BUILDING STANDARDS COMMISSION
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959

February 24, 2011

Mr. William J. Falconi, City Engineer
City Hall
City of Nevada City
317 Broad Street
Nevada City, California 95959

Dear Mr. William J. Falconi:

This letter is to acknowledge receipt on December 31, 2010 of the City of Nevada City submittal pertaining to Ordinance No. 2331of with findings the same as Nevada County and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of Nevada City

December 30, 2010

California Building Standards Commission
2525 Natomas Park Drive, Ste 130
Sacramento, CA 95833

RE: City of Nevada City
Database Updating Request and Filing of Local Government Amendments

Sir/Madam:

Enclosed herewith please find a Database Updating Request with the contact information for the City's contact regarding Building Official matters. In fact, the City of Nevada City contracts with the County of Nevada for its building inspection services. The Chief Building Inspector there is Brian Washko whose e-mail address is Brian.Washko@co.nevada.ca.us and phone number is (530) 265-8649.

Because of this arrangement and the City's location within the County, the City Council has determined that it is desirable to have the same building standards and amendments applicable within the City as those within the County. The same local government amendments to the 2010 California Building Standards adopted by the County of Nevada are therefore being adopted by the City of Nevada City upon the same express findings of reasonable necessity. A copy of this Ordinance with the amendments and express findings is enclosed herewith for filing.

Sincerely,

William J. Falconi
City Engineer

cc: Gene Albaugh, City Manager
Hal DeGraw, City Attorney

enclosures

2010 DEC 31 A 11:30
CALIFORNIA BUILDING STANDARDS COMMISSION

TO: Honorable City Council

FROM: Gene Albaugh, City Manager G. A.

DATE: December 8, 2010

SUBJECT: An Ordinance Amending Title 15 of the Nevada City Municipal Code to Adopt the 2010 California Building Standards, with the Same Local Amendments Thereto, upon the Same Express Findings of Reasonable Necessity for Changes and Modifications Based on Local Climatic, Geological, or Topographical Conditions as those Adopted by Nevada County by Ordinance No. 2331

RECOMMENDATION: Receive report; ask for Public Comment; approve conclusion that CEQA general rule exception applies, finding this action reflects the independent judgment of the City Council of Nevada City; waive further reading of entire Ordinance; Introduction and First Reading.

BACKGROUND: The California Building Standards Commission has adopted and published the 2010 triennial edition of the California Building Standards Code with an effective date of January 1, 2011. The Code is required to be enforced in all parts of the State. The California Building Standards Law provides that local jurisdictions may, as reasonably necessary, establish more restrictive amendments based upon local climatic, topographical or geological conditions. The City contracts with the County for building inspection services, making it desirable to have the same standards and amendments apply in both jurisdictions. Due to the extensive changes and unavailability of some code material until well after the "publication" date, the County did not adopt the Code or local amendments thereto until its November 23, 2010, meeting. You may recall that the matter was on the Board of Supervisor's agenda for their November 9th meeting and on the City Council agenda for November 10th, however, failure of the County to take action on the matter at its meeting staff to pull the item from your agenda. Subsequently at its meeting on November 23rd, the Board of Supervisors did a second reading and approved Ordinance No. 2331 including purpose, amendments and findings (copy attached to proposed City Ordinance).

Adoption of the proposed ordinance is exempt from CEQA review pursuant to the CEQA Guidelines § 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.

The City Attorney has reviewed the findings for exception from CEQA, the findings for amendment of the California Building Standards Code, and the Ordinance to adopt the 2010 California Building Standards Code with local amendments.

FISCAL IMPACT: No direct fiscal impact to the City.

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING TITLE 15 OF THE NEVADA CITY MUNICIPAL CODE TO ADOPT THE 2010 CALIFORNIA BUILDING STANDARDS, WITH THE SAME LOCAL AMENDMENTS THERETO, UPON THE SAME EXPRESS FINDINGS OF REASONABLE NECESSITY FOR CHANGES AND MODIFICATIONS BASED ON LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS AS THOSE ADOPTED BY NEVADA COUNTY BY ORDINANCE NO. 2331

WHEREAS, the local climatic, geological, and topographical conditions in Nevada City are the same as or substantially similar to those in the 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 November 23, 2010 has adopted by Ordinance No. 2331 (copy attached as Exhibit A) building standards, local amendments, and findings applicable to the unincorporated areas after review and report by the Building Standards Board of Appeals; 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.

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

Section One: 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 occupation and use.

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 2010 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 2009 Uniform Swimming Pool, Spa & Hot Tub Code, and the 2009 International Property Maintenance Code and modifications thereto as may be adopted by the County of Nevada.

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 2010 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 and by this Ordinance are adopted by the City of Nevada City. 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 Two:

Title 15 of the Nevada City Municipal Code is hereby amended to include all of the provisions, except for the Limited-Density Owner-Built Rural Dwellings regulations in Article 16 of Chapter L-V, as set forth and adopted in the Nevada County Ordinance No. 2331 amending Chapter V of the Land Use and Development Code of the County of Nevada attached hereto as part of Exhibit A and incorporated by such reference. The City of Nevada City shall adopt a subsequent ordinance formatting the adopted provisions for inclusion in its Municipal Code.

Section Three. Findings

1. The City Council hereby finds and declares that the amendments to the 2010 California Building Standards, as codified in Chapter L-V of the Nevada County Land Use and Development Code, 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 2010 California Building Standards.

2. The City Council hereby finds and declares that this Ordinance is exempt from CEQA review pursuant to the CEQA guidelines (Sec. 15060(c)(2)) as it does not create a potential for direct, indirect or reasonably foreseeable physical change in the environment.

Section Four:

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.

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 12th day of February, 2011, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in The Union, a newspaper of general circulation printed and published in the County of Nevada.

Passed and Adopted at the regular meeting of the City Council of the City of Nevada City on the 12th day of January, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Robert Bergman, Mayor

ATTEST:

_____
Niel Locke, City Clerk

EXHIBIT A

ORDINANCE No. 2331

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 2010 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 occupation 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 2010 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 2009 Uniform Swimming Pool, Spa & Hot Tub Code, and the 2009 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 Code, as are reasonably necessary because of local climatic, geological, or topographical conditions Nevada County's amendments to the 2010 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. Findings

1. The Board hereby finds and declares that the amendments to the 2010 California Building Standards, as codified in Chapter L-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; topographical variations from the low foothills in the Western County to the high Sierra in Eastern County; and the high risk of forest fires within the County. Said amendments are deemed more restrictive than the published 2010 California Building Standards.

2. The Board hereby finds that the adoption of the Limited-Density Owner-Built Rural Dwellings regulations set forth in California Health and Safety Code Section 17958, *et seq.*, as incorporated into Article 16 of Chapter L-V of the Nevada County Land Use and Development Code, is reasonably necessary because of

   local conditions, including the prevalence of limited density regions within the County, which warrant modified building standards for the protection of life, health, safety, and welfare of the general public and owners and occupants of limited-density owner-built rural dwellings and structures in these areas.

3. The Board hereby finds and declares that this Ordinance is exempt from CEQA review pursuant to the CEQA guidelines (Sec. 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 thereby 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 23rd day of December, 2010, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of November, 2010, by the following vote of said Board:

Ayes: Supervisors Nate Beason, Ed Scofield & Hank Weston.

Noes: John Spencer & Ted S. Owens.

Absent: None.

Abstain: None.

ATTEST:

CATHY R. THOMPSON
Clerk of the Board of Supervisors

By: Cathy R. Thompson

Nathan H. Beason, Chair

DATE	COPIES SENT TO
11/24/10	Counsel gy
	Building gy gh
	Union

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CHAPTER V: BUILDINGS

Article 1 General

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Sec. L-V 1.11	REPEALED

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 Enforcement Officer, said terms shall include the County Code Enforcement 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 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, 2010 California Building Code.

B. The 2010 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, 2009 Edition, of the International Code Conference, the whole thereof with State amendments, including appendix Chapter 1, appendixes "C", "H", and "J" and amendments set forth in Article 3 of this Chapter.

C. The 2010 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, 2009 Edition, of the International Code Conference, 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.

D. The 2010 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, 2009 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.

E. The 2010 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, 2009 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 9 of this Chapter.

F. The ~~2007~~ 2010 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, 2008 Edition, of the National Fire Protection Association, the whole thereof with State amendments. (Ord. #2218.)

G. Uniform Swimming Pool, Spa, and Hot Tub Code, 2009 Edition, of the International Association of Plumbing and Mechanical Officials, with the amendments set forth in Article 11 of this Chapter.

The 2009 International Property Maintenance Code, of the International Code Council.

J. The 2010 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, 2009 Edition, of the International Code Conference, the whole thereof with State Amendments, including Appendixes "H", and "J".

K. The 2010 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.

L. The California Code of Regulations, Title 25, Chapter 1, Sections 74–134 (Limited Density Owner-Built Rural Dwellings).

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 three (3) copies 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 for two successive weeks 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.

Sec. L V 1.11 Repealed

Ord. #257, 12/1/61; 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. #829, 1/10/78; Ord. #859, 9/25/78; Ord. #1057, 12/14/81; Ord. #1320, 8/5/85; Ord. #1367,

8/11/86; Ord. #1397, 8/11/86; Urg. Ord. #1481, 2/2/88; Ord. #1652, 7/24/90; entire article repealed and re-enacted by Ord. #1919, 11/5/96; Ord. #2006, 9/28/99; entire Chapter V repealed and re-enacted by Ord. No. 2009, 10/26/99; Ord. #2022, 3/28/00; entire Chapter V repealed and re-enacted by Ord. No. 2094, 9/24/02; Ord. #2218, 10/10/06; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 1A Repealed

Article 1.A. Compliance Permit Program

Entire Article Repealed by Ord. # , [DATE].

CHAPTER V: BUILDINGS

Article 2.Division II Administration,

Sec. L-V 2.1	Section 104.11: Alternative Materials, Design and Methods of Construction and Equipment (add the following subsection): 104.11.4: Straw Bale Construction Standards
Sec. L-V 2.2	Section 113: Board of Appeals (change to read): 113.1: Building Standards Board of Appeals; 112.2: Accessibility Standards Board of Appeals; 112.3: Limited Density Owner-Built Rural Dwelling Board
Sec. L-V 2.3	Section114: Violations (add the following)
Sec. L-V 2.4	Section 105.2: Work Exempt From Permit; Building Permits (change paragraph 1 to read)
Sec. L-V 2.5	Section 105.2: Work Exempt From Permit; Building Permits (add the following)
Sec. L-V 2.6	Section 105.2: Work Exempt From Permit; Building Permits (add paragraph to read)
Sec. L-V 2.7	REPEALED
Sec. L-V 2.8	Section 105.5: Expiration (change to read)
Sec. L-V 2.9	Section 108.2: Permit and Plan Review Fees (change to read)
Sec. L-V 2.10	REPEALED. See Sec L-V 2.9
Sec. L-V 2.11	Section 109.4: Work Commencing Before Permit Issuance (change to read)
Sec. L-V 2.12	Section 109.6: Fee Refunds (change to read)

Sec. L-V 2.13	Section 109.4: Fee Penalty/Work Commencing Before Permit Issuance
Sec. L-V 2.14	REPEALED. See Sec L-V 3.7.1
Sec. L-V 2.14.1	REPEALED
Sec. L-V 2.15	REPEALED

CHAPTER V: BUILDINGS

Article 2. Division II Administration Amendments

The Administrative Division II 2010 California Building Code as adopted by Section L-V 1.4 is adopted with the following amendments:

Sec. L-V 2.2 Section 113: Board of Appeals (change to read): 113.1: Building Standards Board of Appeals; 113.2: Accessibility Standards Board of Appeals.

113.1 BUILDING 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 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. Where the appeal issue results from the enforcement of the California Access to Public Accommodations by Physically Handicapped Persons regulations (Health and Safety Code secs. 19955, et seq.), the Board shall refer the appellant to the Accessibility Standards Board of Appeals.

C. The Board shall consist of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction, building service equipment and grading. 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 members may be selected from the County at large without regard for Supervisorial District.

D. 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.

E. 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.

F. 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.

G. Notwithstanding limitations in paragraph "F", 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.

113.2 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 provisions of the California Access to Public Accommodations by Physically Handicapped Persons regulations (Health and Safety Code secs. 19955, *et seq.*), there shall be and is hereby created an Accessibility Standards Board of Appeals for Nevada County.

B. The Board shall consist of five (5) members. Two members of the Appeals Board shall be persons with disabilities who are qualified by experience and training to pass on matters pertaining to the California Disabled Access Regulations appointed by the County Board of Supervisors. The other three members shall be members of the Building Standards Board of Appeals appointed by its chairman.

C. 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.

D. The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant.

E. 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 the public accommodation laws or the technical codes.

Repealed by Ord. #____, [DATE].

(Subsec. 204.3 added by Ord. #2022, 3/28/00; Subsec. 204.4 added by Ord. #2183, 5/24/05.)

Sec. L-V 2.3 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.

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; three hundred dollars ($300) 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 of the same Section 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 sSbsections 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 2.4 Section 105.2: Work Exempt From Permit; Building Permits (change 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 2.5 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 plastic or fiberglass cover. Dirt or gravel floor.

    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 2.6 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 2.7 Repealed

Sec. L-V 2.8 Section 105.5: Expiration (change to read):

A. 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. 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.

   Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be 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; there are no violations associated with the parcel; and that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. The Building Official may modify the fee amounts based upon findings.

   Fees assessed for a permit are based on a customary number of site visits, time of performance, and completion. If costs of providing service to the project exceed the fees collected at permit issuance, additional fees shall be assessed at the rate established by Resolution of the Board of Supervisors for the service at the time the service is provided. The additional assessed fee(s) shall be paid prior to permit final.

B. Permits may be issued with a limited time when necessary to abate dangerous, substandard or illegal conditions. The Building Official may establish the expiration at 30, 60, 90, or 180 days depending on the health/safety hazard.

C. All work for which a permit is issued shall be completed within two years from the date of issuance. If work is not completed within two years of issuance the permit shall expire. Upon written request, and a showing of good cause, the Building Official may extend the permit for an additional period, not to exceed three years from the date the permit was issued.

Sec. L-V 2.9 Section 108.2: Permit and Plan Review 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 2.10 Repealed. See Sec L-V 2.9

Sec. L-V 2.11 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.

Sec. L-V 2.12 Section 109.6: Fee Refunds (change to read):

A. 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.

B. 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.

C. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment. Refund amounts of less than $25.00, calculated after appropriate deductions, shall not be refunded.

Sec. L-V 2.13 Section 109.4: Work Commencing Before Permit Issuance:

109.4 FEE PENALTY: WORK COMMENCING BEFORE PERMIT ISSUANCE. 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.

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 Standards Board of Appeals.

Sec. L-V 2.14 REPEALED. See Sec L-V 3.7.1

Sec. L-V 2.14.1 REPEALED.

Sec. L-V 2.15 REPEALED.

Ord. #281, 5/1/63; Ord. #510, 2/9/71; 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. #1113, 12/20/82; Ord. #1230, 5/21/84; Ord. #1397, 8/11/86; Ord. #1453, 9/15/87; Ord. #1469, 11/24/87; Ord. #1520, 9/6/88; Ord. #1652, 7/24/90; Ord. #1700, 3/29/91; Ord. #1794, 8/4/92; Ord. #1831, 5/18/93; entire article repealed and re-enacted by Ord. #1919, 11/5/96; Ord. #1924, 12/10/96; Ord. #2006, 9/28/99; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; Ord. #2022, 3/28/00; Ord. #2207, 5/23/06; Entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 3. California Building Code Amendments

Sec. L-V 3.1	REPEALED
Sec. L-V 3.2	Division II, Section 113: Board of Appeals, General (change to read)
Sec. L-V 3.3	Division II, Section 105.2: Work Exempt from Permit (change to read)
Sec. L-V 3.4	Division II, Section 105.5: Permit Expiration (change to read)
Sec. L-V 3.5	Division II, Section 109.2: Permit and Plan Review Fees (change to read)
Sec. L-V 3.6	REPEALED. See Sec. L-V 3.5
Sec. L-V 3.7	REPEALED. See Secs L-V 2.11 and 2.13.
Sec. L-V 3.8	REPEALED. See Secs L-V 2.12.
Sec. L-V 3.8.1	Section 108.4.2: Fees (change to read)
Sec. L-V 3.9	REPEALED
Sec. L-V 3.10	Section 202: R (add the following definition)
Sec. L-V 3.10.1	REPEALED
Sec. L-V 3.10.2	REPEALED
Sec. L-V 3.11	REPEALED
Sec. L-V 3.12	Section 1505.1: Fire Classification (change to read as follows)
Sec. L-V 3.13	Section 1507.2.8.2: Ice Dam Membrane Application (add the following)
Sec. L-V 3.14	Section 1507.2.9.2: Valleys and Section 1507.2.9.2 #3 Valleys: Flashing (add the following text)
Sec. L-V 3.15	Section 1507.3.3: Underlayment (add the following)

Sec. L-V 3.16	Section 1608.2: Ground Snow Loads (change to read as follows)
Sec. L-V 3.17	Section 1608.3: Snow Loads (add a subsection to read as follows): 1608.3: Ramadas
Sec. L-V 3.18	Added Section 1608.4
Sec. L-V 3.19	REPEALED
Sec. L-V 3.20	REPEALED
Sec. L-V 3.21	REPEALED
Sec. L-V 3.22	REPEALED
Sec. L-V 3.23	REPEALED
Sec. L-V 3.23.1	Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-05 (add a new subsection to read) 7.6.1.1: Unbalanced Snow Loads for Ground Snow Loads Over 100 PSF
Sec. L-V 3.23.2	Section 7.7.1: Lower Roof of a Structure, ASCE 7-05 (change equation 7-3 to read as follows):
Sec. L-V 3.23.3	Table 7-2 Exposure Factor, Ce, ASCE 7-05 (change foot note 'a' to read as follows):
Sec. L-V 3.23.4	Table 7-3 Thermal Factor, Ct, ASCE 7-05 (replace Table 7-3 Thermal Factor, Ct, with the following table):
Sec. L-V 3.24	REPEALED
Sec. L-V 3.25 through 3.52	REPEALED. See Article 19
Sec. L-V 3.53	Section 3109.41: 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 REPEALED.

Sec. L-V 3.2 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 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 3.3 Division II, Section 105.2: Work Exempt from Permit (change to read):

Work exempt from permit requirements shall be as set forth in the 2010 California Building Code, Section 105.2, as adopted by Nevada County, with County amendments.

Sec. L-V 3.4 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 3.5 Division Section 109.2 Permit and Plan Review 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 3.6 REPEALED. See Sec L-V 3.5

Sec. L-V 3.7 REPEALED. See Secs L-V 2.11 and 2.13

Sec. L-V 3.7.1 REPEALED

Sec. L-V 3.8 REPEALED See Sec L-V 2.12

Sec. L-V 3.9 REPEALED.

Sec. L-V 3.10 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 3.10.1 Repealed

Sec. L-V 3.10.2 REPEALED.

Sec. L-V 3.11 REPEALED.

Sec. L-V 3.12 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 3.13 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 5,000 feet above sea level. All roofs, regardless of covering, with a pitch of less than 7 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. 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 3.14 Section 1507.2.9.2: Valleys (add the following text):

Above 5,000 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 3.15 Section 1507.3.3: Underlayment (add the following):

Above 5,000 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 3.16 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.

Elevation	Snow Load
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.

Elevation	Snow Load
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.

E. 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 3.17 Section 1608.3: Snow Loads (amend the section adding a subsection to read as follows): 1608.3: Ramadas

1608.3 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 3.16 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 3.18 Added Section 1608.4

Depth of ground snow may be calculated by dividing the applicable snow load set forth in Section L-V 3.16 of the Nevada County Land Use and Development Code by 25.

Sec. L-V 3.19 REPEALED.

Sec. L-V 3.20 REPEALED.

Sec. L-V 3.21 REPEALED.

Sec. L-V 3.22 REPEALED.

Sec. L-V 3.23 REPEALED.

Sec. L-V 3.23.1 Section 7.6.1: Unbalanced Snow Loads for Hip and Gable Roofs, ASCE 7-05 (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 (Pg) exceeds 100 psf, the unbalanced snow load need not exceed:

0 psf at the ridge and
(hr)γ 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)

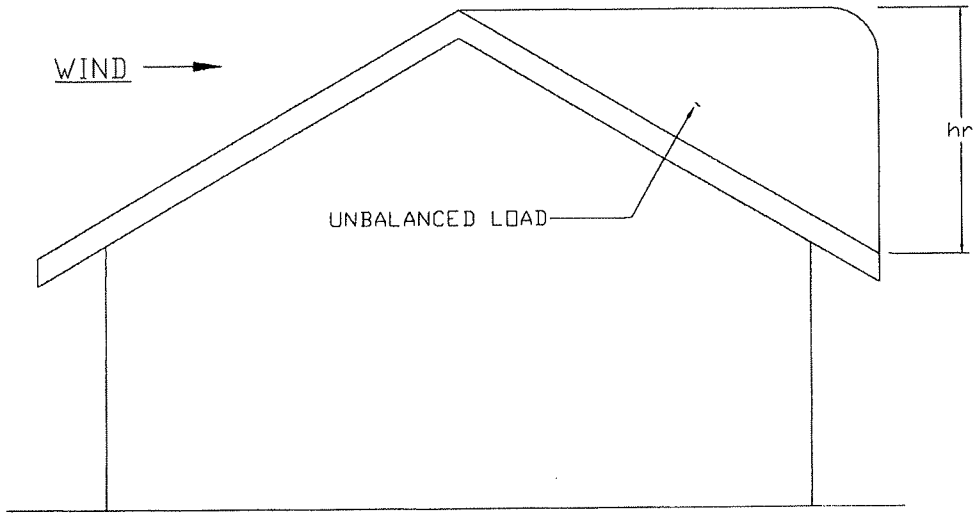


Figure 7.6.1.1-1

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 3.23.2 Section 7.7.1: Lower Roof of a Structure, ASCE 7-05 (change equation 7-3 to read as follows):

γ = 25 pcf

(in SI: γ = 3.9 kN/m^3)

Sec. L-V 3.23.3 Table 7-2 Exposure Factor, Ce, ASCE 7-05 (change foot note 'a' to read as follows):

[a]Definitions: Partially Exposed: all roofs except as indicated in the following text. Fully Exposed: roofs exposed on all sides with no shelter[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 3.23.3 Table 7-3 Thermal Factor, Ct, ASCE 7-05 (replace Table 7-3 Thermal Factor, Ct, with the following table):

TABLE 7-3 THERMAL FACTOR, Ct

Thermal Condition[a]	C_t
All Structures except as indicated below	1.0
Structures kept just above freezing, structures with specifically designed cold roofs[c] and for enclosed portions of a completely unheated structure.	1.1
Structures intentionally kept below freezing	1.2
Continuously heated greenhouses[b] with a roof having a thermal resistance (R-value) Less than 2.0 °Fxhxft^2/Btu (0.4 Kxm^2/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 3.24 REPEALED.

Sec. L-V 3.25 through 3.52 REPEALED. See Article 19

Sec. L-V 3.53 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).

Ord. #257, 12/1/61; Ord. #425, 2/18/69; Ord. #510, 2/9/71; Ord. #829, 1/10/78; Ord. #1057, 12/14/81; Ord. #1103, 10/4/82; Ord. #1231, 5/21/84; Ord. #1397, 8/11/86; Ord. #1428, 4/13/87; Ord. #1616, 1/16/90; Ord. #1652, 7/24/90; entire chapter repealed and re-enacted by Ord. #1919, 11/5/96; Ord. #2006, 9/28/99; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; Ord. #2022, 3/28/00; Ord. #2102, 12/24/02; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

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: Permit and Plan Review Fees

Sec. L-V 4.5 Section R108.6: Fee Refunds

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

Sec. L-V 4.7 Section R301.2.1.1.1 Ground 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 Table R402.2 Minimum Specified Compressive Strength of Concrete

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):

The Permit Exemption policy set forth in L-V 2.5 is incorporated herein by this reference.

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

The Permit Exemption policy set forth in L-V 2.6 is incorporated herein by this reference.

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

The Expiration policy set forth in L-V 2.8 is incorporated herein.

Sec. L-V 4.4 Section R109.2: Permit and Plan Review 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 4.5 Section R108.5: Fee Refunds (change to read):

The Fee Refund policy set forth in L-V 2.12 is incorporated herein by this reference.

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

The Work Commencement Before Permit Issuance policy set forth in L-V 2.13 is incorporated herein by this reference.

Sec. L-V 4.7 R301.2.1.1.1: Ground Snow Loads (change to read as follows):

The Ground Snow Load Regulations set forth in L-V 3.16 – 3.23.3 are incorporated herein by this reference.

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<2,500 FT. ELEVATION

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORYf	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMPe	ICE BARRIER UNDERLAYMENT REQUIREDh	FLOOD HAZARDS g	AIR FREEZING INDEXi	MEAN ANNUAL TEMPj
	Speedd (mph)	Topographic effectsk		Weatheringa	Frost line depthb	Termitec					
Per GIS	85	NO	CI	NO	12"	NO	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 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[g]

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.
g. This table applies to an elevation of 2,500ft or less.

TYPE OR LOCATION OF CONCRETE CONSTRUCTION	MINIMUM SPECIFIED COMPRESSIVE STRENGTH[a] (f'_c)		
	Weathering Potential[b]		
	Negligible	Moderate	Severe
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]

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 108.1: Appeals (add a subsection to read): 108.1 Board of Appeals
Sec. L-V 5.12	Section 103.5: Inspection (add a subsection to read) 103.5 Fees
Sec. L-V 5.13	Section 105: Permits (add a subsection to read): 105.8: New Materials, Processes or Occupancies Which May Require Permits
Sec. L-V 5.14	Section 505: Premises Identification (add a subsection to read: 505.3 Utility Identification
Sec. L-V 5.15	California Fire Code Appendix D: Fire Apparatus Access Roads
Sec. L-V 5.16	Section 506.1: Key Box (add the following text)
Sec. L-V 5.17	REPEALED
Sec. L-V 5.18	Section 907: Fire Alarm Systems; General (add a subsection to read): 907.21 False Alarms
Sec. L-V 5.19	REPEALED

Sec. L-V 5.20	Permits for Burning Operations
Sec. L-V 5.21	Incinerators, Open Burning and Commercial Barbecue Pits Additional Enforcement Authorized
Sec. L-V 5.22	Construction
Sec. L-V 5.23	Fire-Extinguishing Equipment; and Supervision of Incinerator Burning Operations
Sec. L-V 5.24	Open Burning
Sec. L-V 5.25	REPEALED
Sec. L-V 5.26	Section 3406.2: Location Where Above Ground Tanks are Prohibited (add exceptions)
Sec. L-V 5.27	Section 3803.1 : Installation of Equipment (add a paragraph to read):
Sec. L-V 5.28	REPEALED
Sec. L-V 5.29	REPEALED
Sec. L-V 5.30	REPEALED
Sec. L-V 5.31	REPEALED
Sec. L-V 5.32	REPEALED
Sec. L-V 5.33	REPEALED
Sec. L-V 5.34	REPEALED
Sec. L-V 5.35	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B107 Automatic Fire Alarm System
Sec. L-V 5.36	Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): B108 Automatic Fire Sprinkler System
Sec. L-V 5.37	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C106 Location of Dry Hydrants
Sec. L-V 5.38	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C107 Installation of Dry Hydrants
Sec. L-V 5.39	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C108 Dry hydrant connection

Sec. L-V 5.40	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C109 Freeze Protection
Sec. L-V 5.41	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C110 Venting of Closed Containers
Sec. L-V 5.42	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C111 Lakes, Reservoirs, and Ponds
Sec. L-V 5.43	Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage
Sec. L-V 5.44	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 109.3

A. 109.3 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 33 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 2010 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 108.1: Appeals (add a subsection to read): 108.1 Board of Appeals

108. 1 BOARD OF APPEALS.

A. The Nevada County Fire Code Board of Appeals shall hear and decide appeals from determinations interpreting provisions of the California Fire Code, as adopted in Nevada County, made by a fire chief or other person charged with enforcement responsibility for said code, as amended. The Board shall consist of five members nominated by the Nevada County Fire Marshal in accordance with the member composition provisions set forth in Section A101.2, *et seq.*, of Appendix A of the California Fire Code, and as confirmed by a majority vote of the Nevada County Board of Supervisors.

B. The Nevada County Fire Marshall, 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.

C. The hearing body shall establish rules of procedure in accordance with the provisions of the California Fire Code and applicable state law, and shall render all decisions and findings in writing to the Nevada County Fire Marshal with a duplicate copy to the appellant.

D. The hearing body shall have no authority relative to interpretation of the administrative provisions of the Fire Code nor shall it be empowered to waive any requirements of the Fire Code.

Sec. L-V 5.12 California Fire Code, Section 1113.1: Inspection (add a subsection to read): 113.1 Fees

113.1 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 5.13 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 5.14 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 5.15 California Fire Code Appendix D: Fire Appartus Access Roads.

Sec. L-V 5.16 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 5.17 REPEALED.

Sec. L-V 5.18 California Fire Code, Section 907: Fire Alarm Systems; General (add a subsection to read): 907.9.6 False Alarms

907.9.6 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 5.19 REPEALED.

Sec. L-V 5.20 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 5.21 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 5.22 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 5.23 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 5.23 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 5.24 Open Burning

GENERAL. Open burning shall be conducted in accordance with Section 1102.3. 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.

1102.3.5 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 1102.3.6 and familiar with permit limitations that restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

DISCONTINUANCE. The chief or a duly authorized agent of the Northern Sierra Air Quality Management District is authorized to require that open burning be immediately discontinued if the chief or agent determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief or agent to constitute a hazardous condition. (Ord. #2072, 10/01/01)

Sec. L-V 5.25 REPEALED.

Sec. L-V 5.26 California Fire Code, Section 3406.2: Location Where Above-Ground Tanks are Prohibited (add exceptions):

EXCEPTIONS:

1. Storage in conjunction with construction projects complying with Section 3406.2 of this article for which the Chief has issued a permit.

2. Tanks used for agricultural purposes complying with Section 3406.2. 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 2211.22

Sec. L-V 5.27 California Fire Code, Section 3803.1: Installation of Equipment (add a paragraph to read):

Above 5,000 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 5.28 REPEALED.

Sec. L-V 5.29 REPEALED.

Sec. L-V 5.30 REPEALED.

Sec. L-V 5.31 REPEALED.

Sec L-V 5.32 REPEALED.

Section L-V 5.33 REPEALED.

Sec. L-V 5.34 REPEALED.

Ord. # 112; Ord. #810, 10/4/77; Ord. #1057, 12/14/81; Ord. #1397, 8/11/86; Ord. #1434, 5/12/87; Ord. #1652, 7/24/90; Secs. L-V 5.4, L-V 5.5, L-V 5.6 and L-V 5.7 amended and L-V 5.21 and L-V 5.22 added by Ord. #1845, 9/14/93; Urg. Ord. #1905, 6/25/96; Ord. #1919, 11/5/96; Article repealed and re-enacted by Ord. #1933, 3/4/97; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; Ord. #2072, 10/2/01.

Sec. L-V 5.35 Appendix B: Fire-Flow Requirements for Buildings (add a section to read as follows): BB106 Automatic Fire Alarm System

BB106AUTOMATIC 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 20% 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 5.36 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 20% of the gross floor area.

EXCEPTIONS:

1. Single-family dwellings and related accessory outbuildings.

Sec. L-V 5.37 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 5.38 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 5.39 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 5.40 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 5.41 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 5.42 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 5.43 Appendix C: Fire Hydrant Location and Distribution (add a section to read as follows): C112 Water Supply Signage

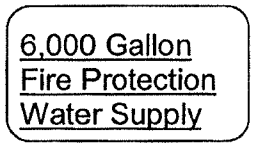
C112 WATER SUPPLY SIGNAGE

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.

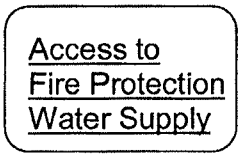
C112.1.1 MOUNTING AND SIZE. All signs shall be mounted on noncombustible posts, shall be a minimum of 18" by 24" in size, and shall be a minimum of 0.080 gauge metal.

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:



Sec. L-V 5.44 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.

Entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

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 Administrator 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.

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. #1626, 3/20/90; Ord. #1636, 4/24/90; Urg. Ord. #1870, 8/16/94; Ord. #1873, 9/20/94; Urg. Ord. #1884, 5/2/95; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 7.

REPEALED.

Entire Chapter repealed and reenacted by Ord. #2269, 07/08/08

CHAPTER V: BUILDINGS

Article 8. California Plumbing Code Amendments

Sec. L-V 8.1	Appendix Chapters Adopted
Sec. L-V 8.2	REPEALED
Sec. L-V 8.3	REPEALED
Sec. L-V 8.4	REPEALED
Sec. L-V 8.5	Division II Administration, Section 103.4.1 Permit Fees (change to read)
Sec. L-V 8.6	ADivision II Administration, Section 103.4.2Plan Review Fees (change to read)
Sec. L-V 8.7	REPEALED
Sec. L-V 8.8	REPEALED
Sec. L-V 8.9	REPEALED
Sec. L-V 8.9.1	REPEALED
Sec. L-V 8.10	Section 313.1: Protection of Piping, Materials, and Structures (add text to read)
Sec. L-V 8.11	REPEALED
Sec. L-V 8.11.1	REPEALED
Sec. L-V 8.11.2	REPEALED
Sec. L-V 8.12	Section 605.0: Valves (add a subsection to read): Section 605.8 Water Supply Valve Freeze Protection
Sec. L-V 8.13	Section 609.1: Installation (add text to read)
Sec. L-V 8.14	Section 721.0: Location (change to read)
Sec. L-V 8.15	Section 906.7: Vent Termination: Frost or Snow Closure (change to read)
Sec. L-V 8.16	REPEALED

Sec. L-V 8.17 REPEALED

Article 8. 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 8.1 California Plumbing Code (Adopt the following Appendix Chapters from the 2010 Uniform Plumbing Code): Appendix A, B, D,G and I.

Sec. L-V 8.2 REPEALED

Sec. L-V 8.3 REPEALED

Sec. L-V 8.4 REPEALED

Sec. L-V 8.5 Division II Administration, Section 103.4.1: 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.

Sec. L-V 8.6 , Division II Administration Section 103.4.2: 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 8.7 REPEALED

Sec. L-V 8.8 REPEALED

Sec. L-V 8.9 REPEALED

Sec. L-V 8.9.1 REPEALED

REPEALED

Sec. L-V 8.10 Section 313.1: Protection of Piping, Materials, and Structures (add text to read):

Above 5,000 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-11 insulation or equivalent.

Above 5,000 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 8.11 REPEALED

Sec. L-V 8.11.1 REPEALED

Sec. L-V 8.11.2 REPEALED

Sec. L-V 8.12 Section 605.0: Valves (add a subsection to read): Section 605.9 Water Supply Valve Freeze Protection

Section 605.9 WATER SUPPLY VALVE FREEZE PROTECTION. Above 5,000 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 8.13 Section 609.1: Installation (add text to read):

Above 5,000 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 8.14 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.

D. 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 8.15 Section 906.7: Vent Termination: Frost or Snow Closure (change to read):

Above 5,000 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. 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 24 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 8.16 REPEALED

Sec. L-V 8.16 REPEALED

Sec. L-V 8.17 REPEALED

Article added by Ord. #1919, 11/5/96; Ord. #2006, 9/28/99; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; Ord. #2022, 3/28/00; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 9. California Mechanical Code Amendments

Sec. L-V 9.1	Appendix Chapters Adopted
Sec. L-V 9.2	Division II Administration, Section 110.1: Board of Appeals, General (change to read)
Sec. L-V 9.3	REPEALED
Sec. L-V 9.4	REPEALED
Sec. L-V 9.5	Division II Administration Section 115.2: Permit Fees (change to read)
Sec. L-V 9.6	Division II Administration Section 115.3: Plan Review Fees (change to read)
Sec. L-V 9.7	REPEALED
Sec. L-V 9.8	REPEALED
Sec. L-V 9.9	REPEALED
Sec. L-V 9.10	Section307.3: Liquefied Petroleum Gas Appliances, Section 303.7.12 Liquefied Petroleum Gas Appliances in Underfloor Space: (add the following text)
Sec. L-V 9.11	Section 802.2.5: Vent Terminals (add the following text)
Sec. L-V9.11.1	Section 802.6.1: (add the following text): Gas Vents
Sec. L-V 9.12	REPEALED
Sec. L-V 9.13	REPEALED

CHAPTER V: BUILDINGS

Article 9. 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 9.1 California Mechanical Code (Adopt the following Appendix Chapters from the 2010 Uniform Mechanical Code):

Appendix A, Appendix C, Appendix, Chapter 1.

Sec. L-V 9.2 Division II Administration Section: 110.1 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 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 9.3 REPEALED

Sec. L-V 9.4 REPEALED

Sec. L-V 9.5 Division II Administration Section 115.2: 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.

Sec. L-V 9.6 Division II Administration Section 115.3: 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 9.7 REPEALED

Sec. L-V 9.8 REPEALED

Sec. L-V 9.9 REPEALED

Sec. L-V 9.10 Section 303.7: LPG Appliances (add the following text): Section 303.7.1.2 Liquefied Petroleum Gas Appliances in Underfloor Space:

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 9.11 Section 802.2.5: Vent Terminals (add the following text):

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

Sec. L-V9.11.1 Section 802.6.1: (add the following text): Gas Vents

Gas Vents shall terminate above the anticipated snow depth.

Sec. L-V.9.12 REPEALED

Sec. L-V.9.12 REPEALED

Article added by Ord. #1919, 11/5/96; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08

CHAPTER V: BUILDINGS

Article 10.

REPEALED. Ordinance #2094, 09/24/02I.

CHAPTER V: BUILDINGS

Article 11. Uniform Swimming Pool, Spa and Hot Tub Code Amendments

Sec. L-V 11.1	REPEALED
Sec. L-V 11.2	Section:103.4.1 & Section 103.4.2 Fees (change to read)
Sec. L-V 11.3	New Section Added 104.0: Board of Appeals

CHAPTER V: BUILDINGS

Article 11. Uniform Swimming Pool, Spa and Hot Tub Code Amendments

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

Sec. L-V 11.1 REPEALED

Sec. L-V 11.2 Section 103.4.1 & Section 103.4.2: Fees (change to read):

When a permit is required by Section 1.8 of this Code, the applicable fees shall be as set forth in Sections L-V 2.8 and L-V 2.9 of the Nevada County Land Use and Development Code.

Sec. L-V 11.3 New Section Added 104.0: Board of Appeals

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 Standards Board of Appeals as set forth in Section L-V 2.2 of the Nevada County Land Use and Development Code.

Article added by Ord. #1919, 11/5/96; entire Chapter V repealed and re-enacted by Ord. #2009, 10/26/99; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 12.

REPEALED.

CHAPTER V: BUILDINGS

Article 13.

REPEALED.

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Article 14

REPEALED. Ord. #2009, 10/26/99.

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Article 15

REPEALED. Ord. #2009, 10/26/99.

CHAPTER V: BUILDINGS

Article 16. Limited Density Owner-Built Rural Dwellings

Sec. L-V 16.1 Adoption of Regulations

Sec. L-V 16.2 REPEALEDSec. L-V 16.3 REPEALED
Sec. L-V 16.4 REPEALED

Sec. L-V 16.5 REPEALED
Sec. L-V 16.6 REPEALED

Sec. L-V 16.7 REPEALED
Sec. L-V 16.8 Appeals
Sec. L-V 16.9 REPEALED

Sec. L-V 16.10 REPEALED

Sec. L-V 16.11 REPEALED

Sec. L-V 16.12 REPEALED

Sec. L-V 16.13 REPEALED

Sec. L-V 16.14 REPEALED

Sec. L-V 16.15 REPEALED

Sec. L-V 16.16 REPEALED
Sec. L-V 16.17 REPEALED

Sec. L-V 16.18 REPEALED

Sec. L-V 16.19 REPEALED

Sec. L-V 16.20 REPEALED

Sec. L-V 16.21 REPEALED
Sec. L-V 16.22 REPEALED
Sec. L-V 16.23 REPEALED

Sec. L-V 16.24 REPEALED

Sec. L-V 16.25 REPEALED

Sec. L-V 16.26 REPEALED

Sec. L-V 16.27 REPEALED

Sec. L-V 16.28 REPEALED

Sec. L-V 16.29 REPEALED

Sec. L-V 16.30 REPEALED

Sec. L-V 16.31 REPEALED

Sec. L-V 16.32 REPEALED

Sec. L-V 16.33 REPEALED
Sec. L-V 16.34 REPEALED

Sec. L-V 16.35 REPEALED

CHAPTER V: BUILDINGS

Article 16. Limited Density Owner-Built Rural Dwellings

Sec. L-V 16.1 Adoption of Regulations

The County hereby adopts all regulations regarding the construction of limited density owner-built dwellings contained in the California Code of Regulations, Title 25, Chapter 1, Article 8.

Sec. L-V 16.2 REPEALEDSec. L-V 16.3 REPEALEDSec. L-V 16.4 REPEALEDSec. L-V 16.5 REPEALEDSec. L-V 16.6 REPEALEDSec. L-V 16.7 REPEALED

Sec. L-V 16.8 Appeals

Appeals shall be heard by the Building Standards Board of Appeals established pursuant to Section L-V 2.2 of the Nevada County Land Use and Development Code.

Sec. L-V 16.9 Repealed by Ord. # , [DATE].Sec. L-V 16.10 Repealed by Ord. # , [DATE].Sec. L-V 16.11 Repealed by Ord. # , [DATE].Sec. L-V 16.12 Repealed by Ord. # , [DATE].Sec. L-V 16.13 Repealed by Ord. # , [DATE].Sec. L-V 16.14 Repealed by Ord. # , [DATE].Sec. L-V 16.15 Repealed by Ord. # , [DATE].Sec. L-V 16.16 Repealed by Ord. # , [DATE].Sec. L-V 16.17 Repealed by Ord. # , [DATE].Sec. L-V 16.18 Repealed by Ord. # , [DATE].Sec. L-V 16.19 Repealed by Ord. # , [DATE].Sec. L-V 16.20 Repealed by Ord. # , [DATE].Sec. L-V 16.21 Repealed by Ord. # , [DATE].Sec. L-V 16.22 Repealed by Ord. # , [DATE].Sec. L-V 16.23 Repealed by Ord. # , [DATE].Sec. L-V 16.24 Repealed by Ord. # , [DATE].Sec. L-V 16.25 Repealed by Ord. # , [DATE].Sec. L-V 16.26 Repealed by Ord. # , [DATE].
Sec. L-V 16.27 Repealed by Ord. # , [DATE].Sec. L-V 16.28 Repealed by Ord. # , [DATE].Sec. L-V 16.29 Repealed by Ord. # , [DATE].Sec. L-V 16.30 Repealed by Ord. # , [DATE].Sec. L-V 16.31 Repealed by Ord. # , [DATE].Sec. L-V 16.32 Repealed by Ord. # , [DATE].Sec. L-V 16.33 Repealed by Ord. # , [DATE].Sec. L-V 16.34 Repealed by Ord. # , [DATE].
Sec. L-V 16.35 Repealed by Ord. # , [DATE].

Article added by Ord. #2006, 9/28/99; repealed in error by Ord. #2009, 10/26/99; added back by Ord. #2022, 3/28/00; Ord. #2034, 8/8/00; Article amend. by Ord. #2061,

6/12/01; Ord. #2097, 10/1/02; Repealed and reenacted by Ord. #2102, 12/24/02; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 17. Landform Grading for Agriculture

Sec. L-V 17.1 Intent

Sec. L-V 17.2 Applicability

Sec. L-V 17.3 Criteria

Sec. L-V 17.4 Procedure

Sec. L-V 17.5 Fees

Sec. L-V 17.6 Appeals

CHAPTER V: BUILDINGS

Article 17: Landform Grading for Agriculture

Sec. L-V 17.1 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 17.2 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 17.

Sec. L-V 17.3 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 15 to April 15, 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 15, and maintained through April 15.

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 17.4 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 (CNDDB) shall provide biologists 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.

5. 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 17.5 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.

Sec. L-V 17.6 Appeals

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

Added by Ordinance #2183, 05/24/05.

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; Ord. #1919, 11/5/96; Ord. #1924, 12/10/96; Article repealed and re-enacted by Ord. #1933, 3/4/97; Ord. #1991, 11/5/96; Ord. #2006, 9/28/99; Ord. #2007, 9/28/99; 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, 05/24/05; entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 18: California Electrical Code

Sec. L-V 18.1	Annex "G (Adopted)
Sec. L-V 18.2	Annex "G", Section 80.15, A-H: Electrical Board (Changed to read)
Sec. L-V 18.3	Annex "G", Section 80.23 (B)(3): Penalties (Changed to read)
Sec. L-V 18.4	REPEALED
Sec. L-V 18.5	REPEALED
Sec. L-V 18.6	REPEALED
Sec. L-V 18.7	REPEALED

Article 18: California Electrical Code

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

Sec. L-V 18.1 California Electrical Code (Adopt the following Annex Chapters from the 2010 California Electrical Code): Annex "G"

Sec L-V 18.2 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 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 18.3 Annex "H" Administration Section 80.23 (B)(3) 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 two hundred dollars ($200) for a first violation; three hundred dollars ($300) 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 of the same Section within a twelve month period. Every day any violation continues shall constitute a separate offense punishable by a separate fine.

Sec. L-V 18.4 REPEALED

Sec. L-V 18.5 REPEALED

Sec. L-V 18.6 REPEALED

Sec L-V 18.7 REPEALED

Entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

CHAPTER V: BUILDINGS

Article 19. Grading

Sec. L-V 19.1	Purpose
Sec. L-V 19.2	Scope
Sec. L-V 19.3	Permits Required
Sec L-V 19.4	Hazards
Sec L-V 19.5	Definitions
Sec L-V 19.6	Grading Permit Requirements
Sec L-V 19.7	Grading Fees
Sec L-V 19.8	Bonds
Sec L-V 19.9	Cuts
Sec L-V 19.10	Fills
Sec L-V 19.11	Setbacks
Sec L-V 19.12	Drainage and Terracing
Sec L-V 19.13	Road and Driveway Standards
Sec L-V 19.14	Erosion Control
Sec L-V 19.15	Grading Inspection
Sec L-V 19.16	Completion of Work

CHAPTER V: BUILDINGS

Article 19: Grading

Sec. L-V 19.1 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 19.2 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 Contact and Density of Soils by Nuclear Methods

Sec. L-V 19.3 Permits Required

A. Except as specified in Sec. L-V 19.3(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 3.18 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 (1) is less than 2 feet (610 mm) in depth or (2) 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).

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 (38.3 m^3) 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 (except as further restricted in paragraph B.2 of Section 3316.3, as amended in Sec. L-V 3.49 of the Land Use and Development Code.

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 17 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 17 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 19.4 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 19.5 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.

14. CONSTRUCTION ACTIVITIES include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas that receive run-off from the construction project such as discharge points into a receiving water.

Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

15. CUT. See Excavation.

16. DEPTH OF FILL is the vertical dimension from the exposed fill surface to the original ground surface.

17. DEPTH OF EXCAVATION (CUT) is the vertical dimension from the exposed cut surface to the original ground surface.

18. EARTH MATERIAL is any rock, natural soil or fill or any combination thereof.

19. EMBANKMENT. See Fill.

20. ENGINEERING GEOLOGIST is a geologist experienced and knowledgeable in engineering geology.

21. ENGINEERING GEOLOGY is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

22. ENGINEERED GRADING PLAN is a plan prepared by registered design professional authorized to do so by the state of California, describing the vertical and horizontal alignment and/or arrangement of grading.

23. EROSION is the wearing away of the ground surface as a result of the movement of wind, water or ice.

24. EXCAVATION is the mechanical removal of earth material.

25. EXPANSIVE SOIL is any soil which exhibits expansive properties in excess of index rating of 20 as determined by the procedures defined in the California Building Code.

26. FILL is a deposit of earth material placed by artificial means.

27. GEOLOGIC HAZARD is any condition in naturally occurring earth materials which may endanger life, health or property.

28. GEOTECHNICAL ENGINEER. See "soils engineer."

29. GRADE is the vertical location of the ground surface.

30. Grading Plan See engineered grading plan

31. EXISTING GRADE is the grade prior to grading.

32. FINISH GRADE is the final grade of the site that conforms to the approved plan.

33. ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.

34. GRADING is any excavating or filling or combination thereof.

35. GRADING WORK is grading and related work such as, but not limited to, drainage improvements and erosion and sediment control.

36. KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

37. LAND DISTURBANCE is any activity that results in a change in the soil cover or the soil topography that may result in soil erosion from water or wind and the movement of sediments off site, including, but not limited to, clearing, grading, excavating, transporting, and filling of land.

38. PROFESSIONAL INSPECTION is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

39. RAINY SEASON is the period of the year during which there is a substantial risk of rainfall. For the purpose of this Chapter, the rainy season is defined as from October 15 to May 1, 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 19.6 Grading Permit Requirements

A. Except as exempted in Sec. L-V 19.3 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.

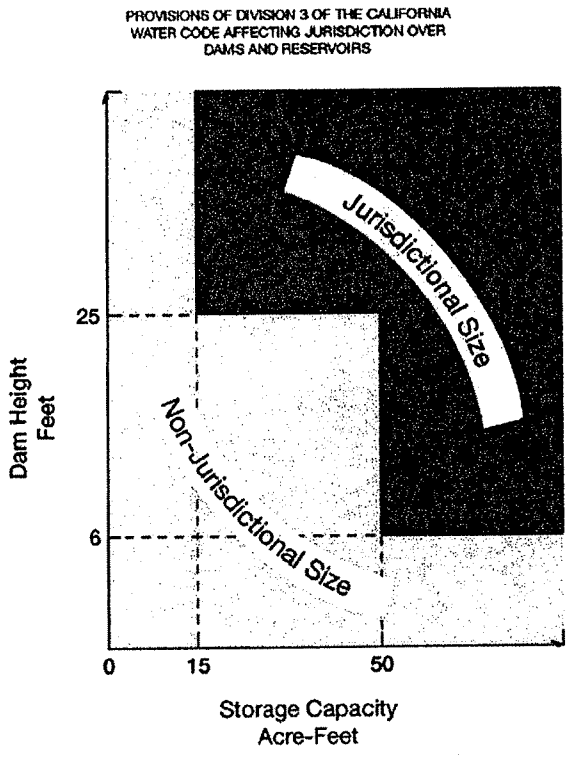
1. No person shall do or permit to be done any grading in such a manner that quantities of dirt, soil, rock, debris, or other material substantially in excess of natural levels are washed, eroded, or otherwise moved from the site, except as specifically provided for by a permit.

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



Irrespective of the exemptions contained in Sec L-V 19.3(B) and Article 3, Section L-V 3.29, 3.30, and 3.31 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, Appendix Chapter 1, 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 19.6(F)).

   Specifications shall contain information covering construction and material requirements.

   Plans shall be drawn to scale upon substantial paper or cloth 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 19.6(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 19.6(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, all of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15 240 mm) or less;

2. Unconsolidated sandy alluvium;

3. Seismic Design Category C,D,E or F.

H. Regular Grading Requirements

1. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

   a. General vicinity of the proposed site;

   b. Limiting dimensions and depth of cut and fill;

   c. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures with fifteen (15) feet (4572 mm) of the proposed grading;

   d. Property limits and accurate contours of existing ground;

   e. Typical cross section 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;

J. 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;

K. 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.

Sec L-V 19.7 Grading Fees

Fees shall be assessed as set forth in Sections L-V 2.8 and L-V 2.9 in Chapter V of the Nevada County Land Use and Development Code.

Sec L-V 19.8 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-IV 3.9, 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 19.9 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 19.10 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 19.10 shall be followed.

3. The guidelines of Sec. L-V 19.10 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 19.10(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 19.11 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.

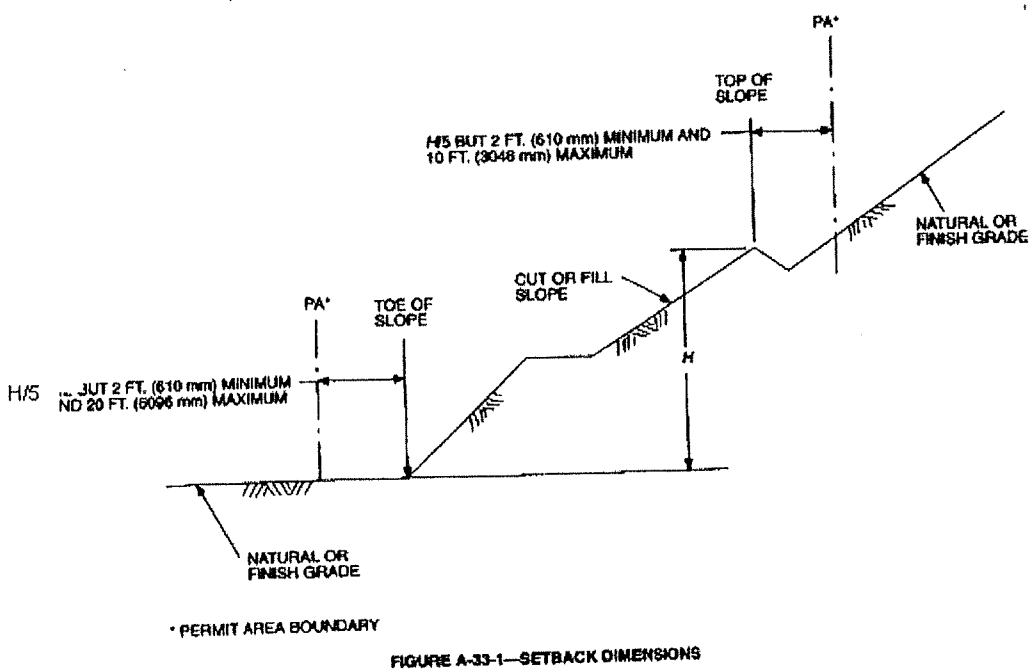


FIGURE A-33-1—SETBACK DIMENSIONS

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 19.12 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 (18 288 mm) and up to 120 feet (36 576 mm) in vertical height, one terrace at approximately midheight shall be 12 feet (3658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36 576 mm) in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 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 m^2) (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 2 percent toward approved drainage facilities, unless waived by the Building Official.

EXCEPTION: The gradient from the building pad may be 1 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 19.13 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 19.14 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 whenever:

   a. The land disturbance portion of the site includes more than 10,000 square feet of area having a slope greater than ten (10) percent. Brushing may be excluded from this if only the brush is removed and nearly all of the grass and topsoil remains undisturbed.

   b. There is a significant risk that more than 2,500 square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season.

   c. Land disturbance will occur within 25 feet of any watercourse or within the 100-year flood plain identified on the FEMA maps.

   d. The Building Official determines that the construction activity will or may pose a significant erosion or sediment discharge hazard for any reason.

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 15 and October 15 shall be planted no later than November 1. 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 19.15 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 19.15(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 19.16 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 19.15(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 19.15(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 19.15(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.

Entire Chapter repealed and reenacted by Ord. #2269, 07/08/08.

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 #Ord. #1434, 5/12/87; Ord. #1453, 9/15/87; Ord. #1469, 11/24/87Urg. 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.

BUILDING STANDARDS COMMISSION
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959

February 24, 2011

Mr. Corey Shaver, Deputy City Clerk
City Hall
City of Nevada City
317 Broad Street
Nevada City, California 95959

Dear Mr. Corey Shaver:

This letter is to acknowledge receipt on January 26, 2011 of the City of Nevada City submittal pertaining to Ordinance No. 2011-01 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

City of Nevada City

January 24, 2011

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: CITY OF NEVADA CITY ORDINANCE NO. 2011-01

Sir/Madam:

Please find attached a copy of the above referenced ordinance. The ordinance amends Title 15 of the Nevada City Municipal Code. It was approved and had its first reading on December 8, 2010 and takes effect 30 days after adoption by a unanimous vote of the City Council on January 12, 2011.

A copy of the full text of the ordinance is available for review at City Hall, 317 Broad Street, Nevada City, CA 95959.

If you have any questions please feel free to contact me.

Sincerely,

Corey Shaver
Deputy City Clerk

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY OF NEVADA CITY AMENDING TITLE 15 OF THE NEVADA CITY MUNICIPAL CODE TO ADOPT THE 2010 CALIFORNIA BUILDING STANDARDS, WITH THE SAME LOCAL AMENDMENTS THERETO, UPON THE SAME EXPRESS FINDINGS OF REASONABLE NECESSITY FOR CHANGES AND MODIFICATIONS BASED ON LOCAL CLIMATIC, GEOLOGICAL, OR TOPOGRAPHICAL CONDITIONS AS THOSE ADOPTED BY NEVADA COUNTY BY ORDINANCE NO. 2331

WHEREAS, the local climatic, geological, and topographical conditions in Nevada City are the same as or substantially similar to those in the 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 November 23, 2010 has adopted by Ordinance No. 2331 (copy attached as Exhibit A) building standards, local amendments, and findings applicable to the unincorporated areas after review and report by the Building Standards Board of Appeals; 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.

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

Section One: 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 occupation and use.

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 2010 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 2009 Uniform Swimming Pool, Spa & Hot Tub Code, and the 2009 International Property Maintenance Code and modifications thereto as may be adopted by the County of Nevada.

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 2010 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 and by this Ordinance are adopted by the City of Nevada City. 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 Two:

Title 15 of the Nevada City Municipal Code is hereby amended to include all of the provisions, except for the Limited-Density Owner-Built Rural Dwellings regulations in Article 16 of Chapter L-V, as set forth and adopted in the Nevada County Ordinance No. 2331 amending Chapter V of the Land Use and Development Code of the County of Nevada attached hereto as part of Exhibit A and incorporated by such reference. The City of Nevada City shall adopt a subsequent ordinance formatting the adopted provisions for inclusion in its Municipal Code.

Section Three: Findings

1. The City Council hereby finds and declares that the amendments to the 2010 California Building Standards, as codified in Chapter L-V of the Nevada County Land Use and Development Code, 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 2010 California Building Standards.

2. The City Council hereby finds and declares that this Ordinance is exempt from CEQA review pursuant to the CEQA guidelines (Sec. 15060(c)(2)) as it does not create a potential for direct, indirect or reasonably foreseeable physical change in the environment.

Section Four:

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.

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 12th day of February, 2011, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of the Supervisors voting for and against same in The Union, a newspaper of general circulation printed and published in the County of Nevada.

Passed and Adopted at the regular meeting of the City Council of the City of Nevada City on the 12th day of January, 2011 by the following vote:

AYES: **BERGMAN, STRAWSER, SENUM, HARRIS, MCKAY**

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**

Robert Bergman, Mayor

ATTEST:

Niel Locke

Niel Locke, City Clerk

EXHIBIT A

ORDINANCE No. 2331

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 2010 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 occupation 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 2010 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 2009 Uniform Swimming Pool, Spa & Hot Tub Code, and the 2009 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 Code, as are reasonably necessary because of local climatic, geological, or topographical conditions Nevada County's amendments to the 2010 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of November, 2010, by the following vote of said Board:

Ayes: Supervisors Nate Beason, Ed Scofield & Hank Weston.

Noes: John Spencer & Ted S. Owens.

Absent: None.

Abstain: None.

ATTEST:

CATHY R. THOMPSON
Clerk of the Board of Supervisors

By: Cathy R. Thompson

Nathan H. Beason, Chair

DATE	COPIES SENT TO
11/24/10	Counsel gy
	Building gy gh
	Union

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