



# ORDINANCE No. 2357

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### AN ORDINANCE ADDING ARTICLE 14 TO CHAPTER IX OF THE NEVADA COUNTY GENERAL CODE REGARDING AQUATIC INVASIVE SPECIES PREVENTION

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

#### SECTION I:

Article 14 is hereby added to Chapter IX of the Nevada County General Code to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

#### SECTION II:

The County finds that this Article is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

#### SECTION III:

If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV

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 7th day of February, 2013, and before the expiration of fifteen (15) days after its passage, it shall be published once, with the names of Supervisors voting for and against same in the Union and Sierra Sun, 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 8<sup>th</sup> day of January, 2013, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Hank Weston, and Richard Anderson.

Noes: Terry Lamphier.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI  
Clerk of the Board of Supervisors

By: Donna Landi

Hank Weston  
Hank Weston, Chair

01/08/2013 cc: Ag. Comm.  
Counsel  
GIS\*  
Union\*  
Sierra Sun\*

**EXHIBIT A**

**ARTICLE 14. AQUATIC INVASIVE SPECIES PREVENTION**

Sec. G-IX 14.1 Purpose

The purpose of this Article is to protect all native and desired aquatic species, aquatic habitat, commerce and recreation in waters of Nevada County east of the Sierra crest by preventing the introduction and spread of Aquatic Invasive Species.

Nothing herein shall be deemed to or construed as creating an affirmative duty on the County to enforce the provisions of this Article, and no General Fund monies shall be used for administering or enforcing this program.

Sec. G-IX 14.2 Findings

- (a) Water bodies within the County of Nevada may be adversely affected by the introduction of certain non-native species which have the potential to rapidly proliferate, harm and/or consume native species and food resources, and drastically alter the ecosystem of those water bodies. This can adversely impact the ecology, recreation, water supply, water quality, and economy of the region.
- (b) In particular, species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to water bodies within the County of Nevada. Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California.
- (c) Presently, it does not appear that any water body in the County of Nevada has been infested with Dreissenid mussels. However, water vessels entering the County of Nevada from other areas may have recently been launched in infested waters, making those vessels at high risk to carry mussels, both adults and larvae, into County of Nevada waters.
- (d) A screening and inspection program is integral to the preservation of the water bodies and water distribution systems within the County of Nevada and to the drainages from the County of Nevada

Sec. G-IX 14.3 Definitions

- (a) "Aquatic Invasive Species" shall mean any invertebrates, plants, or fish species not already native to the waters of the County of Nevada whose introduction to those waters is likely to cause economic or environmental harm or harm to human health.
- (b) "County" shall mean the County of Nevada, State of California.
- (c) [REDACTED]

- (d) "Watercraft" shall mean any vessel capable of carrying one or more people over water, and shall include, without limitation, all boats, canoes, kayaks, skiffs and rafts.

Sec. G-IX 14.4 Prohibition

- (a) No persons shall knowingly transport or introduce any Aquatic Invasive Species into the Waters of the County of Nevada.
- (b) No person shall knowingly launch any Watercraft contaminated with any Aquatic Invasive Species into the Waters of the County of Nevada
- (c) No person shall launch any Watercraft into the waters of the County of Nevada without first submitting to an inspection pursuant to section G-IX 14.5, when such an inspection is required by a duly authorized agent of the County or by County personnel.
- (d) No person shall launch any Watercraft into the Waters of the County of Nevada without having their Watercraft decontaminated when directed to do so by a duly authorized agent of the County or by County personnel.
- (e) No person shall knowingly provide false information to any person authorized to inspect, decontaminate or quarantine Watercraft pursuant to section G-IX 14.5.

Sec. G-IX 14.5 Watercraft Inspections and Decontamination

- (a) The County of Nevada may appoint such agents and/or assign such County personnel as the Board of Supervisors may from time to time authorize to inspect Watercraft prior to launching into Waters of the County of Nevada to detect the presence and prevent the introduction of Aquatic Invasive Species. When inspection is required by any such duly authorized agent or County personnel, no person may launch a Watercraft without first submitting to an inspection under this section.
- (b) Any Watercraft inspected pursuant to Section G-IX 14.5(a) that is found to have indicia of contamination by Aquatic Invasive Species may be required to undergo decontamination procedures or be quarantined prior to launch, pursuant to decontamination or quarantine procedures and requirements as shall be prescribed by the Agricultural Commissioner. Prior to launching into Waters in the County of Nevada, any Watercraft having undergone decontamination or quarantine procedures pursuant to this section shall be subject to such inspection and certification requirements as may from time to time be duly established by the Board of Supervisors.
- (c) Prior to launching any Watercraft into Waters of the County of Nevada and/or at the time of the inspection, the owner and/or operator of the Watercraft may be required to execute an affidavit indicating whether the Watercraft has been operated in any waters known to contain Aquatic Invasive Species and, if so, providing the date(s) of said operation, the length of time that the Watercraft has been continuously stored in a drained and dry condition subsequent to being on a water body containing Aquatic Invasive Species, and



what decontamination or quarantine procedures, if any, the Watercraft has undergone. The affidavit shall be on a form approved by the County and shall contain a list of waters known to contain Aquatic Invasive Species. The affidavit shall be signed under penalty of perjury.

(d) No person shall be required to submit a Watercraft to inspection under this section. If the Watercraft owner or operator refuses to consent to inspection or screening, that Watercraft shall not be allowed to launch in any Waters of the County of Nevada and shall be in violation of this Article if he/she should nonetheless attempt to or actually launch in any Waters of the County of Nevada.

(e) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. All such Programs shall be outlined in writing and submitted for review by the County of Nevada Agricultural Commissioner or his or her designee.

Sec. G-IX 14.6 Fees

All Watercraft inspected pursuant to this Article shall be subject to payment of fees to pay for the inspection and/or decontamination. Inspection and/or decontamination fees shall be in such amounts as may be established from time to time by resolution of the Board of Supervisors.

Sec. G-IX 14.7 Public Nuisance Declaration

Any violation of this Article is hereby declared to be unlawful and a public health nuisance and may be abated by such agents or County personnel as the Board of Supervisors may from time to time designate , irrespective of any other remedy provided in this Article.

Sec. G-IX 14.8 Violation of Article

Every violation of this Article shall be an infraction and shall be punishable as such by a fine in the maximum amount(s) allowed under California Gov't Code section 25132(b).