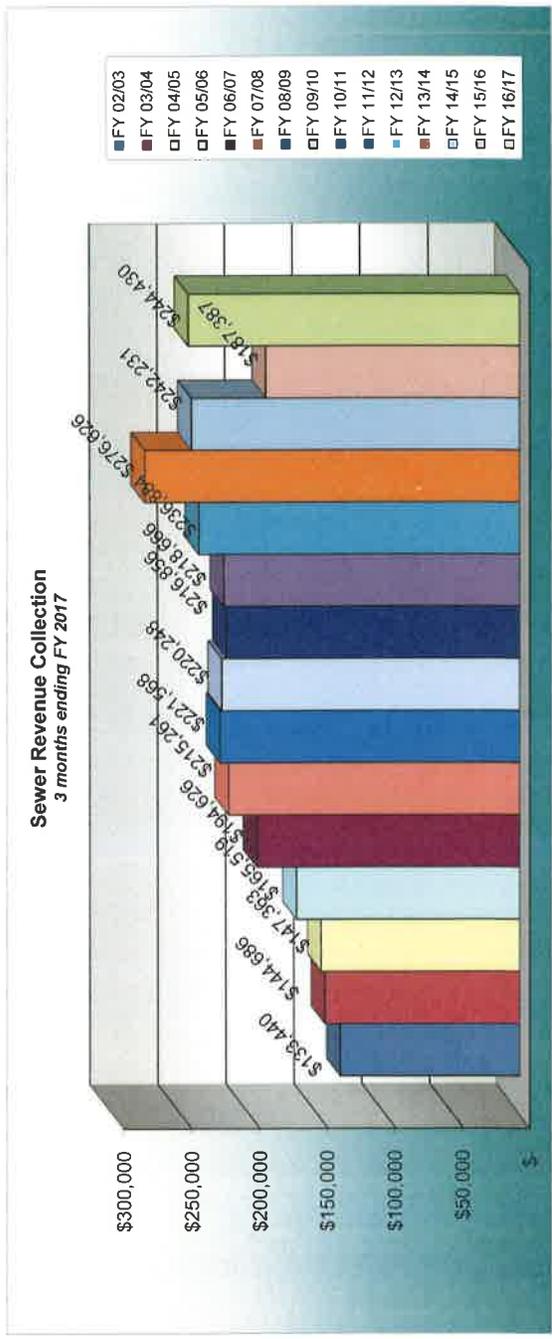
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 02/03	\$ -	\$ 65,551	\$ -	\$ 65,110	\$ (400)	\$ 64,249	\$ -	\$ 63,631	\$ (3,647)	\$ 64,131	\$ (198)	\$ 73,010	\$ 391,437
FY 03/04	\$ -	\$ 72,943	\$ (29)	\$ 70,783	\$ -	\$ 70,852	\$ -	\$ 70,292	\$ -	\$ 79,284	\$ -	\$ 110,223	\$ 474,349
FY 04/05	\$ 50	\$ 76,324	\$ -	\$ 73,476	\$ -	\$ 73,739	\$ -	\$ 61,202	\$ -	\$ 77,026	\$ -	\$ 66,403	\$ 428,220
FY 05/06	\$ -	\$ 83,311	\$ (585)	\$ 79,214	\$ -	\$ 76,535	\$ (52)	\$ 74,947	\$ -	\$ 78,957	\$ -	\$ 76,286	\$ 468,613
FY 06/07	\$ -	\$ 127,617	\$ (2,497)	\$ 60,253	\$ -	\$ 80,008	\$ (25)	\$ 78,836	\$ 25	\$ 80,749	\$ -	\$ 114,814	\$ 539,779
FY 07/08	\$ 945	\$ 86,117	\$ 192	\$ 81,508	\$ (180)	\$ 83,030	\$ (72)	\$ 82,701	\$ 138	\$ 87,953	\$ 144	\$ 70,900	\$ 493,375
FY 08/09	\$ -	\$ 87,007	\$ 710	\$ 84,937	\$ 1,264	\$ 83,911	\$ (2,880)	\$ 99,508	\$ 18	\$ 83,642	\$ (72)	\$ 79,284	\$ 517,329
FY 09/10	\$ 41	\$ 91,030	\$ 112	\$ 91,078	\$ 985	\$ 90,376	\$ 831	\$ 1,958	\$ 88,554	\$ 2,885	\$ 93,589	\$ 89,907	\$ 551,345
FY 10/11	\$ -	\$ 3,945	\$ 93,760	\$ 3,888	\$ 90,748	\$ 92,387	\$ -	\$ 103,460	\$ (2,074)	\$ 93,604	\$ (605)	\$ 130,156	\$ 609,269
FY 11/12	\$ 37	\$ 180,527	\$ (4,613)	\$ 135,509	\$ (220)	\$ 100,593	\$ 1,290	\$ 112,159	\$ 54	\$ 95,213	\$ (71)	\$ 154,609	\$ 775,088
FY 12/13	\$ 304	\$ 207,380	\$ (452)	\$ 172,393	\$ (1,858)	\$ 109,805	\$ (688)	\$ 104,465	\$ 144	\$ 111,234	\$ 854	\$ 167,830	\$ 871,410
FY 13/14	\$ 243	\$ 208,697	\$ (355)	\$ 158,209	\$ 50	\$ 121,659	\$ 1,581	\$ 103,964	\$ 434	\$ 110,258	\$ 102	\$ 151,242	\$ 856,083
FY 14/15	\$ 251	\$ 188,177	\$ 38	\$ 152,804	\$ 767	\$ 107,031	\$ (303)	\$ 107,307	\$ 4,832	\$ 103,012	\$ (467)	\$ 142,414	\$ 805,863
FY 15/16	\$ 110	\$ 157,962	\$ -	\$ 166,095	\$ 47	\$ 76,372	\$ (732)	\$ 104,136	\$ 41	\$ 113,052	\$ 174	\$ 127,315	\$ 744,573
FY 16/17	\$ 237	\$ 179,478	\$ 233	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466	\$ 188,466

**Water Revenue Collection
3 months ending FY 2017**



**YTD Analysis Sewer Revenue
650-3800**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	total
FY 02/03	\$ 1,175	\$ 132,265	\$ -	\$ 131,021	\$ (2,959)	\$ 127,053	\$ -	\$ 130,493	\$ -	\$ 126,641	\$ 7	\$ 123,313	\$ 769,010
		\$ 133,440											
FY 03/04	\$ -	\$ 145,389	\$ (703)	\$ 144,365	\$ -	\$ 146,128	\$ -	\$ 144,085	\$ -	\$ 150,461	\$ -	\$ 260,209	\$ 989,933
		\$ 144,686											
FY 04/05	\$ -	\$ 147,363	\$ -	\$ 155,843	\$ -	\$ 152,150	\$ -	\$ 147,597	\$ -	\$ 158,575	\$ 18,888	\$ 189,239	\$ 969,656
		\$ 147,363											\$ 18,888 program income
FY 05/06	\$ -	\$ 166,688	\$ (1,169)	\$ 129,604	\$ -	\$ 158,910	\$ (70)	\$ 174,912	\$ 59,445	\$ 210,454	\$ 52,975	\$ 224,723	\$ 1,176,471
		\$ 165,519											\$ 950,767
FY 06/07	\$ -	\$ 197,031	\$ (2,405)	\$ 200,755	\$ 22,900	\$ 217,871	\$ 11,070	\$ 191,778	\$ -	\$ 193,793	\$ -	\$ 214,798	\$ 1,247,591
		\$ 194,626											\$ 205,437 program income
FY 07/08	\$ (1,011)	\$ 216,250	\$ 22	\$ 246,719	\$ (180)	\$ 230,033	\$ 12,411	\$ 213,604	\$ -	\$ 252,356	\$ 22,146	\$ 261,574	\$ 1,453,923
		\$ 215,267											\$ 90,580 program income
FY 08/09	\$ 221,389	\$ 218,419	\$ 180	\$ 218,946	\$ -	\$ 225,508	\$ 11,148	\$ 220,233	\$ -	\$ 243,601	\$ 24,396	\$ 205,915	\$ 1,371,316
		\$ 221,568											\$ 44,020 program income
FY 09/10	\$ 1,900	\$ 218,419	\$ (71)	\$ 219,086	\$ 4,785	\$ 217,537	\$ (25)	\$ 843	\$ 219,737	\$ 4,496	\$ 218,201	\$ 218,286	\$ 1,323,195
		\$ 220,248											\$ 9,965 program income
FY 10/11	\$ (3)	\$ 343	\$ 216,516	\$ 2,049	\$ 217,466	\$ (179)	\$ 303,269	\$ 259,607	\$ 12,472	\$ 219,547	\$ 63,426	\$ 294,548	\$ 1,589,061
		\$ 216,656											\$ 276,435 program income
FY 11/12	\$ 130	\$ 218,474	\$ 63	\$ 219,975	\$ -	\$ 218,792	\$ 3,343	\$ 220,465	\$ 42	\$ 220,026	\$ (53)	\$ 237,589	\$ 1,338,845
		\$ 218,666											\$ 17,145 program income
FY 12/13	\$ 72	\$ 236,619	\$ 193	\$ 221,841	\$ 68	\$ 236,121	\$ 9,298	\$ 219,176	\$ 2,502	\$ 281,899	\$ 46,273	\$ 321,660	\$ 1,575,743
		\$ 236,884											\$ 248,876 program income
FY 13/14	\$ 53,301	\$ 223,197	\$ 128	\$ 228,948	\$ 20	\$ 223,796	\$ 1,499	\$ 219,455	\$ 5,051	\$ 219,724	\$ 141	\$ 209,630	\$ 1,384,889
		\$ 276,626											\$ 56,520 program income
FY 14/15	\$ 55	\$ 239,871	\$ 2,305	\$ 220,141	\$ 118	\$ 226,522	\$ 5,280	\$ 244,755	\$ 5,741	\$ 229,881	\$ 557	\$ 224,204	\$ 1,399,428
		\$ 242,231											\$ 1,328,867
FY 15/16	\$ 320	\$ 186,993	\$ 74	\$ 170,840	\$ 8,454	\$ 183,462	\$ 14,577	\$ 186,060	\$ 1,033	\$ 257,845	\$ 50,366	\$ 261,866	\$ 1,323,909
		\$ 187,387											\$ 136,394 program income and interest
FY 16/17	\$ 12,389	\$ 232,359	\$ (318)	\$ 244,430	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,187,515
		\$ 244,430											\$ -



REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Ratification of City of Nevada City Disaster Proclamation

RECOMMENDATION: Pass Resolution 2017-XX ratifying Director of Civil Defense and Disaster Council's Proclamation Declaring the Existence of a Disaster.

CONTACT: Mark Prestwich, City Manager

BACKGROUND / DISCUSSION: Mayor Evans Phelps, acting as the Director of Civil Defense and Disaster Council, signed a Proclamation January 19 declaring a disaster in Nevada City due to conditions and damages related to the ongoing January 2017 storms. The Proclamation requests the Governor proclaim a disaster to provide additional resources for properties affected by the extreme weather. In addition to damage sustained by several local properties and businesses, the City has experienced damage to its water infrastructure and Pioneer Park. Additional City resources have been expended on protective measures and the mitigation of public safety hazards.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: City staff is currently completing damage assessments and will provide an update at the City Council meeting of January 25.

ATTACHMENT:

- ✓ Proposed Resolution Ratifying Disaster Proclamation
- ✓ January 19, 2017 Disaster Proclamation

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY CONFIRMING THE DIRECTOR OF CIVIL DEFENSE AND DISASTER COUNCIL'S DECLARATION OF A DISASTER IN THE CITY OF NEVADA CITY, AND REQUESTING THE GOVERNOR TO PROCLAIM A STATE OF EMERGENCY FOR THE CITY OF NEVADA CITY

WHEREAS, City of Nevada City Municipal Code Section 2.44.050 empowers the Director of Civil Defense and Disaster Council to proclaim the existence of a disaster when the City is affected by a public calamity and the City Council is not in session; and

WHEREAS, City of Nevada City Municipal Code Section 2.44.050 denotes that the mayor shall be the Director of Civil Defense and Disaster Council; and

WHEREAS, conditions of extreme peril to the safety of the persons and property have arisen within the City of Nevada City, caused by an ongoing rainstorm, which principally commenced on or about January 10, 2017; and

WHEREAS, on January 19, 2017, the Director of Civil Defense and Disaster Council, Ms. Evans Phelps, proclaimed the existence of a disaster or local emergency within the City of Nevada City; and

WHEREAS, at the time of the Director's proclamation, the City Council of the City of Nevada City was not in session; and

WHEREAS, the City Council of the City of Nevada City hereby finds the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a disaster or local emergency in the City Nevada City; and

WHEREAS, the City Council does hereby find that local resources are unable to cope with the effects of said emergency; and

WHEREAS, the Director of Civil Defense and Disaster Council requested the City Council to confirm the existence or threatened existence of a local emergency when the City Council is next in session; and

WHEREAS, the Director of Civil Defense and Disaster Council requested the Governor of the State of California to declare a State of Emergency in the City of Nevada City and provide assistance through the California Disaster Assistance Act.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES HEREBY RESOLVE AS FOLLOWS:

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the City Council hereby confirms and proclaims a disaster or local emergency throughout the City of Nevada City due the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City; and

IT IS FURTHER RESOLVED AND ORDERED the Director of Civil Defense and Disaster Council's Proclamation of the existence of a disaster and request to the Governor of the State of California to declare a State of Emergency in the City of Nevada City and provide assistance through the California Disaster Assistance Act is hereby ratified and confirmed; and

IT IS FURTHER RESOLVED AND ORDERED that the disaster shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Nevada City; and

IT IS FURTHER RESOLVED AND ORDERED that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER RESOLVED AND ORDERED that Mark Prestwich, City Manager, is the Emergency Management Director, and is hereby designated the authorized representative of the City of Nevada City for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance; and

IT IS FURTHER RESOLVED AND ORDERED that during the existence of said disaster, that powers, functions and duties of the disaster

and emergency services of this City shall be those prescribed by state law, by ordinances and resolutions of the City of Nevada City.

Effective Date. This Resolution shall be effective immediately.

Passed and adopted at a regular meeting of the City of the City of Nevada City on 25th day of January, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Evans Phelps, Mayor

Attest:

Niel Locke, City Clerk



City of Nevada City

PROCLAMATION BY THE DIRECTOR OF CIVIL DEFENSE AND DISASTER COUNCIL DECLARING THE EXISTENCE OF A DISASTER

WHEREAS, City of Nevada City Municipal Code Section 2.44.050 empowers the Director of Civil Defense and Disaster Council to proclaim the existence of a disaster when the City is affected by a public calamity and the City Council is not in session; and

WHEREAS, City of Nevada City Municipal Code Section 2.44.050 denotes that the mayor shall be the Director of Civil Defense and Disaster Council; and

WHEREAS, the Director of Civil Defense and Disaster Council does hereby find:

That conditions of extreme peril to the safety of the persons and property have arisen within the City of Nevada City, caused by an ongoing rainstorm, which principally commenced on or about January 10, 2017; and

THAT the City Council of the City of Nevada City is not in session; and

WHEREAS, the Director of Civil Defense and Disaster Council does hereby find that local resources are unable to cope with the effects of said emergency; and

WHEREAS, the Director of Civil Defense and Disaster Council will request the City Council to proclaim the existence or threatened existence of a local emergency when the City Council is next in session, which is scheduled to be January 25, 2017; and

WHEREAS, the Director of Civil Defense and Disaster Council does hereby request the Governor of the State of California to declare a State of Emergency in the City of Nevada City and provide assistance through the California Disaster Assistance Act.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a disaster or local emergency now exists throughout the City of Nevada City due the existence or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City of Nevada City; and

IT IS FURTHER PROCLAIMED AND ORDERED the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Nevada City; and

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Proclamation be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER PROCLAIMED AND ORDERED that Mark Prestwich, City Manager, is the Emergency Management Director, and is hereby designated the authorized representative of the City of Nevada City for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said disaster, that powers, functions and duties of the disaster and emergency services of this City shall be those prescribed by state law, by ordinances and resolutions of the City of Nevada City, and that this disaster proclamation is in effect immediately and is subject to confirmation by the City Council of the City of Nevada City at its earliest practical time, which shall be the City Council meeting scheduled for January 25, 2017; and

IT IS FURTHER PROCLAIMED AND ORDERED a copy of this Proclamation be forwarded to the City Council at its next meeting, which is January 25, 2017, for confirmation.

DATED: January 19, 2017



Evans Phelps
Director of Civil Defense and Disaster Council

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

JANUARY 25, 2017

TITLE: Ordinance: Regulation of Mobile Food Vending within Nevada City (Second Reading)

RECOMMENDATION: Waive further reading and pass an Ordinance adding Chapter 10.44 to the Nevada City Municipal Code Regulating Mobile Food Vending on Public and Private Property

CONTACT: Amy Wolfson, City Planner

BACKGROUND: In response to public testimony received at the March 30, 2016 City Council meeting, the Council directed staff to draft an ordinance pertaining to the regulation of Mobile Food Vending within City limits and referred the matter to the City's Planning Commission for review. On April 21, 2016, the Planning Commission reviewed sample ordinances from other jurisdictions and recommended provisions to incorporate into a local ordinance. Staff presented a draft ordinance to the Planning Commission at their regular meeting on December 15, 2016.

A first reading of this Ordinance was presented to Council at their January 11, 2017 meeting. Staff was not directed to make any substantive changes, though the City Attorney noted that the formatting was slightly inconsistent with the City's standard formatting style. Staff has therefore re-formatted the text to be consistent with existing Ordinance formats.

DISCUSSION: California Vehicle Code §22455 prohibits local governments from banning mobile food vending vehicles from local streets, though cities may regulate time, place and manner of vending from vehicles upon any street for reasons of public safety. The proposed Ordinance is broken up into two sections: **10.44.030** - Mobile Food Vendors in the Public Right-of-Way, and **10.44.040** - Mobile Food Vendors on Private Property. Below is a discussion on some of the provisions incorporated in both of these sections.

10.44.030. Mobile Food Vendors in the Public Right-of-Way

This section of the Ordinance allows mobile vending on any public street throughout the City provided the vendor can meet public health and safety standards including operating within 200-feet of a toilet and hand washing station, parking within a specified distance of driveways and intersections, and generally complying with public parking provisions. The Ordinance also restricts day time operation within 300-feet of a school during school operating hours.

Subsection E.vi will also restrict vending operation during the peak traffic hours of 5:00p.m. and 7:00p.m. on those streets with substandard street widths. These peak hours are based on Caltrans document "Explanation of Traffic Counts (Back & Ahead Leg Diagrams) (PDF):"

http://www.dot.ca.gov/trafficops/census/docs/Back_and_Ahead_Leg_Traffic_Count_Diagram.pdf.

Outside of those hours, vendors would be allowed to operate even on roads with substandard street widths that have at least a minimum street width of 38-feet for a two-way street and at least a width of 19-feet for a one-way street. Street width provisions are based on standard 11-foot drive aisles and standard 10-foot parallel parking space widths.

10.44.040. Mobile Food Vendors on Private Property.

Provisions of the draft ordinance regulating vending operations on private property require that operators comply with many of the same health and safety standards applicable to vending in the public right-of-way, including proximity to toilet and hand washing stations, and distance restrictions to the driveway. Additional provisions are related to ensuring that the property owner dictates the time and location that a vendor may operate and that adequate parking remain available to employees and customers.

PLANNING COMMISSION RECOMMENDATION

Staff presented the draft ordinance at the Planning Commission’s regular meeting on December 15, 2016. A review of that discussion can be viewed on the City’s website and meeting video link at: http://nevco.granicus.com/MediaPlayer.php?clip_id=6619

The discussion pertinent to this item lasts approximately 13 minutes and begins at minute 1:07:04 and ends at 1:20:34. The Planning Commission voted 4-0 (Damskey absent) to recommend the draft ordinance to City Council for adoption as presented.

ENVIRONMENTAL CONSIDERATIONS: Staff recommends that the City Council find that the adoption of the Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3, California Code of Regulations (CEQA Guidelines), Section 15061(b)(3). The proposed Ordinance will regulate the time, manner and place for the operation of mobile food vending based on health and safety considerations and there is no possibility that the adoption of the Ordinance will have a significant effect on the environment.

FINANCIAL CONSIDERATIONS: Not applicable.

ATTACHMENT:

Exhibit A – Ordinance No. 2017-XX, Adding Chapter 10.44, Mobile Food Vending (re-formatted)

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NEVADA CITY, CALIFORNIA,
ADDING CHAPTER 10.44 ENTITLED “MOBILE FOOD VENDING” TO
THE NEVADA CITY MUNICIPAL CODE REGULATING MOBILE
FOOD VENDING ON PUBLIC AND PRIVATE PROPERTY**

WHEREAS, the City Council has received input from residents and businesses seeking appropriate City regulations in regulating mobile food vending within public rights-of-way and on private property to promote the public health, safety and welfare; and

WHEREAS, pursuant to California Vehicle Code Section 22455, the City desires to enact health and safety regulations governing the operation of mobile food vending vehicles within the City of Nevada City; and

WHEREAS, the City recognizes that mobile food vending vehicles benefit the City by providing services to those who live and work in areas where food may not be readily available, and they offer an entrepreneurial opportunity for the people in the City to open a small business and provide unique foods that may not be available at brick-and-mortar restaurants; and

WHEREAS, the City needs to protect the public by ensuring that mobile food vending vehicles are operated in a safe manner and do not create nuisances in City neighborhoods. The City desires to enact reasonable regulation that ensure the mobile food vending vehicles are operated according with health laws of the state; do not block or hinder vehicle or pedestrian traffic on the streets and sidewalks; do not cause public safety problems by contributing to crowding nears school and entertainment establishments; and do not disturb the quiet use and enjoyment of the residential neighborhoods; and

WHEREAS, at its December 15, 2016 regular meeting, the Planning Commission of the City of Nevada City reviewed the Ordinance and having found it consistent with the City’s General Plan and other zoning regulations, recommended its approval to the City Council; and

WHEREAS, the City Council finds the Ordinance consistent with the actions, goals, objectives, policies, and programs of the City of Nevada City General Plan in that incorporation of provisions for allowing mobile food vending diversifies the economy of the City by attracting additional types of economic development while maintaining reasonable traffic levels on local streets to protect residents from safety hazards.; and

WHEREAS, the City Council finds that the ordinance would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City, because it is an amendment to the Nevada City Municipal Code that establishes regulations for mobile food vending to ensure they are operating according to health and safety standards adopted by the state and that their operation does not pose a safety risks to motorists or pedestrians; and

WHEREAS, the City Council hereby finds that it can be seen with certainty

that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment because the City anticipates only a limited few number of mobile food vendors will operate within the City at any one given time, and so their impact on the environment will be collectively minimal. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

A. The California Vehicle Code Section 22455 allows municipalities to regulate mobile food vending in order to protect public safety and Article XI, Section 7 of the California Constitution extends to municipalities the police power authority to regulate in furtherance of public health and welfare.

B. Mobile food vending and catering trucks create the potential for safety hazards, such as blocking sight distances at intersections and crosswalks, encouraging pedestrians to cross streets mid-block to reach a vending vehicle, and causing additional conflicts between drivers and pedestrians.

C. The act of looking for prospective buyers while operating a mobile food-vending vehicle may make the operator less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses obvious traffic and safety risks to the public, which the City seeks to prevent.

D. Mobile food vendors who fail to park their vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard.

E. The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

SECTION 2. Chapter 10.44 entitled “Mobile Food Vending,” of Title 10 (Vehicles and Traffic) of the Nevada City Municipal Code is hereby to read as follows:

10.44 Mobile Food Vending

10.44.010. Purpose.

This Chapter 10.44 is adopted pursuant to the authority granted to the City of Nevada City by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place and manner of

vending from vehicles upon the street in order to promote public safety.

The City finds the regulations adopting herein are necessary to protect the public by ensuring that mobile food vending vehicles are operated in a safe manner and do not create nuisances in City neighborhoods. The City also finds that these regulations are necessary to ensure the mobile food vending vehicles are operated according with health laws of the state; do not block or hinder vehicle or pedestrian traffic on the streets and sidewalks; do not cause public safety problems by contributing to crowding nears school and entertainment establishments; and do not disturb the quiet use and enjoyment of the residential neighborhoods.

10.44.020 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

“Food” or “food products” means any type of edible substance or beverage.

“Mobile food vendor” means a person that operates or assists in the operation of a vending vehicle.

“Vend” or “vending” means to sell, offer for sale, display, barter, exchange, or otherwise give food or food products from a vending vehicle.

“Vendor” means a person who vends, including an employee or agent of a vendor.

“Vending” vehicle means any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle. Vending vehicle does not include a vehicle that only delivers food or beverage products ordered by home delivery customers.

10.44.030. Mobile Food Vendors In The Public Right-of-Way.

A mobile food vendor may locate its vehicle in the public right-of-way as long as the mobile food vendor adheres to the following time, place, and manner restrictions:

- A. The vending is in full compliance with all parking and Vehicle Code provisions, which apply to the location at which it is parked.
- B. Mobile food vendors located in the Historical District shall display at least one

“no smoking” sign.

- C. The mobile food vendor has a valid permit, certificate or other required approval from the Nevada County Department of Environmental Health including visible display of food grade cards (if issued); the mobile food vendor has available for review the most recent and current Nevada County Vehicle Inspection Report; and, the mobile food vendor operates in compliance with the California Retail Food Code, including California Health and Safety Code section 114315 (a) which mandates that a “food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour-period.”
- D. The mobile food vendor has a valid business license from the City. As part of its application for a business license, the mobile food vendor shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
- E. All vending vehicles shall be inspected by the Nevada City Fire Department prior to issuance or renewal of a business license involving use of the vending vehicle. All vending trucks shall comply with National Fire Protection Association (NFPA) 96. Business license must be renewed at City Hall; applications are subject to Nevada City Fire Department inspection per NFPA 96.
- F. No Mobile Food Vendor may operate a vehicle:
 - 1. Within 25 feet from the outer edge of any driveway or vehicular entrance to public or private property. The 25 feet is to be measured from the front or back of the mobile vending vehicle (whichever is closer to the driveway or vehicular entrance) to the outer edge of the driveway or vehicular entrance.
 - 2. Within 25 feet of any street intersection as defined by Vehicle Code Section 365 (and as amended).
 - 3. Within 25 feet of a bus stop during the hours when buses are operating.
 - 4. Between the hours of 7:00 a.m. and 5:00 p.m. of any school day session, while located within 300 feet of the nearest property line of any property in which a school grades K to 12 building is located.
 - 5. Within 25 feet of a marked crosswalk or a stop bar.

6. Between peak traffic hours of 5:00p.m. and 7:00p.m on a two-way street that does not have a minimum street width of forty-two (42) feet (measured from curb face to curb face), and on a one-way street that does not have a minimum width of 21-feet. At no time shall a food vendor operate on a two-way street that does not have a minimum width of thirty-eight (38) feet, or on a one-way street that does not have a minimum width of nineteen (19) feet. In the event that a curb face does not exist, the City Engineer shall determine the street width.
 7. Within 400 feet of another mobile food vendor.
- G. The mobile food vendor shall not encroach onto a public sidewalk or parkway with any part of its vending vehicle or any other equipment or furniture related to the operation of its business.
 - H. The vending vehicle or patrons do not obstruct pedestrian or vehicular traffic. Vendors must provide a minimum pedestrian clearance of four feet on sidewalks at all times.
 - I. Vending is prohibited on the exposed street and/or vehicular traffic side of the vending vehicle.
 - J. The mobile food vendor shall maintain clearly designated noncombustible waste receptacles on board the vending vehicle which will reasonably accommodate the immediate waste needs, of the mobile food vendor's patrons generated by the mobile food vendor's sales. All mobile food vendors shall maintain the area surrounding their vehicles free of trash and other debris and shall not dispose of trash from their operation in city owned trash receptacles.
 - K. No hookups to electricity, water, or sewer.
 - L. The mobile food vendor shall not discharge any liquid (e.g. grease, oil, water, etc.) onto or into City streets, storm drains, catch basins, sewer facilities.
 - M. The mobile food vendor shall be subject to the noise provisions set forth in Chapter 8.20 of the Nevada City Municipal Code.
 - N. All food products sold or provided from the vending vehicle shall comply with all applicable food labeling requirements established by the State of California and the mobile food vendor must obtain all required permits, including without limitation, health permits, to sell or provide such items.
 - O. Mobile food vendors operating on public rights-of-way may not use portable or a-frame signs.

10.44.040. Mobile Food Vendors on Private Property.

- A. Mobile food vendors may not operate on private property within residential zones. However, they are permitted to operate on public rights-of-way as authorized by California Vehicle Code section 22455 and as authorized by section 10.44.030 of this Chapter.
- B. All mobile food vendors operating on private property must have written consent of the property owner to operate on that site.
- C. If mobile food vendors are operating on private property where a business is also located, their operation shall not obstruct the use of the parking lot by employees of the business.
- D. Mobile food vendors operating within parking lots shall obtain written permission of the property owner that designates the hours the vendor may operate within the parking lot and the appropriate location for the vending operation. No property owner shall allow a mobile food vendor to operate within his or her parking lot if doing so shall prevent the owner from meeting City parking standards for the business.
- E. All mobile food vehicles shall be located on a properly paved or graveled surface. No mobile food vendor shall be located within a landscaped or dirt area.
- F. Vending vehicles, including those operated at events on public school property, shall maintain a valid Nevada County Department of Environmental Health permit and a valid City business license.
- G. The mobile food vendor shall maintain clearly designated noncombustible waste receptacles which will reasonably accommodate the immediate waste needs, of the mobile food vendor's patrons are generated by the mobile food vendor's sales. All mobile food vendors shall maintain the area surrounding their vehicles free of trash and other debris and shall not dispose of trash from their operation in city owned trash receptacles.
- H. If a mobile food vendor operates and/or parks for more than one hour at the location, the mobile food vendor must have written documentation that their employees and customers have permission to use a readily available toilet and hand washing facility that is located within two hundred feet travel distance from the location where the vending vehicle is engaged in operations and/or is parked. Mobile food vendors operating on private property shall be situated on locations within the private property that ensure safe pedestrian and vehicular ingress and egress to and from the property where they are located, including,

but not limited to, compliance with the following requirements:

1. Mobile food vendors may not operate within 25 feet from the outer edge of any driveway or vehicular entrance to the public or private property.

10.44.050. Compliance with State and Local Laws.

Mobile food vendors shall comply with all applicable state and local laws.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of Nevada City shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of ___ 2017.

Evans Phelps, Mayor

ATTEST:

APPROVED AS TO FORM:

Niel Locke, City Clerk
(seal)

Ryan Jones, Consulting City Attorney

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of Nevada City a regular meeting held on the XXth day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Niel Locke, City Clerk
(seal)

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: An Ordinance of the City of Nevada City amending Title 15 of the Nevada City Municipal Code to adopt the 2016 California Building Standards with local amendments similar to those adopted by Nevada County by Ordinance No. 2424 (second reading).

RECOMMENDATION: Approve finding that CEQA general rule exception applies, finding this action reflects the independent judgment of the City Council of Nevada City; approve for introduction and first reading of ordinance by title only, waiving further reading of the entire Ordinance.

CONTACT: Hal DeGraw, Consulting City Attorney

BACKGROUND / DISCUSSION: Every three years, the California Building Standards Commission adopts and publishes new editions of the California Building Standards Code that is required to be enforced in all parts of the State. This was last done in 2013 and the Commission has now adopted and published the 2016 triennial edition of the California Building Standards Code with an effective date of January 1, 2017. Local jurisdictions may, as reasonably necessary, establish more restrictive amendments based upon local climatic, topographical or geological conditions.

The County adopted all the required Codes with local amendments in December of 2016 by Ordinance No. 2424 (copy attached) [Grass Valley had a first reading of its adopting ordinance in December of 2016]. Historically the City has contracted with the County for building inspection services since 1962, making it desirable to have essentially the same standards and amendments apply to both jurisdictions. City amendments in prior years have retained the ability of the City to designate an entity other than the County as the Building Official on any project and that option is carried forward in the proposed amendments, however the City had not exercised that option in recent memory.

The City amendments proposed this year also include a new Section 15.04.023 further defining the role of and restricting arbitrary exercise of discretion by any entity selected as the Building Official for any project. The proposed City amendments also include new subsections in Sections 15.04.030 and 15.04.035 defining and limiting the discretion of any designated Building Official on building permits for remodel, restoration, renovation or rehabilitation of properties within the Historical District of Nevada City. The proposed

City ordinance for adoption has been reviewed by City Engineering and Fire departments and recommended for approval.

Adoption of the proposed ordinance appears to be exempt from CEQA review pursuant to CEQA Guidelines including Section 15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to the environment, and Section 15060(c)(2) as an activity covered by the general rule that CEQA applies only to projects that have the potential for a direct or reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT: No direct fiscal impact to the City as County and City can adopt fees to cover cost of permit processing.

ATTACHMENTS:

1. County Ordinance No. 2424, with Board Agenda Memo, with attached Chapter V of the Land Use and Development Code (Exhibit "A" to ORD No. 2424)
2. Proposed City Ordinance No. 2017-XX with attached Building Standards Title 15 (Exhibit "A" to ORD No. 2017-XX)

ENVIRONMENTAL IMPACT: Recommend finding ordinance is exempt from environmental review under CEQA pursuant to §§15378(b)(5) and 15060(c)(2) as recited in proposed ordinance.



ORDINANCE No.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING CHAPTER V OF THE LAND USE AND DEVELOPMENT CODE OF THE COUNTY OF NEVADA, ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS, AND LOCAL AMENDMENTS THERETO; AND ADOPTION OF EXPRESS FINDINGS OF REASONABLE NECESSITY FOR CHANGES AND MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE BASED ON LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS

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

SECTION I: Legislative Purpose

The State of California revises its building standards on a triennial basis. The building standards are intended to regulate and govern the conditions and maintenance of all property, buildings, and structures by providing standards for supplied utilities, facilities, and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use.

It is the purpose and the intent of this Ordinance to make substantive revisions to Chapter V (Building) of the Land Use and Development Code to ensure Nevada County's conformity to the 2016 edition of the California Building Standards, to wit, the California Building Code, the California Residential Code, the California Green Building Standards Code, the California Plumbing Code, the California Electrical Code, the California Fire Code, the California Mechanical Code, the California Energy Code, the California Referenced Standards Code, the California Historical Building Code, the 1997 Uniform Housing Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 2015 International Swimming Pool and Spa Code and the 2015 International Property Maintenance Code.

Pursuant to Health and Safety Code Section 17958.5, *et seq.*, a county may make such changes or modifications in the requirements contained in the provisions of the California Building Standards Codes, as are reasonably necessary because of local climatic, geological, or topographical conditions. Nevada County's amendments to the 2016 California Building Standards, which have been made in response to unique climatic, geological, or topographical conditions in Nevada County, are codified in Chapter V of the Land Use and Development Code. Local amendments to the California Building Standards Code shall not become effective until the modifications and findings have been filed with the Building Standards Commission.

SECTION II:

Chapter V of the Land Use and Development Code of the County of Nevada is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION III:

1. The Board hereby finds and declares that the amendments to the 2016 California Building Standards, as codified in Chapter V of the Nevada County Land Use and Development Code, are reasonably necessary because of local climatic, geological, and topographical conditions, including average snowfalls ranging from .8 inches per year in the Western County to 202 inches per year in the Eastern County; and the high risk of forest fires within the County. Said amendments are deemed more restrictive than the published 2016 California Building Standards.

2. The Board hereby finds and declares that this Ordinance is exempt from CEQA review pursuant to the CEQA guidelines, including Section 15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to the environment, and Section 15060(c)(2) as it does not create a potential for direct, indirect, or reasonably foreseeable physical change in the environment.

SECTION IV:

If any provision of this Ordinance is held unconstitutional or otherwise invalid, the remainder of the Ordinance shall not be affected hereby and shall remain in full force and effect.

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the _____ day of _____, _____, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in _____, a newspaper of general circulation printed and published in the County of Nevada.

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CHAPTER V: BUILDINGS

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CHAPTER V: BUILDINGS

Article 1 General

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CHAPTER V: BUILDINGS

Article 1. General

Sec. L-V 1.1 Purpose

This Chapter is enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction.

Nothing in the codes hereinafter adopted shall be construed to prevent any person from performing his own building, mechanical, plumbing or electrical work, when performed with permits in compliance with this Chapter.

Sec. L-V 1.2 Applicability

This Chapter shall apply, to the extent permitted by law, to all construction in the unincorporated Nevada County.

Sec. L-V 1.3 Definitions

Whenever any of the following names or terms are used herein or in any of the codes adopted by reference by this Chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed hereto by this Section, to wit:

- A. BUILDING OFFICIAL, ADMINISTRATIVE AUTHORITY, RESPONSIBLE OFFICIAL, and similar references to a chief administrative position shall mean the Building Official of the County of Nevada; provided, however, that where such terms are used in connection with those duties imposed by statute or ordinance upon the County Environmental Health Officer, said terms shall include the County Environmental Health Director; where such terms are used in connection with those duties imposed by statute or ordinance upon the Chief of a Fire Department or the County Fire Marshal, said terms shall include the Chief of the Fire Department or County Fire Marshal; and where such terms are used in connection with those duties imposed by ordinance upon the County Code Compliance Officer, said terms shall include the County Code Compliance Officer.
- B. BUILDING DEPARTMENT, OFFICE OF ADMINISTRATIVE AUTHORITY, or HOUSING DEPARTMENT shall mean the Building Department of the County of Nevada.
- C. CITY or JURISDICTION shall mean the County of Nevada when referring to a political entity, or an unincorporated area of said County when referring to area.
- D. CLERK OF THIS JURISDICTION means Clerk of the Board of Supervisors.

- E. GOVERNING BODY, LEGISLATIVE BODY or APPOINTING AUTHORITY means the Board of Supervisors of the County of Nevada.
- F. BOARD OF APPEALS, HOUSING ADVISORY and APPEALS BOARD and any other reference to an appellate body in any of the uniform codes adopted by reference in this Chapter shall mean the Building and Accessibility Standards Board of Appeals provided for in Section L-V 2.2 of the Nevada County Land Use and Development Code.

EXCEPTION: The appellate body for fire and panic safety regulations is within the jurisdiction of the County Fire Marshal/District Fire Chief.

- G. TECHNICAL CODES refer to those codes and publications adopted by the County of Nevada containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance, of buildings and structures and building service equipment as enumerated in Section L-V 1.4 of the Nevada County Land Use and Development Code.

Sec. L-V 1.4 Codes and Regulations Adopted

Subject to the modifications and amendments contained in this Chapter, the following codes and standards are hereby adopted and incorporated into the Land Use and Development Code of Nevada County by reference and having the legal effect as if their respective contents were set forth herein:

- A. Division II, Scope and Administration, 2016 California Building Code.
- B. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12 (California Referenced Standards Code), in whole thereof.
- C. The 2016 edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 (California Building Code), incorporating the International Building Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments, including appendixes "C", "H", I and "J" and amendments set forth in Article 3 of this Chapter.
- D. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 9 (California Fire Code), incorporating the International Fire Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments, save and except article 86 thereof, including appendix chapters and amendments set forth in Article 5 of this Chapter.
- E. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5 (California Plumbing Code), incorporating the Uniform Plumbing Code, 2015 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State

amendments, including appendix chapters and amendments set forth in Article 7 of this Chapter.

- F. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4 (California Mechanical Code), incorporating the Uniform Mechanical Code, 2015 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters and amendments set forth in Article 8 of this Chapter.
- G. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3 (California Electrical Code), incorporating the National Electrical Code, 2014 Edition, of the National Fire Protection Association, the whole thereof with State amendments, including annex chapters and amendments set forth in Article 12 of this Chapter
- H. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5 (California Residential Code) incorporating the International Residential Code, 2015 Edition, of the International Code Council, the whole thereof with State Amendments, including appendixes “H”, “J”, “K” and “S” and amendments as set forth in Article 4 of this chapter.
- I. The 2016 edition of the California Building Standards Code, known as the California Code of Regulation, Title 24, Part 11 (California Green Building Standards Code) in whole thereof, with State Amendments.
- J. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 6 (California Energy Code) in whole thereof, with State Amendments.
- K. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 8 (California Historical Building Code) in whole thereof, with State Amendments.
- L. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 10 (California Existing Building Code), incorporating the International Existing Building Code, 2015 Edition, of the International Code Council, the whole thereof with State Amendments.
- M. The 2015 International Property Maintenance Code, of the International Code Council.
- N. The 1997 Uniform Code for the Abatement of Dangerous Buildings, of the International Conference of Building Officials.
- O. The 1997 Uniform Housing Code, of the International Conference of Building Officials.

- P. International Swimming Pool and Spa Code, 2015 Edition with the amendments set forth in Article 9 of this Chapter.

Sec. L-V 1.5 Filing of Copies of Codes

The Building Department of the County of Nevada shall maintain on file copies of the Codes and Standards referred to in Section L-V 1.4 of this Chapter.

Sec. L-V 1.6 Code Adoption Procedure

- A. The Building Official shall provide the Board of Appeals with copies of all statutes newly adopted by the State, pursuant to the State Housing Law and State Building Standards Law (Health and Safety Code sections 17910 and 18901, *et seq.*).
- B. The Building Official and Board of Appeals shall:
 - 1. Provide technical review of the newly adopted codes.
 - 2. Report such newly adopted codes to the Board of Supervisors and provide a draft recommendation for consideration by the Board to amend, add to, or repeal ordinances or regulations, to impose the same requirements as are contained in the new State laws, or to make changes or modifications in such requirements upon express findings because of local conditions or factors.
 - 3. Request the Board of Supervisors to schedule a hearing not less than thirty days (30) from the date of their report and place one (1) copy of the codes to be considered by the Board in the office of the Building Department for review by the general public.
- C. The Board of Supervisors shall, upon the request of the Building Official and Board of Appeals, schedule such public hearing to receive public testimony on the codes and any modifications thereto to be adopted by the Board.
- D. The Clerk of the Board of Supervisors shall give notice of the time, place and subject matter of the public hearing scheduled on the matter before the Board. Notification shall be by publication in a newspaper of general circulation published and circulated within the County 10 days prior to the public hearing.
- E. The Board of Supervisors shall hold such public hearing at the date and time scheduled, and shall then act on the recommendation of the Board of Appeals.

Sec. L-V 1.7 Compliance with Environmental Health, Zoning, Encroachment Requirements and Other Regulations Prerequisite to a Building Permit

- A. No building permit shall be issued for any building for which an individual sewage disposal and/or an approved water supply system must be installed, altered or

added to, unless and until the Building Official is satisfied that adequate potable water and sewer disposal are available and that a permit is issued therefore.

- B. No building permit shall be issued for which an encroachment or grading permit is required, unless and until the requirements prerequisite to said encroachment or grading permit has been met.
- C. No building permit shall be issued unless and until the Building Official is satisfied that the construction authorized by the permit will not violate any existing law or ordinance.
- D. No building permit shall be issued unless the Building Official is satisfied that adequate electrical power is supplied.

Sec. L-V 1.8 Compliance With Encroachment Requirements and Other Regulations Prerequisite to a Grading Permit

- A. No grading permit shall be issued for which encroachment approval is required until an encroachment permit has been obtained from the appropriate enforcement agency.
- B. No grading permit shall be issued until the Building Official is satisfied that the work authorized by the permit will not violate any existing law or ordinance, including the Nevada County Zoning Ordinance.
- C. No grading permit shall be issued until a land use permit pursuant to Chapter II of the Nevada County Land Use and Development Code has been granted by the Nevada County Planning Agency.

EXCEPTION: Single family residential development and dams.

Sec. L-V 1.9 Location of Property Lines

Whenever the location of a property line or easement, or the title thereto, is disputed during the building or grading permit application process or during a grading operation, a survey by a registered Land Surveyor or appropriately registered Civil Engineer may be required by the Building Official, at the expense of the applicant, prior to the application being approved or the grading operation resuming.

Sec. L-V 1.10 Transfer of Permit

Whenever a parcel of real property is conveyed and a building permit and/or a grading permit has been issued for work on the property which has been started but not completed, the new owner of the property shall request a transfer of the permit(s) to his/her name and shall assume full responsibility for the work authorized by the permit(s). The new owners upon application shall pay a transfer fee as specified by the latest fee Resolution of the Board of Supervisors for a permit transfer.

CHAPTER V: BUILDINGS

Article 2. Division II Administration

- Sec. L-V 2.1 Section 113: Board of Appeals (change to read): 113.1:
Building and Accessibility Standards Board of Appeals
- Sec. L-V 2.2 Section 114: Violations (add the following)
- Sec. L-V 2.3 Section 105.2: Work Exempt From Permit; Building Permits
(change paragraph 1 to read)
- Sec. L-V 2.4 Section 105.2: Work Exempt From Permit; Building Permits
(add the following)
- Sec. L-V 2.5 Section 105.2: Work Exempt From Permit; Building Permits
(add paragraph to read)
- Sec. L-V 2.6 Section 105.3.2: Time Limitation of Application
- Sec. L-V 2.7 Section 105.5: Expiration (change to read)
- Sec. L-V 2.8 Section 109.2: Schedule of Permit Fees (change to read)
- Sec. L-V 2.9 Section 109.4: Work Commencing Before Permit Issuance
(change to read)
- Sec. L-V 2.10 Section 109.6: Fee Refunds (change to read)

CHAPTER V: BUILDINGS

Article 2. Division II Administration Amendments

The Administrative Division II 2016 California Building Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 2.1 Section 113: Board of Appeals (change to read): 113.1: Building and Accessibility Standards Board of Appeals

113.1 Building and Accessibility Standards Board of Appeals

- A. In order to hear and decide appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of the provisions of the technical codes, there shall be, and is hereby, created a Building and Accessibility Standards Board of Appeals for Nevada County.
- B. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of State mandated energy regulations contained in Title 24, California Code of Regulations and requirements of the Historical Building Code.
- C. The Board may also rule on appeals of discretionary orders, decisions or determinations made by the Building Official relative to the enforcement of the California Access to Public Accommodations by Physically Disabled Persons regulations (Health and Safety Code Sec. 19955, et seq.).
- D. The Board shall consist of seven (7) members who are qualified by experience and training to pass on matters pertaining to building construction, building service equipment and grading. Two (2) of the seven (7) members shall be physically disabled persons who are qualified by experience and training to pass on matters pertaining to California Disabled Access Regulations. Said Board members may not be employees of the County of Nevada. Each member of the County Board of Supervisors is entitled to appoint one member who will serve at the pleasure of that Supervisor. The remaining two (2) Board members may be appointed by any the Chair of the Board of the Supervisors. The members may be selected from the County at large without regard for Supervisorial District.
- E. The Building Official shall be an ex officio member and serve as secretary to the Board but shall have no vote upon any matter before the Board.
- F. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board may recommend new legislation or comment on proposed legislation relating to building construction to the Board of Supervisors.

- G. The Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall it be empowered to waive any requirements of this code or the technical codes.
- H. Notwithstanding limitations in paragraph “G”, the Board may consider and authorize substitutions of materials, alternate methods, and types of construction to those specified in Chapter V of the Nevada County Land Use and Development Code, provided that the material, method or work offered is, for the purpose intended, at least the equivalent of that specified in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Board shall require sufficient evidence or proof be submitted to substantiate claims of equivalency and may require tests as proof of compliance at appellant's expense.

Sec. L-V 2.2 Section 114: Violations (add the following):

- A. Maintenance of any building, structure or building service equipment, which was unlawful at the time it was constructed or installed, if constructed or installed after January 1, 1962, shall constitute a continuing violation of this Code and the technical codes.
- B. Violations of any provisions of this Code and the technical codes shall constitute a public nuisance and said conditions may be abated in accordance with existing laws and ordinances.
- C. The issuance of a building permit, septic system, water well, or other permit may be withheld for property on which a violation of the provisions of this code and the technical codes exists, including work performed not in accordance with approved grading plans, until such violation has been corrected or mitigated. There shall be a connection between the violation and permit applied for.
- D. The processing of a tentative tract map, parcel map, zoning change, lot line adjustment, or discretionary use permit may be withheld for property on which a violation of the provisions of this Code exists, including work performed not in accordance with approved grading plans, unless conditioned to require such violation to be corrected or mitigated.
- E. **CRIMINAL ENFORCEMENT.** Any person who violates any provision of this Chapter shall be guilty of an infraction and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation of the same Section within a twelve month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.
- F. In addition to the provisions of the Subsections above, a notice of violation of this Code or the technical codes may be recorded in the office of the County Recorder. A notice of expungement of the notice of violation shall be recorded with the County

Recorder when it is determined that a permit is not required or all remedial work has been completed and approved.

- G. NONEXCLUSIVE REMEDIES. The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law.

Sec. L-V 2.3 Section 105.2: Work Exempt From Permit; Building Permits (amend paragraph 1 to read):

1. One-story detached accessory buildings without electrical, mechanical or plumbing not intended for habitation, provided the projected roof area does not exceed 200 square feet. One structure per parcel.

Sec. L-V 2.4 Section 105.2: Work Exempt From Permit; Building Permits (add the following):

14. Detached trellis or arbor accessory to single family residential property, provided the projected roof area does not exceed 200 square feet.
15. Agricultural structures, not intended for habitation, accessory to residential property in zoning districts "AG", "AE", "RA", "FR" and "TPZ" that meet all of the following conditions:
 - a. Not a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.
 - b. Of simple construction using conventional construction methods (concrete, steel frame, masonry and other technologies that generally require engineering are not exempt) or specifically approved manufactured structures.
 - c. Structures must meet the following limits:
 - 1) Pole Barns. Limited in size to 1,000 square feet maximum. One pole barn per parcel or 20 acres. Open from ground to eave on all sides. Distance to other structures must be equal to its height, minimum of 20 feet. Minimum of 100 feet from property line.
 - 2) Shade Structures. Cover limited to woven shade fabric.
 - 3) Animal Husbandry. Limited in size to 400 square feet maximum. One structure per parcel or 10 acres. Single wall construction. Dirt floor or gravel. Distance to other structures minimum of 10 feet. Minimum of 40 feet from property line.
 - 4) Pump Houses. Limited in size to 100 square feet.

- 5) Greenhouses. Limited in size to 400 square feet. One structure per parcel or 10 acres. Wood or PVC construction with rigid plastic or fiberglass cover. Dirt or gravel floor.
- 6) Storage Containers. Limited in size to 320 square feet. One container per parcel or 5 acres. Container is used for light nonhazardous agricultural storage and shall not be structurally modified or have any electrical, mechanical or plumbing utilities.

Pole barns, shade structures, animal husbandry and greenhouses require site plan review and approval and a letter of exemption issued by the Building Official.

Sec. L-V 2.5 Section 105.2: Work Exempt From Permit; Building Permits (add paragraph to read):

Exemption from the permit requirements of this Section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the technical codes adopted by this jurisdiction or any other laws or ordinances of this jurisdiction including zoning setback requirements.

Sec. L V 2.6 Time Limitation of Application (change to read):

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend time for action by the applicant for a period not exceeding 90 days upon request by the applicant in writing showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than twice. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Sec. L-V 2.7 Section 105.5: Expiration (change to read):

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. For building permits issued for projects above 4,000ft elevation such permit shall become null and void if the building or work authorized by such permit is not commenced within one (1) year from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of one (1) year at any time after the work is commenced. Before such work can be recommenced, the permit shall be renewed. The fee for renewal shall be a minimum of one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work,

and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the building or work has been suspended or abandoned or the permit has been expired for a period exceeding one year, the permittee shall pay a new full permit fee, submit plans meeting minimum standards per the most recent adopted versions of the California Building Standards Codes and obtain a new building permit. Permits deemed to have expired shall be subject to all permit related fee increases and new fees in effect at the time of permit renewal as applicable subject to the discretion of the Building Official. The Building Official shall have discretion to adjust permit renewal fees when extenuating circumstances exist.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice. Upon written request by the applicant, the Building Official may authorize an extension of up to an additional 180 days from the date the permit expiration date.

All building permits shall expire two years after the issuance date. The permit may be extended beyond this period if the work authorized by the permit is being diligently pursued but only upon written request by the permittee. Review of the request and granting of an approved time extension beyond two years shall be made by the Building Official. A maximum one year extension of time may be granted in 180 day intervals when approved by the Building Official based on extenuating circumstances.

Permits may be issued with a limited time when necessary to abate dangerous, substandard or illegal conditions. The Building Official may establish the expiration date depending on the health/safety hazard.

Sec. L-V 2.8 Section 109.2: Schedule of Permit Fees (change to read):

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 2.9 Section 109.4: Work Commencing Before Permit Issuance (change to read):

If work is done in violation of this Chapter or such work is not done in accordance with an approved permit, a fee covering investigation of any violation, inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all actual costs. This fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical

codes nor from the penalty prescribed by law. The applicant may appeal the assessment of a penalty to the Building and Accessibility Standards Board of Appeals.

Where work for which a permit is required by this Chapter is started or proceeded with prior to the obtaining of such permit, the fees set forth in the fee schedule adopted by the Board of Supervisors may be increased by the Building Official but shall not be more than double the fees specified for obtaining the permit for the first violation and not more than fourfold the fees specified for obtaining the permit for a second or subsequent violation by the same individual. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes in the execution of the work nor from penalties prescribed in Sections L-I 1.7 and L-V 2.3 of the Land Use and Development Code.

Sec. L-V 2.10 Section 109.6: Fee Refunds (change to read):

Upon request of the Applicant prior to the expiration of the building permit, the Building Official may authorize refunding the permit fee, less an administration fee established by Resolution of the Board of Supervisors, when no work has been performed under a permit issued in accordance with this Code.

The Building Official may authorize refunding the plan review fee paid, less a refund processing fee and the administration fee established by Resolution of the Board of Supervisors, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The refund of these separate and independent fees shall not exceed 80% of the individual plan review or building permit fee.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 90 days after the date of fee payment. Refund amounts of less than \$25.00, calculated after appropriate deductions, shall not be refunded.

CHAPTER V: BUILDINGS

Article 3. California Building Code Amendments

Sec. L-V 3.1	Division II, Section 113: Board of Appeals, General (change to read)
Sec. L-V 3.2	Division II, Section 105.2: Work Exempt from Permit (change to read)
Sec. L-V 3.2.1	Division II, Section 105.3.2: Time Limitation of Application (change to ready):
Sec. L-V 3.3	Division II, Section 105.5: Permit Expiration (change to read)
Sec. L-V 3.4	Division II, Section 109.2: Schedule of Permit Fees (change to read)
Sec. L-V 3.5	Section 202: R (add the following definition)
Sec. L-V 3.6	Section 1505.1: Fire Classification (change to read as follows)
Sec. L-V 3.7	Section 1507.2.8.2: Ice Dam Membrane Application (add the following)
Sec. L-V 3.8	Section 1507.2.9.2: Valleys and Section 1507.2.9.2 #3 Valleys: Flashing (add the following text)
Sec. L-V 3.9	Section 1507.3.3: Underlayment (add the following)
Sec. L-V 3.10	Section 1608.2: Ground Snow Loads (change to read as follows)
Sec. L-V 3.11	Section 1608.2.1: Snow Loads (add a subsection to read as follows): 1608.2.1: Ramadas
Sec. L-V 3.12	Added Section 1608.4
Sec. L-V 3.13	Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-10 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
Sec. L-V 3.13.1	Section 7.7.1: Lower Roof of a Structure, ASCE 7-10 (change equation 7.7-1 to read as follows)

- Sec. L-V 3.13.2 Table 7-2 Exposure Factor, C_e , ASCE 7-10 (change foot note 'a' to read as follows)
- Sec. L-V 3.13.3 Table 7-3 Thermal Factor, C_t , ASCE 7-10 (replace Table 7-3 Thermal Factor, C_t , with the following table)
- Sec. L-V 3.14 Section 1809.5 Frost Protection (change to read)
- Sec. L-V 3.15 Section 3109.4.1: Barrier Height and Clearances (change to read)

CHAPTER V: BUILDINGS

Article 3. California Building Code Amendments

The California Building Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 3.1 Division II Section 113: Board of Appeals, General (change to read):

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section L-V 2.2 of the Nevada County Land Use and Development Code.

Sec. L-V 3.2 Division II, Section 105.2: Work Exempt from Permit (change to read):

Work exempt from permit requirements shall be as set forth in the 2016 California Building Code, Section 105.2, as adopted by Nevada County, with County amendments.

Sec. L-V 3.2.1 Division II, Section 105.3.2: Time Limitation of Application (change to ready):

The time limitation of permit applications shall be as set forth in the California Building Code, Section 105.3.2, as adopted by Nevada County, with County amendments.

Sec. L-V 3.3 Division II Section 105.5: Permit Expiration (change to read):

Permit expiration for every permit issued by the Building Official shall be as set forth in the California Building Code, Section 105.5, as adopted by Nevada County, with County amendments.

Sec. L-V 3.4 Division Section 109.2 Schedule of permit fees (change to read):

Permit fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 3.5 Section 202: R (add the following definition):

RAMADA is any freestanding roof, or shade structure, installed or erected above a mobile home, manufactured home, commercial coach, or any portion thereof.

Sec. L-V 3.6 Section 1505.1: Fire Classification (change to read as follows):

The roof covering or roofing assembly on any structure regulated by this Code, unless specifically exempted, shall be listed Class A, as classified in Section 1505.1.

The roof covering assembly includes the roof deck, underlayment, interlayment, insulation and covering, which is assigned a roof covering classification.

Sec. L-V 3.7 Section 1507.2.8.2: Ice Dam Membrane (add the following):
1507.2.8.3: Underlayment Ice Dams

1507.2.8.3 UNDERLAYMENT ICE DAMS. An "ice dam" or "ice guard" is required on the roofs of heated buildings constructed at elevations above 4,000 feet above sea level. All roofs, regardless of covering, with a pitch of less than 8 in 12 shall be protected against leakage (caused by ice and snow) by either: (1) a base sheet of felt solid cemented to the roof sheathing with an approved cementing material, or (2) an approved manufactured membrane installed per the manufacturer's specifications. Application shall extend from the roof eave edge up the roof to a line five (5) feet horizontally inside the exterior wall line of the heated building and up 30 inches along each side of a valley. Where there exists both conditioned space and unconditioned space, the required covering shall also extend horizontally to a point at least five (5) feet onto the unconditioned space. This "ice dam"/"ice guard" shall be in addition to any underlayment otherwise required.

Sec. L-V 3.8 Section 1507.2.9.2: Valleys (add the following text):

Above 4,000 feet elevation above sea level, valley flashing shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup).

Sec. L-V 3.9 Section 1507.3.3: Underlayment (add the following):

Above 4,000 feet elevation above sea level, underlayment shall be installed to the requirements for severe climate (areas subject to wind-driven snow and ice buildup).

Sec. L-V 3.10 Section 1608.2: Ground Snow Loads (change to read as follows):

- A. All of Nevada County is declared a snow area. Buildings and structures shall be designed to resist snow loads as set forth herein. Except as provided in this Section, snow load requirements shall be as shown in Tables 16-C-1 and 16-C-2.

Table 16-C-1

Snow load requirements applicable west of the west section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-2000 ft.	29 psf
2001-2500 ft.	43 psf
2501-3000 ft.	57 psf
3001-3500 ft.	71 psf

3501-4000 ft.	117 psf
4001-4500 ft.	157 psf
4501-5000 ft.	200 psf
5001-5500 ft.	257 psf
5501-6000 ft.	314 psf
6001-6500 ft.	371 psf
6501-7000 ft.	428 psf
7001-7500 ft.	485 psf
7501-8000 ft.	542 psf

Table 16-C-2

Snow load requirements applicable east of the east section line of Sections 5, 8, 17, 20, 29 & 32 R. 16 E., T 17 and 18 N., M.D.B. and M.

<u>Elevation</u>	<u>Snow Load</u>
0-5000 ft.	71 psf
5001-5500 ft.	129 psf
5501-6000 ft.	186 psf
6001-6500 ft.	243 psf
6501-7000 ft.	300 psf
7001-7500 ft.	357 psf
7501-8000 ft.	400 psf
8001-8500 ft.	443 psf

Intermediate values may be interpolated from Table 16-C-1 and Table 16-C-2 by proportion.

- B. The snow loads for within Sections 5, 8, 17, 20, 29 and 32 R., 16 E., T. 17 and 18 N., M.D.B. and M. shall be on a straight line proportion between the values shown in Table 16-C-1 and Table 16-C-2 based on the distance of the site from the boundary of the transition zone.
- C. Higher snow loading than those shown in Tables 16-C-1 and 16-C-2 may be required by the Building Official in local areas of known higher snow accumulation.
- D. Deviations from the above set forth snow loading may be permitted by the Building Official, provided the snow load and conditions in each individual case are derived and certified by a registered or licensed design professional who can show proper experience in snow load evaluation. Snow load design procedure shall be as set forth in Section 1608.
- F. In no case shall the design snow load be less than 20 psf.

Sec. L-V 3.11 Section 1608.2.1: Snow Loads (add subsection to read as follows):
1608.2.1: Ramadas

1608.2.1 RAMADAS. Mobile homes or commercial coaches that do not meet the applicable snow load requirement of Title 25, California Code of Regulations, or Section L-V 3.10 of the Nevada County Land Use and Development Code for their location, shall be protected by a ramada designed for the loading. A registered or licensed design professional shall design such ramadas.

Sec. L-V 3.12 Added Section 1608.4

Depth of ground snow may be calculated by dividing the applicable snow load set forth in Section L-V 3.10 of the Nevada County Land Use and Development Code by 25.

Sec. L-V 3.13 Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-10 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF

7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF

The following conditions are for the leeward side of a structure. The windward loading shall be in accordance with Section 7.6.1.

1.) For roof pitches of less than 6/12 (26.6 degrees) where the ground snow load (P_g) exceeds 100 psf, the unbalanced snow load need not exceed:

0 psf at the ridge and
 $(hr)\gamma$ psf at the eave
 (see Figure 7.6.1.1-1)

Where: hr - Vertical distance between the eave and the ridge (ft)
 γ - Density of snow (pcf)

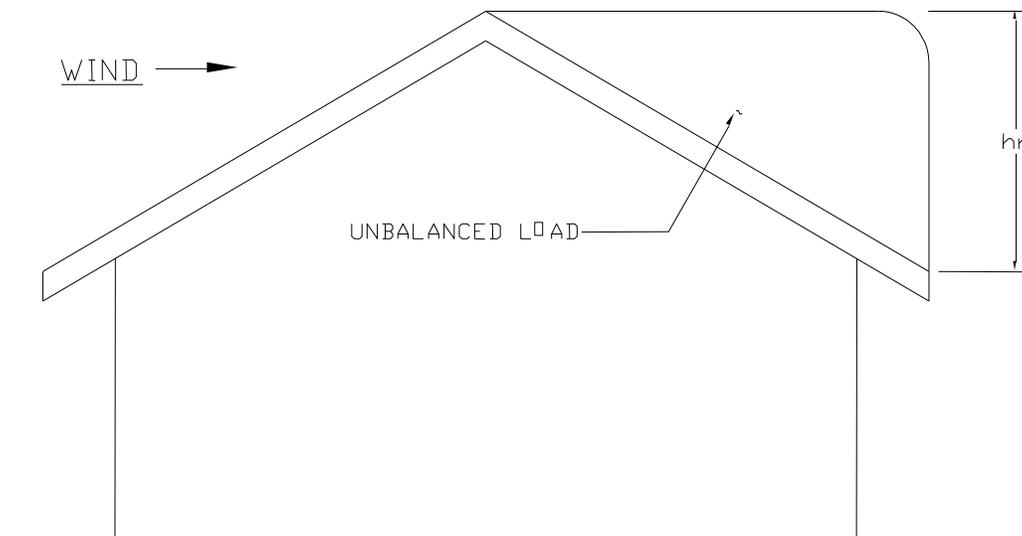


Figure 7.6.1.1-1

2.) For roof pitches of 6/12 (26.6 degrees) and greater where the ground snow load (Pg) exceeds 100 psf where the roof is partially exposed or sheltered in Terrain Category B and C, or sheltered in Terrain Category D, the unbalanced snow load need not exceed the sloped roof snow load (Ps). Terrain Categories are those defined in Table 7-2. For areas not meeting the terrain category and exposure as described, the unbalanced snow load need not exceed the load as defined in 1.) above.

Sec. L-V 3.13.1 Section 7.7.1: Lower Roof of a Structure, ASCE 7-10 (change equation 7.7-1 to read as follows):

$$\gamma = 25 \text{ pcf}$$

$$\text{(in SI: } \gamma = 3.9 \text{ kN/m}^3\text{)}$$

Sec. L-V 3.13.2 Table 7-2 Exposure Factor, Ce, ASCE 7-10 (change foot note 'a' to read as follows):

^aDefinitions: Partially Exposed: all roofs except as indicated in the following text. Fully Exposed: roofs exposed on all sides with no shelter^b afforded by terrain, higher structures, or trees. Roofs that contain several large pieces of mechanical equipment, parapets that extend above the height of the balanced snow load (h_b), or other obstructions are note in this category. Sheltered: roofs located where there are very tight conifer trees in very close proximity to a structure, r if an obstruction, such as a tall hill, is located within a distance of 10 times the height of the difference in height between the top of the roof and the top of the obstruction as noted in footnote “b”.

Sec. L-V 3.13.3 Table 7-3 Thermal Factor, Ct, ASCE 7-10 (replace Table 7-3 Thermal Factor, Ct, with the following table):

TABLE 7-3 THERMAL FACTOR, Ct

Thermal Condition ^a	Ct
All Structures except as indicated below	1.0
Structures kept just above freezing, structures with specifically designed cold roofs ^c and for enclosed portions of a completely unheated structure.	1.1
Structures intentionally kept below freezing	1.2
Continuously heated greenhouses ^b with a roof having a thermal resistance (R-value) Less than $2.0 \text{ } ^\circ\text{F}\cdot\text{h}\cdot\text{ft}^2/\text{Btu}$ ($0.4 \text{ K}\cdot\text{m}^2/\text{W}$)	0.85

^a These conditions shall be representative of the anticipated conditions during winters for the life of the structure.

^b Greenhouses with constantly maintained interior temperature of 50 °F (10 °C) or more at any point three (3) feet above the floor level during winters and having either a maintenance attendant on duty at all times or a temperature alarm system to provide warning in the event of a heating failure.

^c A specifically designed cold roof is defined as a well vented (exceeding code minimum) roof with an insulation system intended to mitigate icing at the eaves, which creates an air-tight or nearly air-tight envelope below the well ventilated space.

Sec. L-V 3.14 Section 1809.5 Frost Protection (change to read)

Unless erected on solid rock, to protect against frost and freezing, the minimum foundation depth is 18 inches below grade if between 4,000-7,000 foot elevation and 24 inches below grade for 7,000 foot elevation and above.

Exception: Interior footings shall be a minimum of 12 inches below grade.

Sec. L-V 3.15 Section 3109.4.1: Barrier Height and Clearances (change to read)

The top of the barrier shall be at least 60 inches (1524mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches (51mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches (102mm).

CHAPTER V: BUILDINGS

Article 4 California Residential Code Amendments

- Sec. L-V 4.1 Division II Administration, Section R105.2 Work Exempt from Permit
- Sec. L-V 4.2 Section R105.2: Work Exempt from Permit; Building Permits
- Sec. L-V 4.3 Section R105.5: Expiration
- Sec. L-V 4.4 Section R108.2: Schedule of Permit Fees
- Sec. L-V 4.5 Section R108.5: Refunds
- Sec. L-V 4.6 Section R108.6: Work Commencing Before Permit Issuance
- Sec. L-V 4.7 Section R301.2.3 Snow Loads
- Sec. L-V 4.8 Section R301.2 Table R301.2(1) Climatic and Geographic Design Criteria
- Sec. L-V 4.9 Section R402.2 Concrete & Table R402.2 Minimum Specified Compressive Strength of Concrete
- Sec. L-V 4.10 Section R403.1.4.1 Frost Protection (change to read)

CHAPTER V: BUILDINGS

Article 4 California Residential Code Amendments

The California Residential Code as incorporated into the Land Use and Development Code by Section L-V 1.4 is adopted with following amendments:

Sec. L-V 4.1 Division II Administration, Section R105.2 Work Exempt from Permit (changed to read):

Refer to L-V 2.3, Section 105.2.

Sec. L-V 4.2. Section R105.2: Work Exempt From Permit; Building Permits (add paragraph to read):

Refer to L-V 2.5, Section 105.2.

Sec. L-V 4.3 Section R105.5: Expiration (change to read):

Refer to L-V 2.7, Section 105.5.

Sec. L-V 4.4 Section R108.2: Schedule of Permit Fees (change to read):

Refer to L-V 2.8, Section 109.2.

Sec. L-V 4.5 Section R108.5: Refunds (change to read):

Refer to L-V 2.10, Section 109.6.

Sec. L-V 4.6 Section R108.6: Work Commencing Before Permit Issuance:

Refer to L-V 2.9, Section 109.4.

Sec. L-V 4.7 R301.2.3: Snow Loads (change to read):

Refer to L-V 3.10 – 3.13.3

Sec. L-V 4.8 Section R301.2 & Table R301.2(1) Climatic and Geographic Design Criteria

Table R301.2 (1) changed to the read the following:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHICAL CRITERIA <4,000 FT. ELEVATION

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
Per GIS	85	NO	D0	NO	12"	YES	32	NO	FEMA	50	59

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (ie., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216, or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4

e. *Temperatures* shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with 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, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. a) Starting at the southern county line, West of Highway 174 to Brunswick Road then

b) West of Brunswick Road to Highway 49

c) West of Highway 49 to the northern County line.

d) All areas within Nevada City Limits are excluded from this area (this table may not be used in Nevada City)

Sec. L-V 4.9 Section R402.2 Concrete & Table R402.2 Minimum Specified Compressive Strength of Concrete

Table R402.2 changed to read the following:

**TABLE R402.2
MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE**

TYPE OR LOCATION OF CONCRETE CONSTRUCTION	MINIMUM SPECIFIED COMPRESSIVE STRENGTH ^a (<i>f'_c</i>)		
	Weathering Potential ^b		
	<u>Negligible</u>	<u>Moderate</u>	<u>Severe</u>
Basement walls, foundations and other concrete not exposed to the weather	2,500	2,500	2,500 ^c
Basement slabs and interior slabs on grade, except garage floor slabs	2,500	2,500	2,500 ^c
Basement walls, foundation walls, exterior walls and other vertical concrete work exposed to the weather	2,500	3,000 ^d	3,000 ^d
Porches, carport slabs and steps exposed to the weather, and garage floor slabs	2,500	3,000 ^{d,e,f}	3,500 ^{d,e,f}

For SI: 1 pound per square inch = 6.895 kPa.

a. Strength at 28 days psi.

b. See table R301.2(1) for weathering potential.

c. Concrete in these locations that may be subject to freezing and thawing during construction shall be air-entrained concrete in accordance with Footnote d.

d. Concrete shall be air-entrained. Total air content (percent by volume of concrete) shall be not less than 5 percent or more than 7 percent.

e. See Section R402.2 for maximum cementitious materials content.

f. For garage floors with a steel troweled finish, reduction of the total air content (percent by volume of concrete) to not less than 3 percent is permitted if the specified compressive strength of the concrete is increased to not less than 4,000 psi.

Sec. L-V 4.10 Section R403.1.4.1 Frost Protection (change to read)

Refer to Sec. L-V 3.14

CHAPTER V: BUILDINGS

Article 5. Fire Safety Standards and California Fire Code Amendments

Sec. L-V 5.1	Purpose
Sec. L-V 5.2	Application
Sec. L-V 5.3	Definitions
Sec. L-V 5.4	Responsibility for Enforcement and Review
Sec. L-V 5.5	Duties of County Fire Marshal
Sec. L-V 5.6	Appointment of County Fire Marshal
Sec. L-V 5.7	Penalties
Sec. L-V 5.8	Fire Agency Appeals
Sec. L-V 5.9	Code Adoption Procedure
Sec. L-V 5.10	Appendix Chapters Adopted
Sec. L-V 5.11	Section 113.1.1: Fees (add a subsection to read): 113.1.1 Fees
Sec. L-V 5.12	Section 105: Permits (add a subsection to read): 105.8: New Materials, Processes or Occupancies Which May Require Permits
Sec. L-V 5.13	Section 505: Premises Identification (add a subsection to read: 505.3 Utility Identification
Sec. L-V 5.14	Section 506.1: Key Box (add the following text)
Sec. L-V 5.15	Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.10 False Alarms
Sec. L-V 5.16	Permits for Burning Operations
Sec. L-V 5.17	Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized
Sec. L-V 5.18	Construction
Sec. L-V 5.19	Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations
Sec. L-V 5.20	Open Burning

- Sec. L-V 5.21 Section 5706.2.4.4: Location Where Above Ground Tanks are Prohibited (add exceptions)
- Sec. L-V 5.22 Section 6103: Installation of Equipment (add a paragraph to read):
- Sec. L-V 5.23 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System
- Sec. L-V 5.24 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System
- Sec. L-V 5.25 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants
- Sec. L-V 5.26 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants
- Sec. L-V 5.27 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry hydrant connection
- Sec. L-V 5.28 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection
- Sec. L-V 5.29 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers
- Sec. L-V 5.30 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds
- Sec. L-V 5.31 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage
- Sec. L-V 5.32 Appendix D, Section D101: Fire Apparatus Access Roads (add a paragraph to read as follows):

CHAPTER V: BUILDINGS

Article 5. Fire Safety Standards and California Fire Code Amendments

Sec. L-V 5.1 Purpose

This Article prescribing regulations governing fire prevention is enacted to provide increased protection from fire to residents and property within Nevada County. It is also intended to encourage a greater degree of uniformity between the local fire districts and outside districts in the imposition of fire safety regulations on new construction and existing buildings, while respecting the autonomy of the local fire protection districts.

Sec. L-V 5.2 Application

Notwithstanding any provision in the California Fire Code to the contrary, if any provisions of the California Fire Code, as amended by this Article, conflict with state law or County ordinances, the provisions of state law or County ordinances shall govern.

Sec. L-V 5.3 Definitions

As used in this Article and the California Fire Code, certain words and phrases are defined and shall be deemed to have the meaning ascribed to them herein.

- A. COUNTY FIRE MARSHAL is the person appointed to said position pursuant to Section L-V 5.6, acting directly or through the County Fire Protection Planner.
- B. COUNTY FIRE PROTECTION PLANNER is the designee and authorized representative of the County Fire Marshal.
- C. FIRE BREAK shall mean a continuous strip of land upon which all rubbish, weeds, grass, or other growth that could be expected to burn when dry, has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

Sec. L-V 5.4 Responsibility for Enforcement and Review

Except as otherwise required by controlling State law, enforcement of fire safety laws, standards and regulations and review of projects for compliance therewith shall be as follows in the unincorporated areas of Nevada County:

- A. The California Fire Code, as amended and adopted in this Article, shall be enforced:
 - 1. By the Chief of any fire department or the authorized representative thereof within its jurisdiction, and
 - 2. By the County Fire Marshal outside the jurisdiction of a fire department providing fire protection services or within such boundaries as authorized by the Chief.

- B. The building standards relating to fire and panic safety adopted by the State Fire Marshal and published in the State Building Standards Code and other regulations formally adopted by the State Fire Marshal for prevention of fire or for protection of life and property against fire or panic shall be enforced against all buildings and uses, including those owned or operated by the State or the County only to the extent State law expressly makes the same applicable and enforceable against such governmental entities:
1. By the State Fire Marshal as to State owned or operated buildings;
 2. By the County of Nevada, through its Building Department or its authorized representative, throughout the unincorporated areas of the County:
 - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Health and Safety Code Section 13143.5 or ratified pursuant to Health and Safety Code Section 13869.7 where enforcement is not otherwise delegated upon adoption or ratification, and
 - b. Those relating to R-3 occupancies, excluding adopted building standards relating to fire and panic safety applicable to Small and Large Day Care Centers, the enforcement of which shall be as provided in subsections B.3 and B.4 hereof;
 3. By the Chief of any fire department or their authorized representative within its jurisdiction:
 - a. Those standards and regulations more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety adopted pursuant to Health and Safety Code Section 13143.5 or ratified pursuant to Health and Safety Code Section 13869.7 where enforcement is delegated to it; and
 - b. All other standards and regulations, except as provided in subsections B.1, B.2 or B.4 hereof; and
 4. By the County Fire Marshal all standards and regulations applicable outside the jurisdictional boundaries of a fire department providing fire protection services or within such boundaries upon request of the Chief or governing body thereof with approval of the State Fire Marshal.
- C. Whenever any application is made to the County for issuance of any discretionary land use permit or other land use entitlement, the County Fire Marshal, after consultation with any Fire Chief or other person with enforcement responsibility pursuant to this Article, shall have the final authority and responsibility for review

of such application and preparation of comments and appropriate mitigation measures and/or conditions of approval to be requested to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall promptly be provided to the County Fire Marshal and to any Fire Chief or other person with enforcement responsibility.

Sec. L-V 5.5 Duties of County Fire Marshal

- A. In addition to enforcement responsibilities provided for in subsections A and B and review responsibilities provided for in Subsection C of Section L-V 5.4 hereof, the duties of the County Fire Marshal shall include fire prevention, code inspection, and fire investigation for the unincorporated areas of Nevada County outside the jurisdictional boundaries of a fire department or within such boundaries as authorized by the Chief.
- B. The County Fire Marshal may designate another qualified person, who shall be known as the County Fire Protection Planner, as his authorized representative to carry out all or any part of his duties under this Section. The appointment of the Fire Protection Planner is subject to ratification by the Board of Supervisors and shall not become effective until said ratification. Any fire department or fire department governing body may, by written request, delegate their authority to the County Fire Protection Planner to review and determine appropriate mitigation measures and/or conditions of approval for any project in its jurisdiction.

Sec. L-V 5.6 Appointment of County Fire Marshal

The Nevada County Board of Supervisors shall appoint the County Fire Marshal. In a timely manner thereafter, the County Fire Marshal shall appoint his or her chief staff officers as Deputy Fire Marshals to operate under the authority of the Nevada County Board of Supervisors. Appointment of Deputy Fire Marshals is subject to ratification by the Board of Supervisors and shall not become effective until said ratification.

Sec. L-V 5.7 Penalties California Fire Code Section 109.4

- A. 109.4 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official, or of a permit or certificate used under provision of this code, shall be guilty of an infraction, punishable by a fine of not more than five hundred dollars or imprisonment not exceeding six months in the County Jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The application of the above penalty shall not be the exclusive remedy nor shall the penalty be held to prevent the enforced removal of prohibited conditions.
- B. Any person who violates or fails to comply with a notice or order of the County Fire Marshal shall be guilty of a misdemeanor.

Sec. L-V 5.8 Fire Agency Appeals

Appeals from decisions to approve or not to approve permits pursuant to this Article resulting from a dispute as to interpretation of any regulation between the County Fire Marshal and any Fire Chief, or authorized representatives of either, may be taken directly to the Board of Supervisors or their designee within ten (10) calendar days from the date of the decision, where no provision is otherwise made for appeal. The sole issue to be decided on such appeal shall be compliance with provisions of this Article. Such appeals shall be processed pursuant to Article 5 of Chapter II of the Land Use and Development Code.

Sec. L-V 5.9 Code Adoption Procedure

- A. The County Fire Marshal or his or her designee shall review fire and panic safety regulations adopted by the State pursuant to Health and Safety Code Secs. 13143, *et seq.* and Public Resources Code Secs. 4290, *et seq.* and shall recommend to the Board of Supervisors for consideration the adoption of amendments and additions to, or deletions from, such regulations.
- B. Upon receipt of the County Fire Marshal's report and recommendations, the Board of Supervisors shall set a public hearing to receive public testimony on the proposed changes.

Sec. L-V 5.10 Adopt the 2016 California Fire Code as printed by International Code Council Inc. and amended by State Fire Marshal Office and including all the Appendices Chapters.

Sec. L-V 5.11 California Fire Code, Section 113.1.1: Fees (add a subsection to read):

113.1.1 FEES. The Chief of each local fire protection district may charge and receive such fees and charges for services and permits relating to activities of fire prevention pursuant to the Fire Code. Said fees and charges may be set by Resolution of each local fire protection district.

Sec. L-V 5.12 California Fire Code, Section 105: Permits (add a subsection to read): 105.8 New Materials, Processes or Occupancies Which May Require Permits

105.8 NEW MATERIALS, PROCESSES, OR OCCUPANCIES THAT MAY REQUIRE PERMITS. The Chief of each local fire protection district shall determine and specify, after giving affected persons the opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those enumerated in said code.

Sec. L-V 5.13 California Fire Code, Section 505: Premises Identification (add a subsection to read): 505.3 Utility Identification

505.3 UTILITY IDENTIFICATION. Gas and electrical meters, services, switches, and shut-off valves in multi-unit commercial and residential buildings shall be clearly and legibly marked to identify the unit or space that it serves.

Sec. L-V 5.14 California Fire Code, Section 506.1: Key Box (add the following text):

A key box, approved by the responsible fire agency, shall be installed in buildings with automatic fire sprinkler and/or fire alarm systems.

The owner or person in charge of the premises shall notify the responsible fire agency without delay when the required keys providing access to the facility have been changed. Proper keys shall be made immediately available.

Sec. L-V 5.15 California Fire Code, Section 907: Fire Alarm and Detection Systems (add a subsection to read): 907.10 False Alarms

907.10 FALSE ALARMS. When any fire alarm system sounds an audible alarm or transmits an alarm to a remote location causing an emergency response by a fire district, when no emergency exists, for three or more times in any six month period, the owner, tenant, or lessee of the premises may be billed for the cost of the response in accordance with a fee that may be established by Resolution of said Fire District.

Sec. L-V 5.16 Permits for Burning Operations

Residential open burning, consisting of burning materials originating from one or more single or multiple family dwellings on a premises, including incinerator use, is allowed subject to the provisions of this Code as adopted by Nevada County:

- a. Without a permit only during that period when fire danger is determined to be low enough as established from year-to-year by a proclamation of the local California Department of Forestry and Fire Protection (CAL FIRE) Director that burning is not prohibited and burn permits are not needed;
- b. With a permit issued by CAL FIRE only during that period between open burn and no-burn periods when conditions are appropriate as established from year-to-year by CAL FIRE or its designated agency by a proclamation that burning is not prohibited, but is allowed subject to a permit.

Notwithstanding the foregoing, there shall be no open burning, and no permits may be issued for burning, on days or at times determined to be unsafe by CAL FIRE, or unhealthy by the Northern Sierra Air Quality Management District (NSAQMD) or for open burning in violation of Section 1102.3.

Sec. L-V 5.17 Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized

The Northern Sierra Air Quality Management District and its duly authorized agents are hereby declared to be code enforcement officers of this County for the purpose and with

the right of enforcing the provisions of all subsections of this section, including, without limitation, the same authority as the chief to require discontinuance of burning.

Sec. L-V 5.18 Construction

Freestanding incinerators shall be constructed of bricks, concrete, hollow tile, heavy gauge metal or other approved non-combustible material. Incinerators shall be equipped and maintained with a spark arrest constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than 1/4-inch.

Sec. L-V 5.19 Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to an adequate water supply or other approved fire extinguishing equipment shall be available for use when incinerators are in operation.

SUPERVISION OF INCINERATOR BURNING OPERATIONS. When burn permits are required, incinerators, while in use, shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment required by Sec. L-V 5.20 and familiar with permit limitations that restrict the use of incinerators. An attendant shall supervise the burning material until the fire has been extinguished.

Sec. L-V 5.20 Open Burning

GENERAL. Open burning shall be conducted in accordance with Section 307. Open burning shall also be conducted in accord with requirements of other governing agencies regulating emissions

EXCEPTION: Recreational fires shall be in accordance with California Fire Code Section 307.4.2

NOTIFICATION. Prior to commencement of open burning, the resident must ensure that it is a permissive burn day.

MATERIAL RESTRICTIONS. Material to be burned must be properly dried and all open burning be conducted in a manner to minimize smoke and promote quick and complete combustion. Open burning of rubbish containing paper products is prohibited, as is open burning of garbage generally, cloth, plastics, petroleum products, metal, material soiled by food or fecal matter, animals or animal parts, or any similar smoke producing materials. No person shall use open outdoor fires for the purpose of disposal, processing or burning of any flammable combustible material, including, but not limited to, treated wood, tires, tar, plastics, petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals or salvage of metals. All residential burning of leaves and pine needles shall utilize efficient burn management techniques and in Western Nevada County (as defined in Sec. G-IV 14.A.2 of the Nevada County General Code) shall be restricted to burning where the leaves or pine needles are dry and attached to branches or make up no more than twenty percent (20%) by volume of any burn pile.

TIME AND ATMOSPHERIC RESTRICTIONS. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit or on a permissive burn day as determined by the Northern Sierra Air Quality Management District.

307.4 LOCATION: Open burning shall not be conducted within fifty (50) feet (15.25 meters) of any structure.

EXCEPTION: Clearance from structures is allowed to be reduced as follows:

1. Not less than fifteen (15) feet (4.5 meters) when burning is conducted in an approved burning appliance.
2. Not less than twenty-five (25) feet (7.6 meters) when the pile size is three (3) feet (one (1) meter) or less in diameter and two (2) feet (0.6 meters) or less in height.

FIRE-EXTINGUISHING EQUIPMENT. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at open-burning sites.

SUPERVISION OF OPEN BURNING OPERATIONS. Burning material shall be constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment required by Section 307.5 and familiar with permit limitations that restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

DISCONTINUANCE. The chief or a duly authorized agent of the Northern Sierra Air Quality Management District is authorized to require that open burning be immediately discontinued if the chief or agent determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief or agent to constitute a hazardous condition.

Sec. L-V 5.21 California Fire Code, Section 5706.2.4.4: Location Where Above-Ground Tanks are Prohibited (add exceptions):

EXCEPTIONS:

1. Storage in conjunction with construction projects complying with Section 5706.2 of this article for which the Chief has issued a permit.
2. Tanks used for agricultural purposes complying with Section 5706.2. where the need for on-site fuel is necessary for continued operations, and for which a permit has been issued by the Chief.
3. Existing installations where the Chief has issued a permit for continued use.

4. Service stations, repair garages, oil change facilities and commercial operations which accept the return of used crankcase oil, may be permitted to have one aboveground storage tank of up to a five hundred (500) gallon capacity for the purpose of storing used crankcase oil. Section 2311.2

Sec. L-V 5.22 California Fire Code, Section 3803.1: Installation of Equipment (add a paragraph to read):

Above 4,000 feet elevation above sea level, a site plan that includes a liquefied petroleum gas tank shall be approved by the Fire Marshal of the affected Fire District or Fire Authority before issuance of any building permit therefore.

Sec. L-V 5.23 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): BB106 Automatic Fire Alarm System

BB106 AUTOMATIC FIRE ALARM SYSTEM. Any structure with a required fire flow of 1,500 to 1,999 gallons per minute, shall have installed throughout an approved fully-supervised automatic smoke and/or heat detection fire alarm system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding 50% of the gross floor area.

EXCEPTIONS:

1. Single-family dwellings and related accessory outbuildings.
2. Buildings that have an automatic fire sprinkler system installed throughout the building.

Sec. L-V 5.24 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System

B108 AUTOMATIC FIRE SPRINKLER SYSTEM. Any structure with a required fire flow of 2,000 gallons per minute or more shall have installed throughout, an approved fully-supervised automatic fire sprinkler system in the following categories:

1. New buildings;
2. Existing buildings with new construction exceeding 50% of the gross floor area.

EXCEPTIONS:

1. Single-family dwellings and related accessory outbuildings.

Sec. L-V 5.25 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants

C106 LOCATION OF DRY HYDRANTS

C106.1 DRY HYDRANT LOCATION. The dry hydrant shall be readily accessible by fire apparatus and shall be located not more than 1,000 feet from the parcel to be served and not less than fifty (50) feet from any structure to be served by the system.

C106.1.1 ADJACENT TO ROADWAY. The dry hydrant shall be located within ten (10) feet of the driveway or other approved access roadway.

C106.1.2 SERVING SINGLE STRUCTURE. If the dry hydrant is located along the driveway serving a single structure, or along the primary access roadway serving multiple structures, the connection shall be located in such a manner that fire apparatus can utilize the hydrant without obstructing the access roadway.

C106.2 TURNOUT CONSTRUCTION. An approved turnout, consisting of a 10-foot wide driving surface for a distance of 25 feet plus a 25-foot taper on either end (total length of 75 feet), shall be provided when the dry hydrant is placed adjacent to a single lane access roadway or where fire apparatus using the hydrant would obstruct the access roadway.

C106.3 VEGETATION CLEARANCE. All flammable vegetation within 10 feet of the dry hydrant shall be removed.

Sec. L-V 5.26 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants

C107 INSTALLATION OF DRY HYDRANTS

C107.1 DRY HYDRANT SUPPLY PIPING. Pipe supplying the dry hydrant shall be not less than 4 inches in diameter.

C107.1.1 PVC PIPING. If PVC piping is used, the piping shall be Schedule 40, or better.

C107.2 ULTRAVIOLET PROTECTION. Exposed PVC piping shall be primed and painted with epoxy paint, or otherwise protected from damage that could be caused by exposure to sunlight, in an approved manner.

C107.3 CORROSION PROTECTION. If galvanized steel piping is used, piping that is in contact with the soil shall be wrapped with 2 layers of Mil Tape or otherwise protected from corrosion in an approved manner.

Sec. L-V 5.27 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry hydrant connection

C108 DRY HYDRANT CONNECTION

C108.1 SIZE AND THREADS. The connection for the dry hydrant shall consist of a 4-1/2 inch threaded male fitting with National Standard Threads. The connection shall be

provided with an approved cap to protect the threads and to protect the water supply from contamination.

C108.2 HEIGHT. The connection for the dry hydrant shall be located between 18 inches and 36 inches above the finished grade.

C108.3 SUPPORT BRACE. If PVC piping is used for the dry hydrant, an approved brace or support shall be provided to support the connection.

Sec. L-V 5.28 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection

C109 FREEZE PROTECTION

C109.1 CONTROL VALVE. If the dry hydrant connection is located lower than the water source, such as a storage tank, an approved valve at the base of the dry hydrant shall be provided to control the water flow.

C109.2 DRAINAGE. Provisions shall be made to drain any standing water from the piping above the valve.

C109.3 EXPOSED PIPING. Any exposed piping that contains water shall be protected from freezing in an approved manner.

Sec. L-V 5.29 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers

C110 VENTING OF CLOSED CONTAINERS

C110.1 TANK VENTING. Closed storage tanks shall be vented in an approved manner.

C110.1.1 SIZE. Vent piping shall be equal to, or larger than, the size of the piping serving the dry hydrant.

C110.1.2 PROTECTION. The vent opening shall be screened with an approved material to prevent obstruction of the vent or contamination of the water supply.

Sec. L-V 5.30 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds

C111 LAKES, RESERVOIRS, AND PONDS

C111.1 OPEN WATER SOURCES. When the water supply consists of an open water source such as a lake, reservoir, or pond, the following shall apply:

1. If the distance between the water source and the dry hydrant is greater than 100 feet, a minimum 6-inch piping shall be used to supply the dry hydrant.

2. The piping between the base of the dry hydrant and the water source shall be buried at least 3 feet below the finished grade.
3. The end of the piping located in the water source shall be located a minimum of 2 feet above the bottom surface of the water source and a minimum of 2 feet below the lowest recorded level of the top surface of the water source.
4. The end of the piping located in the water source shall be fitted with a commercially manufactured dry hydrant strainer, a hand-made strainer consisting of a capped section of pipe with 1000 holes that are 5/16 inch in diameter drilled along the length, or equal.
5. The distance between the lowest recorded level of the water surface and the connection for the dry hydrant shall not exceed 10 vertical feet.

Sec. L-V 5.31 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage

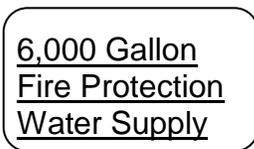
C112 WATER SUPPLY SIGNAGE

C112.1 SIGNS. Approved signs indicating the size, location, and access travel route to a fire protection water storage facility shall be provided in such a manner that all pertinent information relating to the facility is clearly identified.

C112.1.1 MOUNTING AND SIZE. All signs shall be mounted on noncombustible posts, shall be a minimum of 18" by 24" in size, and shall be a minimum of 0.080 gauge metal.

C112.1.2 BACKGROUND AND LETTERING. The sign(s) shall have a reflective blue background with a minimum of 3" high reflective lettering that sharply contrasts with the background.

C112.2 FIXED WATER SUPPLY. If the water supply consists of a fixed amount, such as an underground or aboveground storage tank, the sign shall be located on or adjacent to the facility. The sign shall be clearly visible and legible from the access roadway serving the facility. The lettering on the sign shall be arranged as shown in the following example:



C112.3 ACCESS ROUTE. If the water storage facility consists of a reservoir, pond, or similar facility, at least one sign shall be provided at the intersection of the primary access roadway serving the area and the access roadway serving the water storage facility. This sign shall be located in such a manner that it is clearly visible and legible from the primary access roadway serving the area. Additional signs shall be provided along the access roadway serving the water storage facility if the route of travel is not easily recognized. The lettering on the sign shall be arranged as shown in the following example:

Access to
Fire Protection
Water Supply

Sec. L-V 5.32 Appendix D, Section D101: General (add a paragraph to read as follows):

The Jurisdiction having authority may allow alternative minimum standards as promulgated by the California Public Resources Code 4290.

CHAPTER V: BUILDINGS

Article 6. Permit Fees

Sec. L-V 6.1 Waiver of Fees; Declaration of Emergency

CHAPTER V: BUILDINGS

Article 6. Permit Fees

Sec. L-V 6.1 Waiver of Fees; Declaration of Emergency

- A. The provisions of this Section shall be retroactive to and effective as of August 8, 1994.
- B. Building permit fees shall be waived for the reconstruction of any building or improvement which is damaged or destroyed during a disaster for which the Board of Supervisors adopts a Resolution containing a declaration of emergency. The waiver of the building permit fees shall apply only as to the owner of any property at the time of the disaster. The waiver shall be effective for the rebuilding on the site damaged or destroyed by the disaster or, if the property owner suffering the loss so chooses, at such other site in the unincorporated territory of the County as the property owner selects for the reconstruction of his or her residence.
- C. The waiver of fees shall apply only for the original term (life) of the building permit and any renewal or transfer thereof shall be accompanied by the customary fees as established by the County.
- D. The waiver of fees shall be allowed only if (1) within one year from the date of the declaration of emergency, the property owner files for a building permit to reconstruct a home or other structure, and (2) executes a certification that the property owner qualifies for a waiver of fees under the provisions of this Section in the form as approved by the County Counsel's Office.
- E. As used in this Section, "building permit fees" or "permit fees" include all County assessed fees relating to the reconstruction of a home or other structure including all Planning, Environmental Health, Department of Transportation, Landfill and Building Department fees. "Reconstruction" means the repair or replacement of a damaged or destroyed structure which was originally lawfully erected, not exceeding the total square footage (area) of the previously existing structure and includes, but is not limited to, damage to any electrical, mechanical, sewer or septic system or any similar system. If the property owner requests permits to build a larger home or structure than previously was lawfully erected, the building permit fees and all mitigation and development fees shall be assessed based upon the net increase in gross building area.
- F. Except as otherwise provided in this Section, no road development fees, fire mitigation fees, school mitigation fees or any other mitigation fees of any type shall be assessed or collected by the County as a condition to the issuance of any building permit for the reconstruction of any property damaged or destroyed by a disaster for which there has been a declaration of emergency.
- G. Whenever a Resolution containing a declaration of emergency is presented to the Board of Supervisors, the County Executive Officer shall include an estimate of the

number of structures that were damaged by the disaster. Whenever the Board of Supervisors adopts a declaration of emergency which triggers the waiver of fees in accordance with the provisions of this Section, each fee department shall keep adequate records reflecting the amount of unfunded service that is provided pursuant to the waiver of fees which deficit should be made up by a transfer from the County's contingency fund.

CHAPTER V: BUILDINGS

Article 7. California Plumbing Code Amendments

- Sec. L-V 7.1 Appendix Chapters Adopted
- Sec. L-V 7.2 Division II Administration, Section 104.5 Fees (change to read)
- Sec. L-V 7.3 Division II Administration, Section 104.3.2 Plan Review Fees (change to read)
- Sec. L-V 7.4 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
- Sec. L-V 7.5 Division II Administration, Section 104.4.3 Expiration (change to read)
- Sec. L-V 7.6 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
- Sec. L-V 7.7 Division II Administration, Section 107.0 Board of Appeals (change to read)
- Sec. L-V 7.8 Section 312.0: Protection of Piping, Materials, and Structures (add text to read)
- Sec. L-V 7.9 Section 606.0: Valves (add a subsection to read): Section 606.9 Water Supply Valve Freeze Protection
- Sec. L-V 7.10 Section 609.1: Installation (add text to read)
- Sec. L-V 7.11 Section 721.0: Location (change to read)
- Sec. L-V 7.12 Section 906.7: Vent Termination: Frost or Snow Closure (change to read)
- Sec. L-V 7.13 Section 1212.10 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)

CHAPTER V: BUILDINGS

Article 7. California Plumbing Code Amendments

The California Plumbing Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 7.1 California Plumbing Code (Adopt the following Appendix Chapters from the 2016 California Plumbing Code): Appendix A, B, D, G and I.

Sec. L-V 7.2 Division II Administration Section 104.5: Fees (change to read):

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 7.3 Division II Administration Section 104.3.2: Plan Review Fees (change to read):

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 7.4 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)

Refer to L-V 2.6, Section 105.3.2.

Sec. L-V 7.5 Division II Administration, Section 104.4.3 Expiration (change to read)

Refer to L-V 2.7, Section 105.5.

Sec. L-V 7.6 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)

Refer to L-V 2.9, Section 109.4.

Sec. L-V 7.7 Division II Administration, Section 107.0 Board of Appeals (change to read)

Refer to L-V 2.1, Section 113.

Sec. L-V 7.8 Section 312.0: Protection of Piping, Materials, and Structures (add text to read):

Above 4,000 feet elevation above sea level, when structural conditions necessitate installation of water piping in exterior walls or above ceilings of buildings, the pipes shall

be installed to the inside edge of the wall or ceiling framing and insulated, on the unheated side of the pipes, with at least R-19 insulation or equivalent.

Above 4,000 feet elevation above sea level all cold water piping shall be graded back to the water service. Hot water lines shall be sloped to a bleeder valve or valves that are readily accessible. Gravity drains or other approved devices may be used to satisfy this requirement. No part of such water lines shall be trapped.

Sec. L-V 7.9 Section 606.0: Valves (add a subsection to read): Section 605.9
Water Supply Valve Freeze Protection

Section 605.9 WATER SUPPLY VALVE FREEZE PROTECTION. Above 4,000 feet elevation above sea level the building water service line shall be equipped with a "stop and drain" valve located where the line daylights out of the ground within the building footprint. The drain port of the valve shall be protected from blockage by the use of a sleeve or box over the valve. The valve shall be protected from freezing with insulation material and fitted with a handle that is readily accessible.

Sec. L-V 7.10 Section 609.1: Installation (add text to read):

Above 4,000 feet elevation above sea level water supply yard piping shall be protected from freezing by a minimum of 36 inches of earth covering and shall be extended to within the building footprint before daylighting out of the ground.

Sec. L-V 7.11 Section 721.0: Location (change to read):

- A. No building sewer or private sewage disposal system or part thereof shall be located in any lot other than the lot which is the site of the building or structure served by such sewer or private sewage disposal system or part thereof; nor shall any building sewer or private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table 7-7, except as provided in subsection B and C of this Section.
- B. Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting or a separate lot to:
 - 1. Provide access to connect a building sewer to an available public sewer when proper cause and legal easement not in violation of other requirements has first been established to the satisfaction of the County Environmental Health Department.
 - 2. Provide additional space for a building sewer or a private sewage disposal system or part thereof, when proper cause and transfer of ownership, or change of boundary, or legal easement not in violation of other requirements has first been established to the satisfaction of the County. The instrument recording such action shall constitute an agreement with the County which shall clearly state and show that the

areas so joined or used shall be maintained as a unit during the time they are so used. Such an agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership and use of said properties and shall be binding on all heirs, successors, and assigns of such properties. A copy of the instrument recording such proceedings shall be filed with the County Environmental Health Department.

- A. Nothing contained herein shall be construed to prohibit a private sewer line from crossing a public street providing, however, that such use of the public street shall be authorized by an encroachment permit which shall expressly state thereon that it is subject to revocation by the County by giving five (5) days advance notice, and thereafter the encroachment shall be removed and the use of the property shall cease unless sewage disposal is authorized in some other manner as approved by law. Any such encroachment permit shall be recorded with the County Recorder as part of the agreement required hereinabove.

- D. Use of an unabutting lot for a private sewage disposal system may be allowed by the County Environmental Health Department only if all of the following conditions exist:
 - 1. Testing and observation as required by Chapter VI of the Nevada County Land Use and Development Code clearly reveal that the lot(s) from which sewage will be generated does not meet the standards for conventional, special design or alternative/advanced wastewater disposal as defined therein; and
 - 2. The applicant can demonstrate to the County Environmental Health Department that said lot would be unbuildable without utilization of an unabutting lot for sewage disposal; and
 - 3. Only one (1) public or private street, highway or right-of-way is to be crossed by the sewer line from the subject lot; and
 - 4. Only one (1) unabutting lot is to be crossed by the sewer line from the subject lot; and
 - 5. The building or site to be served is no more than five hundred (500) feet from the unabutting lot where sewage disposal is proposed; and
 - 6. Compliance with Article 3, Chapter VI of the Nevada County Land Use and Development Code is ascertained, if appropriate; and
 - 7. The parcels under consideration were created prior to the effective date of 11/05/96.

- E. Lots where sewage is to be generated and/or where sewage disposal is proposed that abut to each other or each to another shall be exempt from the requirements

in subsection C above provided the proposed sewage collection, treatment and disposal system meets all other requirements of Chapter VI of the Nevada County Land Use and Development Code and the California Plumbing Code.

Sec. L-V 7.12 Section 906.7: Vent Termination: Frost or Snow Closure (change to read):

Above 4,000 feet elevation above sea level all vent terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure.

EXCEPTION: Vent terminals which are made within 36 inches of the ridge or on roofs having a pitch of 2 in 12 or flatter shall not be required to have crickets.

Sec. L-V 7.13 Section 1212.10 Liquefied Petroleum Gas Facilities and Piping (add the following subsection and text)

The subsection shall apply to all new liquefied petroleum gas (LPG) installations and to existing installations when LPG service is reconnected after service is interrupted that are above 4,000 foot elevation.

- A. Two stage regulator/systems shall be installed on all LPG installations with approved steel or PE piping, installed in accordance with the California Plumbing Code and manufactures installation instructions and specifications.
- B. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank. The atmospheric pressure aperture of the regulator shall be pointed downward. The first stage regulator shall be plumbed to the riser of the yard piping with soft copper tubing or schedule 40 steel pipe with two 90 degree elbow swing joints (one at the top and one below grade) to allow flexibility should tank shifting occur. The riser from the yard piping shall be located not more than three (3) inches (horizontally) from the walls of the tank. The propane tank shall be placed on reinforced concrete supports and securely attached thereto.
- C. The second stage regulator and riser pipe shall be installed on the gable end of the building at least 20 feet from or out of the direct line of discharge of adjacent shedding roofs. The riser shall have swing joints below grade and be 1.5 - 3.5 inches from the wall surface and securely supported/braced to the wall approximately ten inches below the regulator so as to prevent bending of the pipe by lateral snow/ice loads. Second stage regulators installed on the front of a garage shall be protected by a bollard in conformance with the California Fire Code.

Exception 1: On round, octagon or similarly-shaped structures (without gable ends) the riser may be located under the eaves when approved by the Building Official.

Exception 2: On existing services that are reconnected after service is interrupted, where relocation of the riser is not possible due to structural or topographical constraints the riser may be located under the eave with the approval of the Building Official.

- D. A protective cover, engineered for the snow load of the area, shall be installed over the second stage regulator and securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing for the supports shall be founded 18 inches below finished grade and the supporting posts shall be securely fastened to the footing and the cover to prevent dislocation of the supports. When supported diagonally to the wall, the supports shall extend from the drip edge of the cover back to the wall. The angle formed by the supports and the wall shall not exceed 45 degrees from vertical. Existing decks that are used to cover the second stage regulator shall be designed for the snow load.
- E. The riser pipes for the yard piping shall not be imbedded in concrete. Concrete placed around such riser shall be held back at least one (1) inch from all sides of the pipe.
- F. Location of the shutoff valve at the LPG tank shall be permanently marked by the use of a color-coded snow stake identifying the gas supplier. This stake shall be placed direction adjacent to the tank at the center line of the valve cover and on all sides opposite the yard piping riser. Such stake shall be sufficient height to be visible through anticipated maximum snow depth at the respective location. Installation and maintenance of this snow stake is the responsibility of the LPG user. An LPG shutoff valve shall also be installed at the house under the regulator cover. This valve shall be identified by a placard on the wall directly over the regulator cover and above the anticipated depth of snow.

CHAPTER V: BUILDINGS

Article 8. California Mechanical Code Amendments

- Sec. L-V 8.1 Appendix Chapters Adopted
- Sec. L-V 8.2 Division II Administration, Section 107.0: Board of Appeals, General (change to read)
- Sec. L-V 8.3 Division II Administration Section 104.5: Fees (change to read)
- Sec. L-V 8.4 Division II Administration Section 104.3.2: Plan Review Fees (change to read)
- Sec. L-V 8.5 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)
- Sec. L-V 8.6 Division II Administration, Section 104.4.3 Expiration (change to read)
- Sec. L-V 8.7 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)
- Sec. L-V 8.8 Section 303.7: Liquefied Petroleum Gas Facilities, Section 303.7.2 Liquefied Petroleum Gas Appliances: (add the following text)
- Sec. L-V 8.9 Section 802.2.4: Direct Vent Appliances: (add the following text)
- Sec. L-V 8.10 Section 802.3.3.5 Exit Terminals (add the following)
- Sec. L-V 8.11 Section 802.6.2 Gas Vents, Termination Requirements: (add the following text)

CHAPTER V: BUILDINGS

Article 8. California Mechanical Code Amendments

The California Mechanical Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 8.1 California Mechanical Code (Adopt the following Appendix Chapters from the 2016 California Mechanical Code): Appendix B and Appendix C.

Sec. L-V 8.2 Division II Administration Section: 107.0 Board of Appeals, General (change to read):

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section L-V 2.2 of the Nevada County Land Use and Development Code.

Sec. L-V 8.3 Division II Administration Section 104.5: Fees (change to read):

Fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 8.4 Division II Administration Section 104.3.2: Plan Review Fees (change to read):

Plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 8.5 Division II Administration, Section 104.3.3 Time Limitation of Application (change to read)

Refer to L-V 2.6, Section 105.3.2.

Sec. L-V 8.6 Division II Administration, Section 104.4.3 Expiration (change to read)

Refer to L-V 2.7, Section 105.5.

Sec. L-V 8.7 Division II Administration, Section 104.5.1 Work Commencing Before Permit Issuance (change to read)

Refer to L-V 2.9, Section 109.4.

Sec. L-V 8.8 Section 303.7: Liquefied Petroleum Gas Facilities (add the following text): Section 303.7.2 Liquefied Petroleum Gas Appliances:

A 3-inch gravity drain shall be provided at the low point of the space, installed so as to provide 1/4-inch per foot grade and terminate at an exterior point of the building protected from blockage. The opening shall be screened with a corrosion-resistant wire mesh with mesh openings of 1/4-inch in dimension. Lengths of the gravity drains over 10 feet in length shall be first approved by the Building Official.

Sec. L-V 8.9 Section 802.2.4: Direct-Vent Appliances (add the following):

Vent terminals of direct-vent appliances shall terminate above the anticipated snow depth.

Direct vent appliance terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all direct vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of 16 gauge.

EXCEPTION: Vent terminations which are made within 36 inches of the ridge or on roofs having a pitch of 2 in 12 or flatter shall not be required to have crickets.

Sec. L-V 8.10 Section 802.3.3.5 Exit Terminals (add the following)

Exit terminals and combustion air intakes shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all vent exit terminals shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of 16 gauge.

EXCEPTION: Exit terminals which are made within 36 inches of the ridge or on roofs having a pitch of 2 in 12 or flatter shall not be required to have crickets.

Sec. L-V 8.11 Section 802.6.2 Gas Vents, Termination Requirements: (add the following)

Gas Vents shall terminate above the anticipated snow depth.

Gas vent terminations shall not be located under decks which could be sealed off around the perimeter with snow accumulation.

Above 4,000 feet elevation above sea level all gas vent terminations shall be protected from closure and sliding snow and ice by the use of formed metal crickets. The metal crickets shall have a minimum vertical height (at the apex) at least one-half of the required vertical height of the vent extension above the roof. In no case shall the cricket measure less than 8 inches at the apex. The cricket and flashing shall be secured to the roof framing and sheathing to withstand the shear loads anticipated. Combined flashing and cricket units may be used. Vent pipes shall extend through their flashings and be tightly sealed at the point of penetration so as to prevent the return of sewer gases into the structure. All appliance vents, flues and chimneys shall be strapped to the cricket near its apex with a galvanized steel strap with a minimum thickness of 16 gauge.

EXCEPTION: Gas vent terminations which are made within 36 inches of the ridge or on roofs having a pitch of 2 in 12 or flatter shall not be required to have crickets.

CHAPTER V: BUILDINGS

Article 9. International Swimming Pool and Spa Code Amendments

- Sec. L-V 11.1 Division II Administration, Section 105.4 Time Limitation of Application (change to read)
- Sec. L-V 11.2 Division II Administration, Section 105.5.3 Expiration (change to read)
- Sec. L-V 11.3 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)
- Sec. L-V 11.4 Section 105.6 Fees & Section 105.6.2 Fee Schedule: (change to read)
- Sec. L-V 11.5 Section 108 Means of Appeal: (change to read)

CHAPTER V: BUILDINGS

Article 9. International Swimming Pool and Spa Code Amendments

The International Swimming Pool and Spa Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 11.1 Division II Administration, Section 105.4 Time Limitation of Application (change to read)

Refer to L-V 2.6, Section 105.3.2.

Sec. L-V 11.2 Division II Administration, Section 105.5.3 Expiration (change to read)

Refer to L-V 2.7, Section 105.5.

Sec. L-V 11.3 Division II Administration, Section 105.6.1 Work Commencing Before Permit Issuance (change to read)

Refer to L-V 2.9, Section 109.4.

Sec. L-V 11.4 Section 105.6 Fees & Section 105.6.2 Fee Schedule: (change to read):

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 11.5 Section 108 Means of Appeal: (change to read)

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section L-V 2.2 of the Nevada County Land Use and Development Code.

CHAPTER V: BUILDINGS

Article 10. Limited Density Owner-Built Rural Dwellings

REPEALED

CHAPTER V: BUILDINGS

Article 11. Landform Grading for Agriculture

- Sec. L-V 11.1 Intent
- Sec. L-V 11.2 Applicability
- Sec. L-V 11.3 Criteria
- Sec. L-V 11.4 Procedure
- Sec. L-V 11.5 Fees
- Sec. L-V 11.6 Appeals

CHAPTER V: BUILDINGS

Article 11: Landform Grading for Agriculture

Sec. L-V 11.1 Intent

In adopting this Article, it is the intent of the Board of Supervisors to adopt, in addition to the exemption for cultivation of land to raise crops, a more comprehensive exemption from grading permit requirements for other clearing and grading of land for agricultural operations, subject to criteria and procedures to avoid abuse. The purpose of this Article is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and to provide reasonable minimum standards that will prevent man-induced land failures while controlling erosion, drainage and sediment discharge.

Sec. L-V 11.2 Applicability

Clearing and grading of land for agricultural operations may be exempted from grading permit requirements by the Building Department upon verification that a bona fide agricultural project is involved and a permit exemption has been recommended by the Agricultural Commissioner. An exemption under this section shall only be approved upon: 1) written verification by the landowner, which shall be deemed to be binding upon the landowner and any successors in interest; and 2) the permit-exempted lands shall be used for agricultural operations for a period of at least five (5) years following the granting of the exemption, provided all of the criteria established in this Article are met and there is full compliance with all of the procedures set forth in this Article 11.

Sec. L-V 11.3 Criteria

To qualify as other clearing and grading of land for agricultural operations that may be exempted from grading permit requirements pursuant to this Article, all of the following criteria must be met:

1. The land to be cleared and/or graded is zoned for agricultural use as:
 - a. "AG" (General Agriculture), or
 - b. "AE" (Agricultural Exclusive), or
 - c. "RA" (Residential Agriculture) where the parcel is 3 acres or more in size and the General Plan designation is Rural;
2. The clearing and/or grading is exclusively for agricultural purposes not associated with buildings that require a building permit;

3. Any vegetation removal or soil disturbance is outside any floodplain, watercourse, wetland or riparian area and any non-disturbance buffer for those areas as defined in Section L-II 4.3;
4. The work occurs on slopes of thirty percent (30%) or less;
5. The work does not disturb cultural resources;
6. Any excavated material remains on site, without changing the natural terrain or drainage and without creating any cuts or fills, except as follows:
 - a. The work, if associated with construction or maintenance of a pond for livestock raised on site, aquaculture or irrigation, does not create a dam that exceeds two feet in height above grade, an excavation in excess of six feet or a storage capacity of more than ten acre feet and results in no adverse hydrological impacts upon surrounding properties that are not mitigated to a level of insignificance, or
 - b. The work, if associated with construction of a farm or ranch road, is solely for the purpose of providing on-site access to water supplies, storage areas, grazing/crop lands or fence lines, does not service a structure requiring a building permit, and does not create a cut or fill greater than two feet in height;
7. Projects potentially impacting heritage oak groves or trees, as defined in LUDC Section L-II 4.3.15.B, and verified by a field inspection conducted by the Agricultural Commissioner or his/her agent, shall provide a management plan as defined in LUDC Section L-II 4.3.3.C Resource Standards. A Management Plan to mitigate the impacts of the proposed project on landmark trees or groves shall be required." An Agricultural Grading Exemption shall be denied to parcels or sites where these resources exist and no mitigation and/or avoidance is available through the Management Plan process.
8. To the extent possible, all work will be conducted between April 15th and October 15th to avoid the rainy season. Any work before April 15th or after October 15th of any year shall be permitted only if disclosed in the application and approved in the Permit Exemption. To secure such approval, the applicant shall submit an erosion and sediment control plan, including an effective re-vegetation program to stabilize all disturbed areas, expressly approved in writing by a State Certified Professional Erosion and Sediment Control (CPESC). If grading occurs, or if the land is left open and unplanted during the period from October 15th to April 15th, all projects over 2,500 square feet on slopes over 15% in areas of moderate to high erosion potential as defined by the Soil Survey of Nevada County, shall have an Erosion and Sediment Control Plan expressly approved in writing by the State Certified Professional Erosion and Sediment Control (CPESC) and shall be implemented after October 15th, and maintained through April 15th.

9. Projects shall be in compliance with the RWQCB regarding Clean Water Act requirements, and all other applicable laws.
10. The following conditions of approval shall be applied to all projects approved through this agricultural grading exemption:
 - a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of the proposed project.
 - b. Fugitive dust emissions resulting from site clearing shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved roads, etc. Control measures shall be noted on grading plans.
 - c. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended to prevent excessive windblown dust when winds are expected to exceed 20 mph.
11. Verification of NSAQMD clearance shall be filed with the Agricultural Commissioner prior to any surface disturbance (including clearing and grubbing) associated with agricultural (or other) road construction in any of the sections listed in the table. Mapping of areas of ultramafic rock/serpentine occurrence within the project area shall be on file at the Agricultural Commissioner's office. In addition, if naturally occurring ultramafic rock/serpentine is discovered once grading for a road commences, the NSAQMD must be notified no later than the next business day and requirements in CCR, Title 17, Section 93105 must be implemented within 24 hours.

Sections Mapped as Containing Ultramafic Rock/Serpentine in Nevada County

Range _ East	Township _ North	Sections
6	14	23, 25, 26
7	14	1, 12, 13
8	14	4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32
	15	29, 32, 33
	16	4, 5, 8, 9, 10, 11, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27
	17	29, 30, 31, 32
9	16	19, 30, 31
	18	13, 24
10	16	13, 24
	17	1, 2, 11, 12, 13, 14, 16, 17, 23, 24
	18	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 25, 26, 35, 36
11	16	5, 6, 7, 8, 17, 18, 19
	17	18, 19, 32
12	17	24, 25
13	17	19, 30

Sec. L-V 11.4 Procedure

- A. Exceptions pursuant to this Article must be applied for and a permit exemption may be granted hereunder only if each of the following procedures is fully complied with and completed in the order specified:
1. The applicant obtains, completes and submits to the Agriculture Commissioner:
 - a. an “Agricultural Clearing/Grading Permit Exemption Form” provided by the Building Department;
 - b. an Agricultural Project Plan acceptable in form and content to the Agricultural Commissioner; and
 - c. a binding commitment of five (5) years to continue use of the permit-exempted lands for agricultural operations acceptable in form and content to County Counsel.
 2. The Agriculture Commissioner reviews the submitted “Agricultural Clearing/Grading Permit Exemption Form and Agricultural Project Plan and, based upon field verification of the information therein, determines that the clearing or grading proposed is for a bona fide agricultural project and recommends approval of the requested exemption to the Building Department.

3. The Agricultural Commissioner shall review applications for positive occurrence of rare or threatened species. Applications within proximity to endangered, rare or threatened species as shown on the California Natural Diversity Database (CNDDDB) shall provide biologist report to verify if occurrence or absence of resource. Applications with State or Federally listed species shall require permit through jurisdictional agency (USFWS or CDFG) prior to issuance of an exemption.
 4. To verify potential riparian resources for applicants for the agricultural grading exemption, all applications submitted to the Agricultural Commissioner shall include a mapping of the parcel or parcels for which the application is made, a map showing all Lakes, Rivers, FEMA Flood Zone on a background map of the USGS topographic maps, as provided by the County of Nevada GIS system public mapping resources. Mapping shall be verified during field inspection by staff biologist for other wetland habitats.
 5. The Building Department reviews the application and considers the recommendation of the Agriculture Commissioner, determines that the proposed project meets all of the criteria and satisfies all of the procedures required for exemption, and approves the exemption request, notifying the applicant in writing of a favorable decision.
 6. Notification of granting of the Agricultural Grading Exemption by the Building Department shall include the following statement: "Any person involved in any form of ground disturbance is advised of the remote possibility of encountering subsurface cultural or historic resources. If such resources are encountered or suspected, all subsurface work within 200 feet of the potential cultural or historic discovery shall be halted immediately, and the Planning Department and a professional archaeologist shall be consulted who shall access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are found and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted. If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment."
- B. Applications shall be processed by the Agriculture Commissioner within thirty (30) days of receipt of a complete application and by the Building Department within thirty (30) days of submittal to it of the approval by the Agriculture Commissioner.
- C. Any clearing or grading work done pursuant to a Permit Exemption shall be subject to a site inspection upon completion of the work or prior to October 15th of each year, whichever first occurs, by a CPESC to determine compliance with the project plan and erosion control and stabilization of the site.
- D. Permit Exemptions may be issued for up to two (2) years.

- E. If it is determined during the term of the Permit Exemption that the actual clearing or grading is not for agricultural purposes as represented to and approved by the Agriculture Commissioner, all further work shall cease, the site shall be stabilized and revegetated in accord with recommendations of a CPESC, and a grading permit shall be required for any further work, provided, however that a grading permit shall not be granted earlier than five (5) years from the date of application for the exemption.

- F. In the event that work is done on property pursuant to a Permit Exemption that is determined to be subject to the requirements of subsection E and application is made within the five (5)-year period during which no grading permit can be granted for any development or project unrelated to agricultural operations or involving construction of a structure or structures for which a building permit is required, it may be required as a condition of approval that the site be restored to its original condition prior to such clearing or grading to the extent feasible, and to the extent full restoration is not possible, mitigation measures shall be imposed to remediate any damage caused.

Sec. L-V 11.5 Fees

The costs of providing the services of the Building Department, Agriculture Commissioner and CPESC required by this Article shall be paid by the applicant for an exception to the grading permit requirement. Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 11.6 Appeals

Appeals from discretionary orders, decisions or determinations pursuant to this Article shall be heard by the Building and Accessibility Standards Board of Appeals established pursuant to Section L-V 2.2 of the Nevada County Land Use and Development Code.

CHAPTER V: BUILDINGS

Article 12: California Electrical Code

- Sec. L-V 12.1 Annex "H" (Adopted)
- Sec. L-V 12.2 Annex "H", Section 80.15, A-H: Electrical Board (changed to read)
- Sec. L-V 12.3 Annex "H", Section 80.19, E: Fees (changed to read)
- Sec. L-V 12.4 Annex "H", Section 80.23 (B)(3): Notice of Violations, Penalties (changed to read)
- Sec. L-V 12.5 Annex "H", Section 80.27, A-D: Inspector's Qualifications (changed to read)

CHAPTER V: BUILDINGS

Article 12: California Electrical Code

The California Electrical Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 12.1 California Electrical Code (Adopt the following Annex Chapters from the 2016 California Electrical Code): Annex "H"

Sec L-V 12.2 Annex "H", Administration Section 80.15 A-H: Electrical Board (change to read):

Appeals resulting from decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the Building and Accessibility Standards Board of Appeals as set forth in Section L-V 2.2 of the Nevada County Land Use and Development Code.

Sec. L-V 12.3 Annex "H", Section 80.19, E: Fees (changed to read)

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec. L-V 12.4 Annex "H" Administration Section 80.23 (B)(3): Notice of Violation, Penalties (change to read):

CRIMINAL ENFORCEMENT. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to mandatory fines of one hundred dollars (\$100) for a first violation; five hundred dollars (\$500) for a second violation within a twelve month period; and one thousand dollars (\$1,000) for a third or subsequent violation within a twelve month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Sec. L-V 12.5 Annex "H", Section 80.27, A-D: Inspector's Qualifications (changed to read)

Inspectors shall retain certifications as required in their job classification as adopted by the County of Nevada based on the job classification they are appointed.

CHAPTER V: BUILDINGS

Article 13. Grading

Sec. L-V 13.1	Purpose
Sec. L-V 13.2	Scope
Sec. L-V 13.3	Permits Required
Sec L-V 13.4	Hazards
Sec L-V 13.5	Definitions
Sec L-V 13.6	Grading Permit Requirements
Sec L-V 13.7	Grading Fees
Sec L-V 13.8	Bonds
Sec L-V 13.9	Cuts
Sec L-V 13.10	Fills
Sec L-V 13.11	Setbacks
Sec L-V 13.12	Drainage and Terracing
Sec L-V 13.13	Road and Driveway Standards
Sec L-V 13.14	Erosion Control
Sec L-V 13.15	Grading Inspection
Sec L-V 13.16	Completion of Work

CHAPTER V: BUILDINGS

Article 13: Grading

Sec. L-V 13.1 Purpose

The purpose of this article is to safeguard life, limb, property and the public welfare by regulating grading and construction activities that result in a land disturbance on private property.

Sec. L-V 13.2 Scope

- A. This Article sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes standards of required performance in preventing or minimizing water quality impacts from storm water runoff; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction, drainage, and erosion and sediment controls at construction sites.

Vehicular ways shall conform to the grading requirements of this Chapter.

- B. The standards listed below are recognized standard:

1. Testing.
 - a. ASTM D 1557, Moisture-Density Relations of Soils and Soil Aggregate Mixtures
 - b. ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
 - c. ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
 - d. ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
 - e. ASTM D 6938, In Place Moisture Content and Density of Soils by Nuclear Methods

Sec. L-V 13.3 Permits Required

- A. Except as specified in Sec. L-V 13.3(B) of this section, no person shall do any grading without first having obtained a grading permit from the Building Official.
1. No drainage culvert, piping, V-ditch or energy dissipater shall be installed, replaced, altered or repaired without first obtaining a permit from the Building Official.

2. No pond shall be installed, repaired or altered without first obtaining a permit from the Building Official.

EXCEPTION: Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person performing such emergency work shall notify the Building Official promptly of the problem and work required and shall apply for a permit therefore within ten (10) calendar days after commencing said work.

- B. Except in flood plains as regulated in section L-II 4.3.10 of the Land Use and Development Code, a grading permit is not required for the following, provided no unstable or erodible slopes are created and no encroachment onto sewage disposal systems, water supply systems or hazardous material sites, areas or setbacks is created.

NOTE: Owners/operators of sites may still need NPDES storm water permit coverage with the State if the construction activity is part of a larger common plan of development or sale that would result in a land disturbance of greater than or equal to one acre.

1. When approved by the Building Official, grading which does not exceed 250 cubic yards in an isolated, self-contained area, with cuts, fills and erosion control conforming to the requirements of this Article, provided there is no danger to private or public property, it does not pose a significant erosion or sediment discharge hazard and is not intended to support a building or structure on fill.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524, mm) after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers, engineering geologists, or registered environmental health specialists limited to sewage disposal systems. Such work shall be backfilled and shaped to the original contour of the land after the investigation.

8. An excavation that is less than 2 feet (610 mm) in depth, does not create a cut slope greater than 5 feet (1524, mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope) and does not exceed 50 cubic yards.
 9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.
 10. Land disturbance by plowing under or burial of less than 10,000 square feet of vegetation on slopes ten percent or steeper or any amount of vegetation, up to one acre, on slopes flatter than ten percent.
 11. Grading done by or under the supervision or construction control of a public agency that assumes full responsibility for the work to the extent required by this law.
 12. Cultivation of land to raise crops, or other clearing and grading of land for agricultural operations pursuant to criteria enacted and codified in Article 11 of this chapter.
 13. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition.
 14. Timber harvest and management activities when approved and carried out consistent with the California Forest Practices Act. Activities that are not exempt from the local regulation pursuant to Public Resources Code Section 4516.4 are subject to these regulations. Permits are required for private roads within timber harvest areas where the proposed improvements are in excess of the minimum road standards required by the California Department of Forestry for timber harvesting activities.
 15. Clearing for fire protection purposes within 100 feet of a dwelling unit. Any additional clearing for fire prevention, control or suppression purposes is exempt when authorized or required in writing by a fire prevention or suppression agency.
- C. The County may prepare and adopt a more comprehensive exemption for grading for agricultural operations than the existing exemption for cultivation of land to raise crops as part of Article 11 to this Chapter, provided that the exemption does not involve construction of any building or site preparation for any development project and that the purpose of such exemption is to promote long-term viable agricultural use of agricultural lands while protecting natural resources and provide reasonable minimum standards that define desired performance in the prevention of man-induced land failures, and control erosion, drainage, and sediment discharge.

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

Sec L-V 13.4 Hazards

- A. Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Adequate protection from hazards shall be provided at excavations. All pits, shafts, etc. shall be barricaded or covered. Upon completion of exploratory excavations and other similar operations, temporary trenches, wells, pits, shafts, etc. shall be backfilled.

Sec L-V 13.5 Definitions

- A. For the purpose of this Article, the definitions listed hereunder shall be construed as specified in this section.
1. AGRICULTURAL OPERATION for grading purposes is any land-related activity for the purpose of cultivating or raising plants or animals or conserving or protecting lands for such purpose and is not surface mining or borrow pit operations.
 2. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) is a membership society that is the foremost United States source of information on the specifications and testing of materials.
 3. APPROVAL shall mean that the proposed work or completed work conforms to this chapter in the opinion of the Building Official.
 4. AS-GRADED is the extent of surface conditions on completion of grading.
 5. BEDROCK is in-place solid rock.
 6. BENCH is a relatively level step excavated into earth material on which fill is to be placed.
 7. BORROW is earth material acquired from an off-site location for use in grading on a site.

8. BEST MANAGEMENT PRACTICES (BMPs) are physical and managerial practices that, when used separately, or in combination, prevent or reduce erosion, sedimentation, or pollution of water. An example of a guide for BMPs is the State Water Resources Control Board Best Management Practices Construction Handbook.
9. CERTIFIED EROSION CONTROL PROFESSIONAL (CPESC) is a recognized specialist in soil erosion and sediment control.
10. CIVIL ENGINEER is a professional engineer registered in the state to practice in the field of civil works.
11. CIVIL ENGINEERING is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
12. CLEARING is the destruction or removal of vegetative surface cover by manual, mechanical, or chemical methods resulting in exposed soils that may be subject to erosion. This does not include clearing techniques that retain vegetation and natural drainage patterns.
13. COMPACTION is the densification of a fill by mechanical means.

CONSTRUCTION ACTIVITIES include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas that receive run-off from the construction project such as discharge points into a receiving water. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

15. CUT. See Excavation.
16. DEPTH OF FILL is the vertical dimension from the exposed fill surface to the original ground surface.
17. DEPTH OF EXCAVATION (CUT) is the vertical dimension from the exposed cut surface to the original ground surface.
18. EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.
19. EMBANKMENT. See Fill.
20. ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

21. ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
22. ENGINEERED GRADING PLAN is a plan prepared by registered design professional authorized to do so by the state of California, describing the vertical and horizontal alignment and/or arrangement of grading.
23. EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.
24. EXCAVATION is the mechanical removal of earth material.
25. EXPANSIVE SOIL is any soil which exhibits expansive properties in excess of index rating of 20 as determined by the procedures defined in the California Building Code.
26. FILL is a deposit of earth material placed by artificial means.
27. GEOLOGIC HAZARD is any condition in naturally occurring earth materials which may endanger life, health or property.
28. GEOTECHNICAL ENGINEER. See "soils engineer."
29. GRADE is the vertical location of the ground surface.
30. GRADING PLAN See engineered grading plan
31. EXISTING GRADE is the grade prior to grading.
32. FINISH GRADE is the final grade of the site that conforms to the approved plan.
33. ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.
34. GRADING is any excavating or filling or combination thereof.
35. GRADING WORK is grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.
36. KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
37. LAND DISTURBANCE is any activity that results in a change in the soil cover or the soil topography that may result in soil erosion from water or wind and the movement of sediments off site, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.

38. PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.
39. RAINY SEASON is the period of the year during which there is a substantial risk of rainfall. For the purpose of this Chapter, the rainy season is defined as from October 15th to April 15th, inclusive.
40. REGISTERED ENVIRONMENTAL HEALTH SPECIALIST (REHS) is an environmental health professional educated and trained within the field of environmental health who is registered with the State.
41. SEDIMENT is any material transported or deposited by water, including soil debris or other foreign matter.
42. SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
43. SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
44. SLOPE, DETERMINATION OF means the cross-slope of a parcel by measurement, at established intervals not crossing defined grade breaks, of the average slope perpendicular to the contour lines.
45. SOIL is naturally occurring superficial deposits overlying bedrock.
46. SOILS ENGINEER (GEOTECHNICAL ENGINEER) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.
47. SOILS ENGINEERING (GEOTECHNICAL ENGINEERING) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.
48. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) is a plan required for various construction and industrial activities pursuant to the Federal Clean Water Act and related State regulations.
49. TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
50. VEHICULAR WAY is any public or private roadway or driveway designed for or used by vehicles (as defined by the California Vehicle Code).

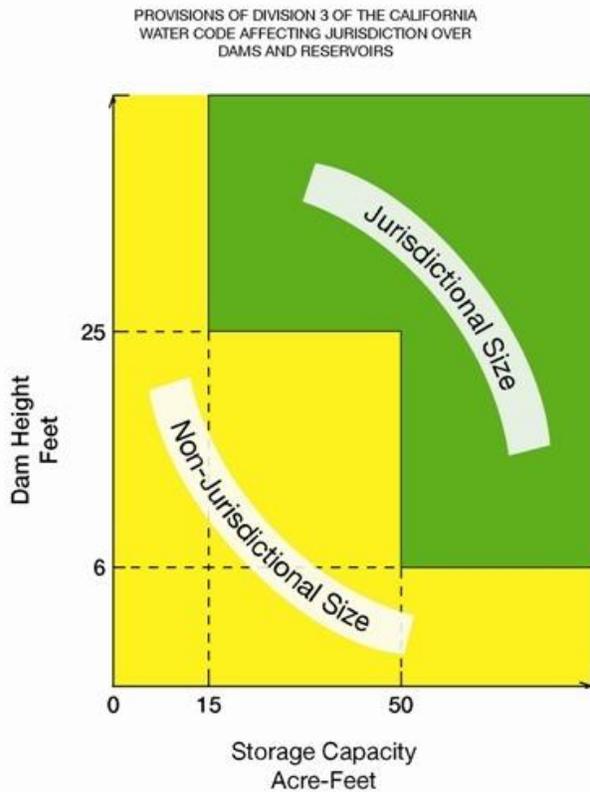
51. WATERCOURSE is any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Natural channels shall generally be limited to those designated by a solid line or a dash and three dots as shown in blue on the most recent U.S. Geological Survey 7.5 minute series of topographic maps. At the discretion of the Building Official, the definition of natural Channel may be limited to those channels having a watershed area of 50 acres or more, and this definition will be commonly used in connection with the administration of this Chapter except for those cases in which the Building Official determines that the definition must be extended to a natural channel with a watershed smaller than 50 acres in order to prevent a condition which is a menace to life and limb, endangers property, is a hazard to public safety, adversely affects the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses were the definition not extended to a particular natural channel with a watershed below 50 acres.

Sec L-V 13.6 Grading Permit Requirements

- A. Except as exempted in Sec. L-V 13.3 of this Code, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be obtained for each site, and may cover both excavations and fills.
1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.
 2. No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including but not limited to, these permit requirements.

Dam construction of "Jurisdictional Size" are regulated and permitted by the Department of Water Resources, Division of Dam Safety. Dam construction of "Non-Jurisdictional Size" are regulated and permitted by the Building Department" (See Figure A).

Figure A



The construction of dams and reservoirs in excess of five feet in height but 25 feet or less in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, regardless of storage capacity, or which have a storage capacity in excess of 15 acre feet but less than 50 acre feet, regardless of height, shall be subject to County regulatory jurisdiction administered by the Building Department as part of this Chapter. Construction of all dams and reservoirs shall follow the current practices of the Department of Water Resources, Division of Safety of Dams, as dictated in the publication, "Guidelines for the Design and Construction of Small Embankment Dams" (with the exception of contact agency and application process).

3. Pond Construction and design shall be done in conformance with the most recent Conservation Practice Standard, "Pond" (Code 378) as published by the Natural Resources Conservation Service.
- B. The provisions of Section 105, Chapter 1, Division II, are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.
- C. Grading shall be performed in accordance with the approved grading plan prepared by registered design professional, and shall be designated "engineered grading" The Building Official may waive this requirement if the proposed grading

is minor in nature and would not endanger the public health, safety and welfare. This grading shall be designated "regular grading".

D. Engineered Grading Requirements

1. For engineered grading requirements applications for a grading permit shall be accompanied by three set of plans and two sets of specifications and supporting data. A soils/geotechnical engineering report shall be provided in accordance with the California Building Code.
 - a. When the proposed grading includes a cut or fill exceeding ten feet in-depth at any point, or a cut or fill exceeding seven feet in depth at any point with the slope of the natural ground exceeding twenty (20) percent;
 - b. When highly expansive soils are present; or
 - c. In areas of known or suspected geological hazards, including landslide hazards and hazards of ground failure stemming from seismically induced ground shaking.

An engineering geology report shall be included with the supporting data when the proposed grading is in excess of 5,000 cubic yards. (See Sec. L-V 13.6(F)).

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

2. The plans shall include the following information:
 - a. General vicinity of the proposed site.
 - b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
 - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
 - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with,

or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.

- e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4572, mm) of the property or that may be affected by the proposed grading operations.
- f. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the Building Official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
- g. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.
- h. Cross sections (not less than two) of existing and proposed graded areas taken at intervals not exceeding 200 feet and at locations of maximum cuts and fills.
- i. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- j. A detailed erosion and sediment control plan including specific locations, construction details and supporting calculations for temporary and permanent sediment control structures and facilities.
- k. A landscaping plan, including temporary erosion control plantings, permanent drought-resistant slope plantings, replacement or temporary groundcover, and irrigation facilities.
- l. The location of any borrow site or location for disposal of surplus material.

E. The soils engineering report required by Sec. L-V 13.6(D) shall include:

- 1. An index map showing the regional setting of the site;
- 2. A site map that shows the topographic features of the site and locations of all soil borings and test excavations accompanied with a log for each soil boring and test excavation;

3. Classification of the soil types and data regarding the nature, distribution and strength of existing soils;
 4. A suitable scaled map and cross sections showing all identified areas of land slippage;
 5. A description of any encountered groundwater or excessive moisture conditions;
 6. Conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary;
 7. Opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- F. The engineering geology report required by Sec. L-V 13.6(D) shall include:
1. An adequate description of the geology of the site and geology of the adjacent areas when pertinent to the site;
 2. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;
 3. Opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors; and
 4. Recommendations for mitigation of geologic hazards.
- G. The Building Official may require a geotechnical investigation in accordance with the California Building or Residential Code when, during the course of an investigation, any of the following conditions are discovered, the report shall address the potential for liquefaction:
1. Shallow ground water, 50 feet (15240, mm) or less;
 2. Unconsolidated sandy alluvium;
 3. Seismic Design Category C,D, E or F.
- H. Regular Grading Requirements
1. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

- a. General vicinity of the proposed site;
 - b. Limiting dimensions and depth of cut and fill;
 - c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures with fifteen (15) feet (4572, mm) of the proposed grading;
 - d. Property limits and accurate contours of existing ground;
 - e. Typical cross section(s) of the existing and proposed graded area(s) at locations of maximum cut and fill;
 - f. An estimate of the quantities of excavation and fill, including quantities to be moved both on and off site.
- I. The provisions of those applicable sections of Division II of the California Building Code are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.
- J. The Building Official may require professional inspection and testing. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.
- K. In issuing a permit, the Building Official may impose conditions as prescribed by this Chapter necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, and to assure proper completion of the grading, including, but not limited to:
- 1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings;
 - 2. Improvement of any existing unstable grading affected by this permit to comply with the standards of this Chapter;
 - 3. Protection of grading which would otherwise be hazardous;
 - 4. Dust, erosion and sediment control, and season of work, weather conditions, sequence of work, access roads and haul routes;
 - 5. Safeguard watercourses from excessive deposition of sediment or debris;
 - 6. Safeguard areas reserved for on-site sewage disposal, water supply and hazardous material storage;

7. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion;
 8. Compliance with all applicable provisions of the Nevada County Land Use and Development Code;
- L. If grading operations are commenced before first securing a proper permit, no permit will be issued until illegal grading has stopped. In the event that no grading permit, erosion control permit or land use permit can be issued for such operation, the site shall be restored to its original condition to the extent feasible, and to the extent full restoration is not possible mitigation measures may be imposed to remediate any damage caused. Restoration shall be in conformity to an approved restoration plan;
- M. Winter operations shall not be allowed if an immitigable high potential for accelerated erosion exists due to slope, rock or soil type, proximity to a stream or drainage course, magnitude or duration of disturbance, or other characteristics of the project and the site. Approval shall be obtained from the Building Official prior to any grading activity during the Rainy Season.

Sec L-V 13.7 Grading Fees

Permit and plan review fees shall be as set forth in the fee schedule adopted by Resolution of the Nevada County Board of Supervisors.

Sec L-V 13.8 Bonds

- A. As a condition for the issuance of a permit, the Building Official may require the deposit of improvement security in sufficient amount deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions or, in the case of a subdivision, where the permittee does not proceed with preparation and obtaining the approval of a final map. Said security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state. The form of security shall be acceptable to County Counsel. Public agencies are exempted from this provision by law.
- B. In the case of subdivisions, the improvement security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work and subdivision improvements as being complete or until the subdivider has entered into an agreement to complete all unfinished work and improvements and furnished improvement security pursuant to Section L-V 13.8, whichever first occurs.

- C. For projects other than subdivisions, the improvements security shall remain in effect until final inspections have been made and the Building Official has accepted all grading work as being complete.
- D. In addition to the improvement security, the Building Official may also require the deposit of maintenance security in a sufficient amount deemed necessary by him to guarantee and maintain the grading work to assure the proper functioning of drainage systems and adequate erosion and sedimentation control. Said maintenance security shall be in the form of cash, a certified or cashier's check, a letter of credit, or a faithful performance bond executed by the applicant and a corporate surety authorized to do business in this state and shall remain in effect for a period of one (1) year after the date of expiration of the improvement security as designated in Subsection B and C above.
- E. Any bond or deposit required by the Building Official pursuant to this Section shall be payable to the Nevada County Building Department.
- F. Upon satisfaction of applicable provisions of this Chapter, the improvement and maintenance security deposits or bonds will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the completed site to function properly to provide proper drainage or erosion and sedimentation control, the County may do the required work, or cause it to be done, and collect from the permittee or surety all costs incurred thereto, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the County of the cost of the work.

Sec L-V 13.9 Cuts

- A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

- B. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

EXCEPTION: A cut surface may be at a slope gradient of 1.5 horizontal to 1 vertical (67 percent) provided that all of the following are met:

1. It is not intended to support structures or surcharges.
2. It is adequately protected against erosion.
3. It is no more than 8 feet in height.
4. The soil is not classified as CH, CL, or MH.
5. It is approved by the Building Official

Sec L-V 13.10 Fills

- A. Unless otherwise recommended in an approved soils engineering report, fills shall conform to the provisions of this Section.
1. Where fill is intended to support any permanent structure, an engineered grading plan shall be required. The placement and compaction requirements shall be as stated in the engineering report.
 2. Where fill is intended to support any paved surface, or is part of a fire access road or driveway, the requirements of Sec. L-V 13.10 shall be followed.
 3. The guidelines of Sec. L-V 13.10 shall be followed for all other fills except compaction to a minimum of 90 percent of maximum density need not be provided for minor fills not intended as a buildable area. Lots with non-engineered fills or fills not compacted in compliance with Sec. L-V 13.10(D) shall be documented. Future development on the lots shall require a qualified person to determine the proposed work is not within the fill area or can adequately be built in the fill area.
- B. Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1524, mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3048, mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet (3048, mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.
- C. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Building Official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

EXCEPTION: The Building Official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;

2. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3048, mm) or more below grade, measured vertically;
 3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.
- D. All fills shall be compacted to a minimum of 90 percent of maximum density.
- E. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

Sec L-V 13.11 Setbacks

- A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as shown in Figure A-33-1.

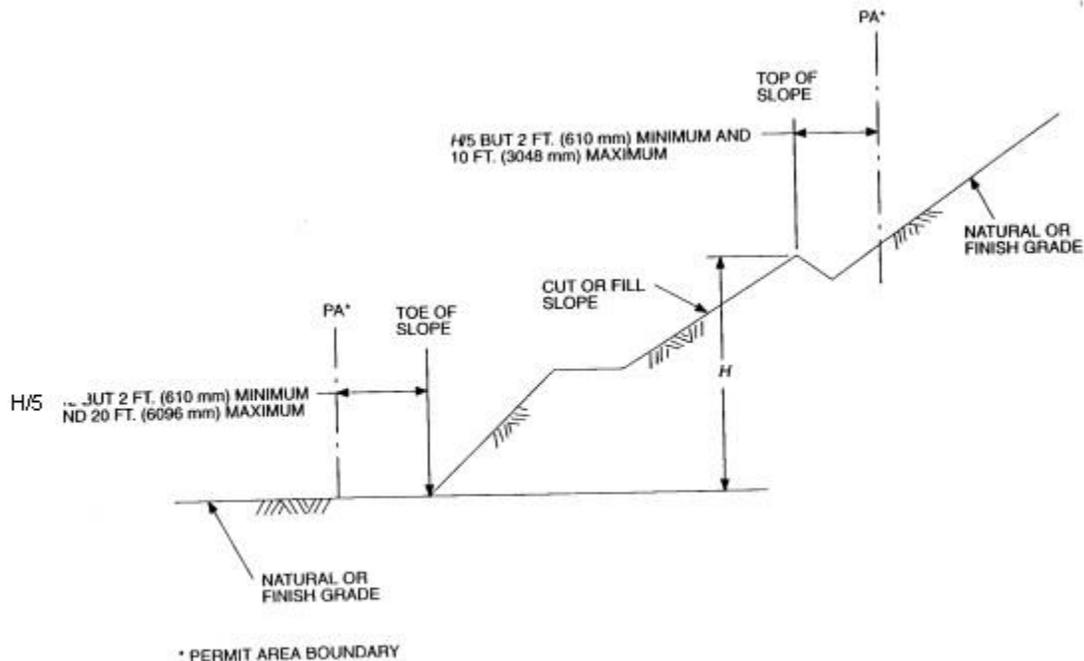


FIGURE A-33-1—SETBACK DIMENSIONS

- B. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and a maximum of 10 feet (3048 mm). The setback may need to be increased for any required interceptor drains.

- C. The toe of fill slope shall be made not nearer to the site boundary line than one fifth the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096, mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:
1. Additional setbacks;
 2. Provision for retaining or slough walls;
 3. Mechanical or chemical treatment of the fill slope surface to minimize erosion;
 4. Provisions for the control of surface waters.
- D. The Building Official may approve alternate setbacks. The Building Official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

Sec L-V 13.12 Drainage and Terracing

- A. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

All areas shall be graded and drained so that water will not pond or accumulate. Drainage shall be effected in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure.

Storm drainage and design standards not otherwise specified herein shall comply with Article 5 "Storm Drainage", Chapter XVII, of the County of Nevada Land Use and Development Code.

- B. Terraces at least 6 feet (1829, mm) in width shall be established at not more than 30-foot (9144, mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet (18288, mm) and up to 120 feet (36576, mm) in vertical height, one terrace at approximately mid-height shall be 12 feet (3658, mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36576, mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524, mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2, m²) (projected) without discharging into a down drain.

- C. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- D. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.

Building pads shall have a drainage gradient of five (5) percent toward approved drainage facilities, unless waived by the Building Official.

EXCEPTION: The gradient from the building pad may be two (2) percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet (3048, mm) in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3048, mm).
3. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3048, mm).

When surface drainage is discharged onto any property, it shall be discharged in such a manner that it will not cause erosion or endanger any cut or fill slope or any building or structure. A grading and discharge plan shall be required which includes the analysis of the effect of the discharge.

- E. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12192, mm) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Building Official.
- F. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains and other devices.

Sec L-V 13.13 Road and Driveway Standards

- A. The construction and design of all roadways shall be done in conformance with Article 3, "Road Design Standards", Chapter XVII, LUDC.
- B. The construction and design of all driveways shall be done in conformance with Article 3, "Driveways", Chapter XVI, LUDC.
 - 1. At no place along the length of a driveway shall the grade be in excess of the established grades in Article 3, "Driveways" Chapter XVI, LUDC.

Sec L-V 13.14 Erosion Control

- A. The following shall apply to the control of erosion and sediment from grading and construction activities resulting in land disturbance:
 - 1. Plans shall be designed with long-term erosion and sediment control as a primary consideration;
 - 2. Grading and construction activities during the rainy season shall provide erosion and sediment control measures except upon a clear demonstration to the satisfaction of the Building Official that at no stage of the work will there be any substantial risk of increased sediment discharge from the site;
 - 3. Should land disturbance be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized;
 - 4. Natural features, including vegetation, terrain, watercourses and similar resources shall be preserved wherever possible. Limits of land disturbance shall be clearly defined and marked to prevent damage by construction equipment;
 - 5. Permanent drought-resistant vegetation and structures for erosion and sediment control shall be installed as soon as possible;
 - 6. Provision shall be made for long-term maintenance of permanent erosion and sediment control structures and vegetation;
 - 7. No topsoil shall be removed from the site unless otherwise directed or approved by the Building Official. Topsoil overburden shall be stockpiled and redistributed within the graded area after rough grading to provide a suitable base for seeding and planting. Runoff from the stockpiled area shall be controlled to prevent erosion and resultant sedimentation of receiving water;
 - 8. Runoff shall not be discharged from the site in quantities or at velocities substantially above those that occurred before land disturbance, or

channeled, concentrated or redirected except into drainage facilities whose design has been specifically approved by the Building Official;

9. The permittee shall take reasonable precautions to ensure that vehicles do not track or spill earth materials into public streets and shall immediately remove such materials if this occurs.
- B. Should increased sediment discharge occur or become imminent, the permittee shall take all necessary steps to control such discharge. Such steps may include construction of additional facilities or removal or alteration of facilities required by approved erosion and sediment control plans. Facilities removed or altered shall be restored as soon as possible afterward or appropriate changes in the plan shall be immediately requested pursuant to this Chapter. Permittee shall take prompt action to resolve emergency problems; otherwise, the Building Official may take such actions as required to abate a hazardous public nuisance.
- C. Erosion and sediment control plans prepared pursuant to this Chapter shall comply with all of the following:
1. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.
 2. An erosion and sediment control plan shall be required for any grading project required to have a grading permit.

EXCEPTION: The Building Official determines that the grading and/or construction activity will not impose a significant erosion or sediment discharge hazard.

3. Erosion and sediment control plans shall include an effective re-vegetation program to stabilize all disturbed areas that will not be otherwise protected. All such areas where construction activities have been completed between April 15th and October 15th shall be planted no later than November 1st. Land disturbance areas completed at other times of the year shall be planted within 15 days. If re-vegetation is infeasible or cannot be expected to stabilize an erodible area with assurance during any part of the rainy season and the unstable area exceeds 2,500 square feet, additional erosion and sediment control measures or irrigation of planted slopes may be required as appropriate to prevent increased sediment discharge.
4. Erosion and sediment control plans shall be designed to prevent increased discharge of sediment at all stages of grading and construction activities from initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization is permanent. Plans shall indicate the implementation period and the stage of construction where applicable.

5. Erosion and sediment control plans shall comply with the recommendations of any Civil Engineer, Geotechnical Engineer, Engineering Geologist, Architect, or Soil Erosion Control Specialist involved in preparation of the grading plans.
6. The structural and hydraulic adequacy of all storm water containment or conveyance facilities shown on the erosion and sediment control plans shall be verified by a Civil Engineer, and he shall so attest on the plans. Sufficient calculations and supporting material to demonstrate such adequacy shall accompany the plans when submitted.
7. Erosion and sediment control plans shall be designed to meet anticipated field conditions.
8. Erosion and sediment control plans shall provide for inspection and repair of all erosion and sediment control facilities at the close of each working day during the rainy season, and for specific sediment clean-out and vegetation maintenance criteria.
9. Erosion and sediment control plans shall comply with any and all standards and specifications adopted herein for the control of erosion and sedimentation on grading sites. These standards and specifications shall be in general compliance with the Erosion and Sediment Control Guidelines for Developing Areas of the Sierras published by High Sierra Resource Conservation and Development Council.
10. For projects subject to the State requirements to prepare a SWPPP (Storm Water Pollution Prevention Program) a preliminary SWPPP may be submitted in lieu of the erosion and sediment control plan required by these regulations.

Sec L-V 13.15 Grading Inspection

- A. Grading operations for which a permit is required shall be subject to inspection by the Building Official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Sec L-V 13.15(E) for engineered grading and as required by the Building Official for regular grading.
- B. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
- C. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient

observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official and the civil engineer.

- D. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- E. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Building Official. In the event of changed conditions, the permittee shall be responsible for informing the Building Official of such change and shall provide revised plans for approval.

Periodic progress reports may be required to be rendered by the permittee at commencement and completion of major key grading and erosion and sediment control operations.

No permittee shall be deemed to have complied with this Chapter until the Building Official has made a final inspection of the work and he has certified in writing that the work has been completed in accordance with all requirements and conditions of the permit.

The permittee shall provide adequate access to the site for inspection by the Building Official during the performance of all work and for a minimum period of one year after acceptance by the Building Official of all improvements pursuant to this Chapter.

- F. The Building Official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- G. If, in the course of fulfilling their respective duties under this Chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the Building Official.
- H. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has

agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Building Official in writing of such change prior to the recommencement of such grading.

I. As a condition of the permit, the Building Official may require the permittee to provide, at permittee's expense, a Geotechnical Engineer or Civil Engineer to perform continuous inspection work, and upon completion of the work to provide a written statement acknowledging that he has inspected the work and that in his professional judgment the work was performed in accordance with the approved plans and specifications. The permittee shall make contractual arrangements for such services and be responsible for payment of all costs. Continuous inspection by a Geotechnical Engineer or Civil Engineer shall include, but not be limited to, the following situations:

1. During the preparation of a site for the placement of fills which exceed five (5) feet in depth on slopes which exceed ten percent (10%) and during the placing of such fills; however, for vehicular pathways, fill placement shall be continuously inspected when fills exceed ten (10) feet in height.
2. During the preparation of a site for the placement of any fill and during the placement of such fill which is intended to support any building or structure.
3. During the installation of subsurface drainage facilities.

Reports filed by the Geotechnical Engineer or Civil Engineer regarding special inspection shall state in writing that from his personal knowledge the work performed during the period covered by the report has been performed in substantial accordance with the approved plans and specifications.

The use of a Geotechnical Engineer or Civil Engineer for inspections shall not preclude the Building Official from conducting inspections using his or other authorized inspectors as may be necessary.

Sec L-V 13.16 Completion of Work

A. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Sec L-V 13.15(E) showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Sec. L-V 13.15(C) of this Chapter, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.
 3. A report prepared by the engineering geologist retained to provide such services in accordance with Sec L-V 13.15(E), including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.
 4. The grading contractor shall submit, in a form prescribed by the Building Official, a statement of conformance to said as-built plan and the specifications.
- B. The permittee shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.

History

Ord. #112, Ord. #257, 12/1/61; Ord. #281, 5/1/63; Ord. #425, 2/18/69; Ord. #510, 2/9/71; Ord. #621, 1/30/73; Ord. #658, 12/11/73; Ord. #660, 1/29/74; Ord. #665, 4/2/74; Ord. #702, 3/18/75; Ord. #730, 9/23/75; Ord. #771, 12/14/76; Ord. #810, 10/4/77; Ord. #829, 1/10/78; Ord. #859, 9/25/78; Ord. #864, 10/16/78; Ord. #905, 7/30/79; Ord. #1057, 12/14/81; Ord. #1103, 10/4/82; Ord. #1113, 12/20/82; Ord. #1230, 5/21/84; Ord. #1231, 5/21/84; Ord. #1320, 8/5/85; Ord. #1367, 8/11/86; Ord. #1397, 8/11/86; Ord. #1428, 4/13/87; Ord. #1434, 5/12/87; Ord. #1453, 9/15/87; Ord. #1469, 11/24/87; Urg. Ord. #1481, 2/2/88; Ord. #1520, 9/6/88; Urg. Ord. #1527, 9/13/88; Urg. Ord. #1530, 9/27/88; Urg. Ord. #1531, 10/11/88; Urg. Ord. #1543, 11/22/88; Ord. #1597, 10/24/89; Ord. #1616, 1/16/90; Ord. #1626, 3/20/90; Ord. #1636, 4/24/90; Ord. #1652, 7/24/90; Ord. #1700, 3/29/91; Ord. #1794, 8/4/92; Ord. #1831, 5/18/93; Ord. #1845, 9/14/93; Ord. #1861, 5/17/94; Urg. Ord. #1870, 8/16/94; Ord. #1873, 9/20/94; Urg. Ord. #1884, 5/2/95; Urg. Ord. #1905, 6/25/96; entire article repealed and re-enacted by Ord. #1919, 11/5/96; Ord. #1924, 12/10/96; Ord. #1933, 3/4/97; Ord. #1991, 11/5/99; Ord. #2006, 9/28/99; Ord. #2007, 9/28/09; repealed in error by Ord. #2009 (added back by Ord. #2023), 10/26/99; entire Chapter V repealed and re-enacted by Ord. No. 2009, 10/26/99; Ord. #2022, 3/28/00; Ord. #2023, 3/28/00; Ord. #2034, 8/8/00; Ord. #2061, 6/12/01; entire Chapter V repealed and re-enacted by Ord. No. 2094, 9/24/02; Ord. #2097, 10/1/02; Ord. #2102, 12/24/02; Ord. #2183, 5/24/05; Ord. #2097, 10/1/02; Ord. #2218, 10/10/06; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08; entire Chapter repealed and reenacted by Ord. #2331, 11/23/10. Entire Chapter repealed and reenacted by Ord. #2374, 01/14/2014.

ORDINANCE NO. 2017- xx

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING TITLE 15 OF THE NEVADA CITY MUNICIPAL CODE TO ADOPT THE 2016 CALIFORNIA BUILDING STANDARDS, WITH LOCAL AMENDMENTS SIMILAR TO THOSE ADOPTED BY NEVADA COUNTY BY ORDINANCE NO. 2424

WHEREAS, the local climatic, geological, and topographical conditions in Nevada City are the same as or substantially similar to those in western County of Nevada where it is located, and

WHEREAS, the City of Nevada City contracts with the County of Nevada for its building inspection services, making it desirable to have the same building standards and amendments applicable within the City of Nevada City as those applicable in the County, and

WHEREAS, the County of Nevada has reviewed and on December 13, 2016 has adopted by Ordinance No. 2424 building standards, local amendments, and findings applicable to the unincorporated areas after review and report by the County Building Director; and

WHEREAS, the City Council of the City of Nevada City concurs with the adopted purpose, amendments and findings adopted therein and desires to adopt the same amendments to be applicable within the City boundaries upon the same findings, except as specified herein, leaving in effect those provisions of Title 15 having special application only to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY HEREBY ORDAINS AS FOLLOWS:

SECTION I: Legislative Purpose

- A. The State of California revises its building standards on a triennial basis. The building standards are intended to regulate and govern the conditions and maintenance of all property, buildings and structures by providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use.
- B. It is the purpose and the intent of this Ordinance to make substantive revisions to Title 15 (Building and Construction) of the Nevada City Municipal Code to ensure conformity with the 2016 edition of the California Building Standards, to wit, the California Building Code and Division II Scope and Administration thereof, the California Residential Code, the California Green Building Standards Code, the California Plumbing Code, the California Electrical Code, the California Fire Code, the California Mechanical Code, the California Energy Code, the California Referenced Standards Code, the California Existing Building Code, the 2013 California Historical Building Code, the 1997 Uniform Housing Code, the 1997 Uniform Code for the Abatement of Dangerous Buildings, the 2015 International Swimming Pool and Spa Code, and the 2015 International Property Maintenance Code and modifications thereto as adopted by the County of Nevada by Ordinance No.2424 and by the City of Nevada City

herein. A copy of the 2016 edition of the California Building Standards and included Codes is on file in the Nevada County Building Department and available on-line.

- C. Pursuant to Health and Safety Code Section 17958.5, *et seq.*, local jurisdictions may make such changes or modifications in the requirements contained in the provisions of the California Building Standards Code, as are reasonably necessary because of local climatic, geological, or topographical conditions. Nevada County's amendments to the 2016 California Building Standards, which have been made in response to unique climatic, geological, or topographical conditions in Nevada County, are codified in Chapter V of the Nevada County Land Use and Development Code and by this Ordinance are adopted by the City of Nevada City with modifications applicable within the City's jurisdiction. Local amendments to the California Building Standards Code shall not become effective until the modifications and findings have been filed with the Building Standards Commission.

SECTION II:

Chapters 15.04 and 15.08 of the Nevada City Municipal Code enacted by Ordinance No. 2014-01 to adopt and amend the 2013 edition of the California Building Standards are hereby revoked and repealed, except as re-enacted by the updated provisions adopted by this Ordinance. By way of clarification, Section 15.16.10 enacted by Ordinance No. 2008-06 and re-codified as "Chapter 15.16 Very High Fire Hazard Severity Zones" by Ordinance No. 2012-04 remained in effect and are left in effect and readopted by this ordinance. Further, the amendment of subsection A of Section 17.80.100 by enacted Ordinance 2014-01 and reading "A. In addition to the requirements of the California Building Codes and amendments thereto adopted by the City requiring that a grading plan be approved by the Building Department in certain circumstances, the City Engineer shall also have authority to approve grading plans." shall remain in effect and is readopted by this Ordinance.

SECTION III:

Chapters 15.04 and 15.08 of the Nevada City Municipal Code are amended and reenacted as set forth in Exhibit "A", attached hereto and incorporated by such reference.

SECTION IV. Findings

- A. The City Council hereby finds and declares that the amendments to the 2016 California Building Standards, as codified in Chapter L-V of the Nevada County Land Use and Development Code pursuant to Nevada County Ordinance No. 2424 and as modified herein, are reasonably necessary because of local climatic, geological, and topographical conditions, topographical variations and the high risk of forest fires within the City and County. Said amendments are deemed more restrictive than the published 2016 California Building Standards.
- B. The City Council hereby finds and declares that this Ordinance is exempt from California Environmental Quality Act (CEQA) review pursuant to the CEQA guidelines, including §15378(b)(5) as an organizational or administrative governmental activity that will not result in direct or indirect physical changes to the environment, and §15060(c)(2) as an activity that does not create a potential for direct or reasonably foreseeable indirect physical change in the environment.

SECTION V:

If any provision of this Ordinance is held unconstitutional or otherwise invalid, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION VI:

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

Passed and Adopted at the regular meeting of the City Council of the City of Nevada City on the ____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT

ABSTAIN:

Evans Phelps, Mayor

ATTEST:

Niel Locke, City Clerk

Chapter 15.04

Sections:

- 15.04.005 Purpose.**
- 15.04.010 Definitions.**
- 15.04.015 California Codes adopted.**
- 15.04.020 California amendments adopted.**
- 15/04.025 Copies of Codes and County amendments**
- 15.04.030 Compliance with environmental health, zoning, encroachment requirements and other regulations.**
- 15.04.035 Building Standards Board of Appeals.**
- 15.04.040 Building Accessibility Standards Board of Appeals.**
- 15.04.045 Work exempt from permit; building permit.**
- 15.04.050 Work exempt from permit; building permit.**
- 15.04.100 Savings clause**

15.04.005 Purpose.

This Chapter is enacted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction in conformity with the 2016 edition of the California Building Standards and consistent with and complementary to standards adopted by the County of Nevada. Nothing in the codes hereinafter adopted shall be construed to prevent any person from performing his own building, mechanical, plumbing or electrical work when performed with the permits in compliance with this Chapter.

15.04.010 Definitions.

For the purpose of this Chapter, the following terms and words used herein or in any of the codes or ordinances adopted by reference therein, unless the context directs otherwise, shall have the meaning ascribed to them by this Section:

"Board of appeals", "housing advisory" and "appeals board" and any other references to an appellate body in any of the uniform codes or County amendments adopted by reference by this Chapter mean such entities as may be designated by the city council of Nevada City by resolution.

"Building official", "administrative authority", "responsible official", "chief building inspector", "plumbing official", "mechanical official", "electrical official" and similar references to a chief administrative position mean the building official for Nevada

County under contract to furnish such services to Nevada City or such other entity as the city council of Nevada City may designate.

"City", "agency" or "jurisdiction" means the City of Nevada City. "Clerk of this jurisdiction" means the city clerk. "Governing body", "legislative body", "city council", "council" or "appointing authority" means the city council of Nevada City. "Technical codes" means those codes and publications adopted by Nevada City containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment.

"County" means the County of Nevada.

15.04.015 California Codes adopted.

Subject to the modifications and amendments contained in this Chapter, the following codes and standards are adopted and incorporated into the Municipal Code of the City of Nevada City by reference and have the same legal effect as if set forth herein:

- A. Division II, Scope and Administration, 2016 California Building Code.
- B. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12 (California Referenced Standards Code), in whole thereof.
- C. The 2016 edition of the California Building Code, known as the California Code of Regulations, Title 24, Part 2 (California Building Code), incorporating the International Building Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments, including appendixes "C", "H", "I" and "J" and amendments adopted by the County of Nevada as adopted and modified pursuant to the following Section.
- D. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 9 (California Fire Code), incorporating the International Fire Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments, save and except article 86 thereof, including appendix chapters and amendments adopted by the County of Nevada as adopted and modified pursuant to the following Section.
- E. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5 (California Plumbing Code), incorporating the Uniform Plumbing Code, 2015 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters adopted by the County of Nevada as adopted and modified pursuant to the following Section.

- F. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4 (California Mechanical Code), incorporating the Uniform Mechanical Code, 2015 Edition, of the International Association of Plumbing and Mechanical Officials, the whole thereof with State amendments, including appendix chapters adopted by the County of Nevada as adopted and modified pursuant to the following Section.
- G. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3 (California Electrical Code), incorporating the National Electrical Code, 2014 Edition, of the National Fire Protection Association, the whole thereof with State amendments, including annex chapters and amendments adopted by the County of Nevada as adopted and modified pursuant to the following Section..
- H. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5 (California Residential Code), incorporating the International Residential Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments, including Appendixes "H", "J", "K" and "S" and amendments as adopted and modified pursuant to the following Section.
- I. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 11 (California Green Building Standards Code), the whole thereof with State amendments.
- J. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 6 (California Energy Code) in whole thereof, with State Amendments.
- K. The 2013 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 8 (California Historical Building Code), the whole thereof with State amendments.
- L. The 2016 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 10 (California Existing Building Code), incorporating the International Existing Building Code, 2015 Edition, of the International Code Council, the whole thereof with State amendments.
- M. The 2015 International Property Maintenance Code of the International Code Council.
- N. The 1997 Uniform Code for the Abatement of Dangerous Buildings of the International Conference of Building Officials.
- O. The 1997 Uniform Housing Code of the International Conference of Building Officials.
- P. The International Swimming Pool and Spa Code, 2015 Edition with the amendments set forth in Article 9 of this Chapter.

15.04.020 County amendments adopted.

Subject to the modifications and amendments contained in this Title, the Nevada County amendments to the 2016 California Building Standards adopted by Nevada County Ordinance No. 2424 on December 13, 2016 are adopted and incorporated into the Municipal Code of the City of Nevada City by reference and have the same legal effect as if set forth herein. Excluded from this adoption shall the following provisions adopted by the county by Ordinance No. 2424 for inclusion in the Nevada County Land Use and Development Code :

- A. The County amendment in section L-V 5.8 in Chapter V, Article 5 providing for fire agency appeals to the Board of Supervisors;
- B. The County amendments in Chapter V, Article 11 adopting more comprehensive exemptions from grading permit requirements for landform grading for agriculture; and
- C. Any regulations regarding the construction of limited density owner-built dwellings contained in the California Code of Regulations, Title 25, Chapter 1, Article 8, which has not been adopted by the City

15.04.025 Copies of Codes and County and City amendments.

Pursuant to Nevada County Land Use and Development Code Sec. L-V 1.5, the Nevada County Building Department maintains on file copies of the Codes and Standards referred to in Section 15.04.010 of this Chapter. Copies of Nevada County Ordinance No. 2424 adopting the County amendments referred to in the preceding section are on file with the County of Nevada and shall be maintained at City Hall as well, together with copies of this City Ordinance.

15.04.030 Compliance with environmental health, zoning, encroachment requirements and other regulations prerequisite to a building permit.

In addition to the applicable requirements in Sec. L-V 1.7. A-D, subsection A of Sec, L-V 1.8 and Sec. L-V 1.9 of the Nevada County Land Use and Development Code, no grading or building permit shall be issued for property located in the City until the land use is approved by the City.

15.04.035 Building and Accessibility Standards Board of Appeals.

- A. In order to hear and decide appeals of discretionary orders, decisions or determinations made by the Building Official relative to the application and interpretation of the provisions of the technical codes or the Historical Building Code or relative to the enforcement of the California Access to Public Accommodations by Physically Disabled Persons regulations within the City, the city council may, on a case-by-case basis or for designated periods of time, either designate the Nevada County Building and Accessibility Standards Board of Appeals created pursuant to Section 113.1, as modified by Sec. L-V 2.1 of the Nevada County Land Use and Development Code, to act as the Nevada City Building and Accessibility Standards Board of Appeals or may create its own Building and Accessibility Standards Board of Appeals subject to the same

regulations as a County Board with each council member appointing one member who is not an employee of the City and is qualified by experience and training to pass on the matters appealed, including, but not limited to building construction, building service equipment and grading, with each appointed member to serve at the pleasure of the appointing council member. The Building Official making the decision appealed from may be an ex officio member and serve as secretary to the Board of Appeals but shall have no vote in the matter.

- B. The option for the city council to create its own Building and Accessibility Standards Board of Appeals for decisions relating to property and buildings within the City as provided herein shall be available as an alternative to the provisions adopted by the County for appeals regarding all codes adopted herein where the county adopted provisions refer back to Section L-V 2.1 or 2.2 of the Nevada County Land Use and Development Code, whether or not specifically provided for in this Article.

15.04.040 Not used.

15.04.045 Work exempt from permit; building permits (amend).

The work exempted in paragraph 1 of section 105.2 is amended to read as follows rather than as amended by Sec. L-V 2.3 of the Nevada County Land Use and Development Code:

1. One-story detached accessory buildings without electrical, mechanical or plumbing not intended for habitation, subject to the requirements of Nevada City Municipal Code Sec. 17.80.010, provided it is less than or equal to no more than 160 square feet in area and the projected roof area does not exceed 200 square feet. One structure per parcel.

15.04.050 Work exempt from permit; building permits (add).

The work exempted in paragraph 14 of added to Section 105.2 by Sec. L-V 2.4 of the Nevada County Land Use and Development Code is amended to read as follows and that exempted in paragraph 15 added by Sec. L-V 2.5 of the Nevada County Land Use and Development Code is not adopted:

14. Detached trellis or arbor accessory to single family residential property provided it is no more than 160 square feet in area and the projected roof area does not exceed 200 square feet.

15.04.100 Savings clause.

The regulations set forth in this chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to this chapter, set forth by the State of California or elsewhere in the City's code.

Chapter 15.08

FIRESAFETY STANDARDS AND CALIFORNIA FIRE CODE AMENDMENTS

Sections:

- 15.08.005 Purpose.**
- 15.08.010 Definitions.**
- 15.08.015 California Fire Code and county amendments adopted.**
- 15.08.020 Responsibility for enforcement and review.**
- 15.08.025 Penalties.**
- 15.08.030 Board of Appeals.**
- 15.08.100 Savings clause**

15.08.005 Purpose.

This Chapter prescribing regulations governing fire prevention is enacted to provide increased protection from fire to residents and property within the city of Nevada City in conformity with the 2016 edition of the California Building Standards and consistent with and complementary to standards adopted by the County of Nevada. It is also intended to encourage a greater degree of uniformity between the local fire department and other fire protection districts and departments in the imposition of fire safety regulations on new construction and existing buildings, while respecting the autonomy of the local fire protection districts and departments. Nothing in this Code is intended to amend the provisions regarding sprinkler systems set forth in section 8.30 of the Nevada City Municipal Code.

15.08.010 Definitions.

For the purpose of this Chapter, the following terms and words used herein or in any of the codes or ordinances adopted by reference therein, unless the context directs otherwise, shall have the meaning ascribed to them by this Section:

"Board of appeals" and any other references to an appellate body in any of the uniform codes or County amendments adopted by reference by this Chapter mean such entities as may be designated by the city council of Nevada City by resolution.

Chief', "fire chief", "city fire chief' and "chief of the fire department" mean the fire chief of the Nevada City Fire Department or his authorized designee.

"City", "agency" or "jurisdiction" means the City of Nevada City.

"Fire break" means a continuous strip of land upon which all rubbish, weeds, grass, or other growth that could be expected to burn when dry, has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

15.08.015 California Fire Code and county amendments adopted.

Subject to the modifications and amendments contained in this Chapter, the 2016 California Fire Code and County amendments thereto were adopted by Sections 15.04.015 and 15.04.020 and incorporated into the Municipal Code of the City of Nevada City.

15.08.020 Responsibility for enforcement and review.

To clarify responsibility for enforcement and review as provided for in Nevada County Land Use and Development Coded Sec. L-V 5-4 within the City's jurisdiction:

- A. Except as otherwise required by controlling state law, enforcement of fire safety laws, standards and regulations and review of projects for compliance therewith shall be enforced within the incorporated areas of the City by the city fire chief or the authorized representative thereof.
- B. Whenever any application is made to the City for issuance of any discretionary land use permit or other land use entitlement, the City fire chief or authorized deputy, with enforcement responsibility pursuant to this Chapter, shall have the final authority and responsibility for review of such application for compliance with the requirements of this chapter. This review shall include the preparation of comments and appropriate mitigation measures and/or conditions of approval to assure compliance with all applicable fire safety laws, standards and regulations. To facilitate such review, copies of all such applications shall be promptly provided to the City fire chief or authorized deputy.

15.08.025 Appointment of fire marshal.

The amendment to the California Fire Code in sec. L-V 5.6 of Nevada County Land Use & Development Code is further amended within the City's jurisdiction to provide that the fire code official shall be appointed by the chief appointing authority of the jurisdiction and within the city's jurisdiction references to the County Fire Marshal shall refer to that appointed official.

15.08.030 Penalties.

In addition to the penalties provided for in the California Fire Code and in subsections

A and B of Sec. L-V 5.7 of the County amendments thereto are added the following:

- C. Violations of any provisions of this chapter and the 2016 California Fire Code and County and City amendments thereto shall constitute a public nuisance and said conditions may be abated in accordance with existing laws and ordinances.
- D. The remedies provided herein are not exclusive, and are in addition to any other remedy or penalty provided by law.

15.08.035 Fire Agency Appeals.

Provisions regarding appeals from determinations interpreting provisions of the California Fire Code made by the City fire chief shall be amended to read as follows rather than as amended by Sec. L-V 5.8 of the Nevada County Land Use and Development Code to supplement the basic requirements found in Section 108 the California Fire Code:

- A Appeals from decisions to approve or not to approve permits pursuant to this Chapter or determinations interpreting provisions of the California Fire Code, as amended and adopted, made by the City fire chief regarding permits within the city, may be taken to the city council or the city council may, on a case-by-case basis or for designated periods of time, create its own Nevada City Fire Code Board of Appeals to hear the appeal with members nominated by the city fire chief in accordance with the member composition provisions set forth in Section A 101.2, *et seq.*, of Appendix A of the California Fire Code, and as confirmed by the city council.
- B. In the event a Nevada City Fire Code Board of Appeals is created to hear and decide an appeal, the City fire chief, or his designee, shall be an ex-officio member and serve as secretary to the Board, but shall have no vote on any matter before the Board and the decision and findings shall be rendered to the City fire chief with a duplicate copy to the appellant.

15.08.040 Open burning additional restrictions.

In addition to restrictions on burning in the California Fire Code and county amendments as adopted by the city, open burning is further restricted by Chapter 8.08 of the Nevada City Municipal Code.

15.08.045 Auxiliary power generator.

In addition to the requirements of Sec. 605.3.3 of the California Fire Code and county amendments as adopted by the City, any new structure or remodel that has electrical power supplied by a secondary or auxiliary power unit with automatic startup and/or automatic power transfer capabilities shall have an auxiliary power disconnect

accessible to fire department personnel. The auxiliary power disconnect switch shall be located within three (3) feet of the main power disconnect switch and identified with a permanently mounted, weather proof label marked "AUXILIARY POWER DISCONNECT".

15.08.100 Savings clause.

The regulations set forth in this Chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to this Chapter, set forth by the State of California or elsewhere in the City's code.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

January 25, 2017

TITLE: Informational Update: 2017 Nevada County Local Agency Formation Commission Sphere of Influence Update for Nevada City

RECOMMENDATION: Discuss and provide direction to the City Manager.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION: The Nevada County Local Agency Formation Commission (LAFCo) is responsible for adopting and updating the sphere of influence (SOI) plan for all agencies in the County, including the City of Nevada City. The City's current SOI was originally adopted in 1983; the sphere plan was updated in 2008; however, the boundaries have not been modified and have remained as originally adopted in 1983.

Nevada County LAFCo is required to review and update each agency's SOI every five years and plans to initiate a review for Nevada City in 2017. In December 2016, the City received a SOI update from LAFCo Officer SR Jones (attached) that outlines a variety of changes that have occurred since 1983. The update also includes preliminary information about areas recommended for inclusion in the SOI update and suggestions for reducing portions of the SOI. LAFCo is planning a workshop on the Nevada City SOI on February 23, 2017.

City staff reviewed the proposed changes and has significant concerns related to LAFCo's recommended changes to the existing SOI. The original sphere of influence involved extensive involvement with the City and considerable effort was invested in identifying a sphere that would:

- Reflect orderly planned growth into areas where the City has the capability to provide services;
- Take into consideration the topography of the watershed to protect against possible environmental impacts associated with septic installations;
- Protect the City's view shed against unsightly development visible from city limits;
- Include roads originating in the City;
- Include properties that, if annexed, would be compatible with the objectives and policies of the Nevada City General Plan;
- Take into consideration potential development impacts on natural and scenic resources; and
- Take into consideration opportunities for recreation and open space.

One significant concern relates to the proposed transition of property from the City's SOI to an "Area of Interest" designation. This designation would effectively remove the City's ability to control development in areas previously within the SOI. Instead, the City would be limited to "commenting" on the proposed development. Because the County would not be compelled to act on comments received, it is conceivable concerns expressed by the City or its residents would not be addressed by the County in the course of development approval resulting in possible conflicts with the City's view shed, inconsistency with the current General Plan, possible environment impacts, etc. It is also conceivable the County could modify zoning designations resulting in development projects entirely different than current zoning.

The purpose of this item is to provide the City Council with an informational report on this developing issue and seek direction on the Council's preference for communicating the City's concerns to the LAFCo Board.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENT:

- ✓ Memorandum from SR Jones, Nevada County LAFCo Officer

Local Agency Formation Commission of Nevada County
950 Maidu Avenue
Nevada City, CA 95959
Phone 530-265-7180 or 888-846-7180

Date: December 7, 2016 (revised January 18, 2017)

To: Mark Prestwich, City Manager

From: SR Jones, Executive Officer

Subject: Sphere of Influence Update – Summary of LAFCo Staff Recommendations

Nevada County LAFCo adopted the original sphere of influence for Nevada City in 1983 (Exhibit A). In 2008, LAFCo reviewed and updated the Nevada City sphere of influence plan; however, the sphere boundary itself was not modified and remained as adopted in 1983.

The City’s boundaries in 2016 include 1224 acres (approximately 700 acres are developed, while approximately 500 are unimproved). The sphere of influence adopted by LAFCo in 2008 included approximately 2900 acres (exclusive of City boundaries). The 2008 sphere plan assigned these lands to four timed sphere horizons: Current (215 acres), 2013 (389 acres), 2018 (567 acres) and 2023 (1735 acres).

Changes Affecting Spheres of Influence in Nevada County

Since 1983, there have been a number of important changes that impact sphere of influence reviews and updates. Changes include updates to LAFCo law and to Commission policy, as well as changes to local government financial circumstances and land use policies.

1. **Definition of Sphere of Influence:** In 1983, LAFCo law defined this term as “...the *ultimate* boundary and service area of a local government agency.” The definition now reads “...a plan for the *probable* boundary and service area of a local government agency.”
2. **Requirement to Prepare Municipal Service Reviews:** Before taking action on a sphere of influence, LAFCo is now required to review municipal services provided by each agency, including projections for growth and development; present and planned capacity of facilities and adequacy of services, including infrastructure needs and deficiencies, the agency’s financial capability to provide services and the service relationships between providers in the region.
3. **Requirement to Periodically Review and Update Spheres of Influence:** LAFCo is now required to review and update each agency’s sphere of influence plan every five years.
4. **Commission Sphere Policies:** The Commission’s sphere of influence policies now state that LAFCo will not include lands in an agency’s sphere that are unlikely to require the services provided by the agency, or lands which cannot feasibly be served by the agency. Commission policy now also provides for the designation of “Areas of Interest,” which

are areas beyond an agency's sphere of influence where land use and other decisions may impact the agency.

5. **General Plans:** Since 1994, the County's General Plan has included policies that respect City land use designations within spheres of influence and that foster cooperation between the County and the City with respect to annexation and development. Following LAFCo's 2008 update of the City's sphere, City and County staff worked together to review land use designations of each parcel within the City's sphere and to identify parcels where the General Plan designations were not compatible. This exercise identified five parcels with potentially incompatible designations.
6. **Increasing Cost of Providing Municipal Services:** The cost of providing municipal services, especially fire and police, have increased dramatically since 1983. Annexation of lands located considerable distances from current City boundaries would likely impact the City's fire and police service costs.
7. **Development and Buildout of Sphere Lands:** Many of the parcels included in the 1983 sphere of influence are now developed for residential use, utilizing private septic systems and wells (or receive treated water for Nevada Irrigation District) , and do not require City services.

Areas Recommended for Inclusion in the Sphere of Influence Update

The sphere boundary recommended by LAFCo staff is shown on Exhibit *B* retains 1482 acres in the sphere. The major portion of these lands were designated by the 2008 sphere of influence update as within the Current, 2013 and 2018 Sphere Horizons. In addition, three areas from the 2023 Sphere Horizon are recommended for inclusion in consideration of their development potential (Indian Flat Area, Highway 20 Frontage Area and the Highway 49 Planned Development Area).

The following list includes descriptions of the most significant areas recommended to be retained in the City's sphere:

- **Indian Trails:** This 30-lot estate residential project is located on the west side of the City, adjacent to the City-owned Hirschman's Pond property. Although the development receives treated water from Nevada Irrigation District and uses private septic systems (and thus does not require City services), the area is recommended for continued inclusion in the city sphere as the City holds title to the project's the trail system.
- **Sugarloaf Mountain and Manzanita Diggins:** This area includes seven properties located north of the City on either side of Coyote Street. The City holds ownership to Sugarloaf Mountain (31 acres) and intends to apply for annexation, proposing to designate it for Open Space. The Manzanita Diggins properties, comprised of two properties (totaling 15 acres), is located on the other side of Coyote Street from Sugarloaf. These properties have development potential under the City's General Plan. The Nevada County Consolidated Fire District owns two parcels (totaling 5 acres) in this area; one parcel is the site of NCCFD's Station 84 and is connected to the City's public sewer system. The southern half of a large (110 acre) parcel in this area is also recommended for continued inclusion in consideration of its City General Plan designation for Planned Development.

- Highway 20 (north of Nevada City) Frontage Area: This residential area includes 12 parcels and is located adjacent to the Manzanita Diggins area north of Nevada City, on the northwest side of Highway 20. Although most of the properties are already developed for residential use, the area may provide access points for the Manzanita Diggins area, discussed above.
- HEW (Health, Education and Welfare) Building: Located off Willow Valley Road east of the City boundary, this property was the site of a County-owned facility that has since been purchased by a local developer. The site is connected to the City’s wastewater system, as are several other properties in the immediate vicinity. The area is recommended for continued inclusion in the sphere in consideration of its development potential and the extension of City sewer service.
- Hurst Property: This 90-acre area is adjacent to City boundaries off Gracie Road; the City’s General Plan designates this area for Planned Development.
- Prospector Nursery/Caltrans: This area is located south of Gold Flat Road, and includes lands designated by the City for Planned Development, a commercial nursery, as well as the Caltrans facility. The latter is connected to the City’s wastewater system.
- Gallelli Properties: This area is located west of the current City boundary and Providence Mine Road and includes 162 acres in 5 separate parcels. The southern portion is designated for Planned Development by the City’s General Plan, while the northern portion is designated for Open Space.
- Juvenile Hall Property: Located adjacent to the western City boundary off Highway 49, this County facility has been connected to the City sewer system.
- Highway 49 Planned Development: This area is located west of the existing City boundary, south of highway 49 and north of American Hill Road. Portions are designated for Planned Development by the City’s General Plan.
- ‘Incompatible Parcels:’ The five properties (one appears to have been subdivided, so there are now six) that City and County staff identified in 2008 as having inconsistent General Plan designations are all included within the recommended sphere.

The portions of the 2023 Sphere Horizon that are recommended for removal from the sphere of influence would be designated as an “Area of Interest” in order to ensure the City is notified of development proposals and other projects that may have potential for impacting the City. The proposed “Area of Interest” consists of lands that had previously been included in the 2023 sphere horizon (with the exception of several of the areas listed above, including Indian Trails, Highway 20 frontage, and the Highway 49 Planned Development areas). This area includes 462 developed properties totaling 982 acres, and 94 unimproved properties totaling 366 acres.

Known Development Proposals within the Nevada City Sphere of Influence

As noted above, the County’s General Plan policies provide that development permits involving lands located within the City’s sphere will generally be referred to the City for annexation or comment. According to the County Planning Director, lands designated by the Commission as “Area of Interest” are referred to the City for comment.

At this time, LAFCo is not aware of any development projects or permit applications for lands within the City’s sphere of influence boundary as updated in 2008.

Comparable Spheres of Influence in other Counties

LAFCo staff has compiled statistics on a few city spheres in other counties which are comparable in terms of population. In reviewing these statistics, please keep in mind that each LAFCo determines spheres of influence based on the legislative direction of the Local Government Act (Gov’t Code 56000, et seq), Commission policy, and local circumstances.

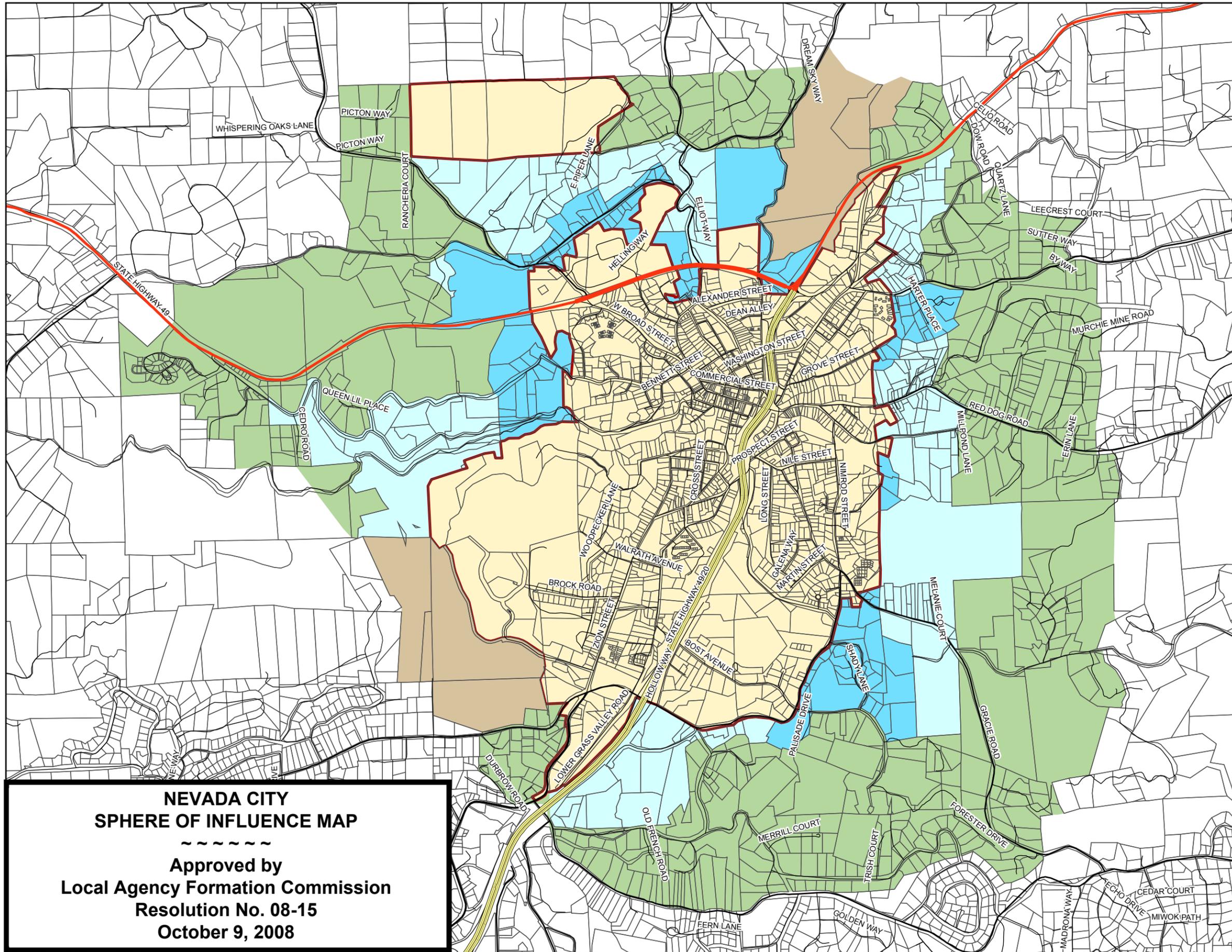
Comparable Cities	2015 Pop.	City Acreage	Sphere Acreage	Last Update	Sphere/City Boundary
Jackson, Amador County	4586	2300	1219	2014	53%
Angels Camp, Calaveras County	3811	2277	3480	2011	153%
Carmel, Monterey County	3747	640	850	2013	133%
Rio Dell, Humboldt County	3372	1013	160	2008	16%
Nevada City, Nevada County	3194	1224	2907	2008	238%
Nevada City, Nevada County (Recommended)	3194	1224	1482	2016	121%
Yountville, Napa County	3017	966	13.5	2013	1%
Alturas, Modoc County	2723	1550	2228	2010	144%
Ross, Marin County	2493	985	0	2007	0%
Sutter Creek, Amador County	2457	202	4	2014	2%

Note that Nevada City is a “full service” city that provides water, wastewater, police and fire protection and emergency response services. These four basic services are also provided by Angels Camp and Alturas. Of the remaining listed cities, Carmel provides only police and fire (water and wastewater are provided by other agencies), Rio Dell provides water, wastewater and police (fire is provided by an independent fire district), Yountville provides water and wastewater (and contracts for fire and police services) and Ross provides police and fire (while contracting with other agencies for water and wastewater).

Exhibits:

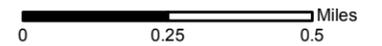
A Nevada City Sphere of Influence Map, Approved by LAFCo Resolution 08-15

B Recommended Nevada City Sphere of Influence Map (recommendation by LAFCo staff, December 2016)



Legend

-  Parcel Boundaries
-  City Limits
-  Current Sphere Horizon
-  2013 Sphere Horizon
-  2018 Sphere Horizon
-  2023 Sphere Horizon



Created by Nevada County GIS 8/1/07 NevadaCitySphereCleanup.mxd
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**NEVADA CITY
 SPHERE OF INFLUENCE MAP**
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**Approved by
 Local Agency Formation Commission
 Resolution No. 08-15
 October 9, 2008**

