

HIRSCHMAN'S POND PROPERTY
85.34 acres

Parcel E
APN: 04-670-06
.3 acres

House at 115 Cement Hill Rd.
APN: 05-010-29
.31 acres

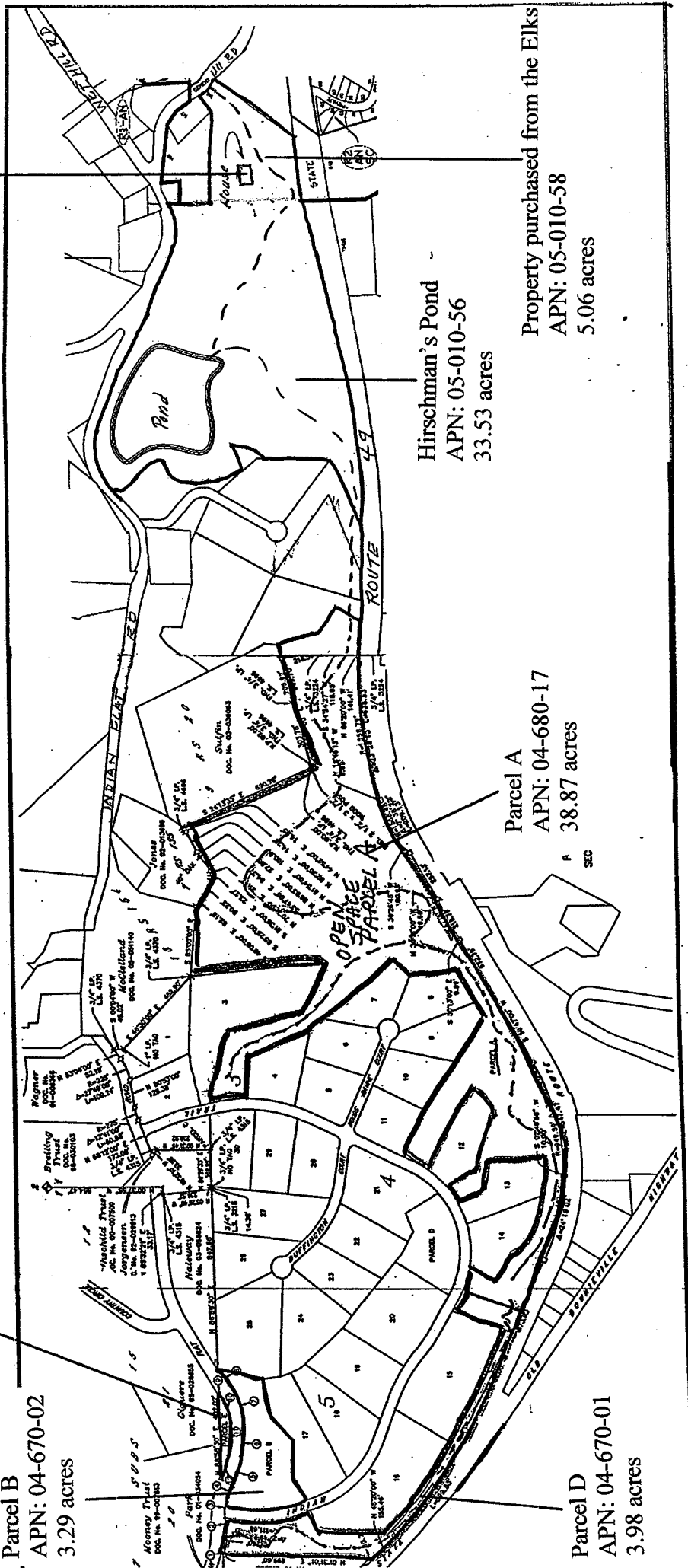
Parcel B
APN: 04-670-02
3.29 acres

Hirschman's Pond
APN: 05-010-56
33.53 acres

Property purchased from the Elks
APN: 05-010-58
5.06 acres

Parcel A
APN: 04-680-17
38.87 acres

Parcel D
APN: 04-670-01
3.98 acres



RESOLUTION 2004-23

**A RESOLUTION ESTABLISHING REGULATIONS
FOR HIRSCHMAN'S POND AND DIGGIN'S
PUBLIC PROPERTY**

WHEREAS, the City of Nevada City has recently completed the purchase of the property commonly known as "Hirschman's Pond and Diggin's", located at 15475 Highway 49, Nevada City, California for park and recreation purposes; and

WHEREAS, the City Council of the City of Nevada City, recognizing the rural, undeveloped nature of this historic site desires the citizens of Nevada City, Nevada County and beyond to enjoy it in a safe manner; and

WHEREAS, the City Council of the City of Nevada City realizes that, in order to maintain a safe environment for the public, regulations must be established,

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

Rules and Regulations for the use of the Hirschman's Pond and Diggin's site shall be as follows:

1. It shall be illegal for any person to consume or have possession of any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed on the Hirschman's Pond and Diggin's Property.
2. Glass containers are prohibited.
3. Smoking, camping or open fires are prohibited.
4. The discharge of firearms or any other projectile object is prohibited.
5. All motorized vehicles are prohibited.
6. The property shall be closed from dusk to dawn and no person shall be permitted to enter the property during those hours.
7. All refuse shall be removed from site.
8. Dumping of household trash is prohibited.
9. Swimming/wading is prohibited.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Nevada City on the 27th day of August, 2004.

AYES: McKay, Arnett, Harris, Weaver

NOES: Cottrell

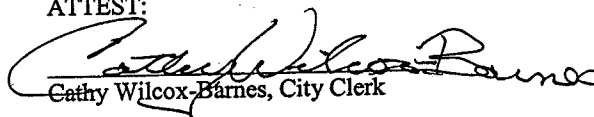
ABSENT: None

ABSTAIN: None



Conley S. Weaver, Mayor

ATTEST:



Cathy Wilcox-Barnes, City Clerk

ORDINANCE NO. 2010-01

AN ORDINANCE OF THE CITY OF NEVADA CITY
AMENDING AND ADDING TO CHAPTER 8.24
OF THE NEVADA CITY MUNICIPAL CODE
TO PROHIBIT SMOKING IN OUTDOOR PUBLIC PLACES

WHEREAS, the Nevada City Municipal Code already regulates or prohibits smoking in various locations consisting primarily of enclosed areas; and

WHEREAS, exposure to secondhand smoke at significant levels also occurs outdoors in unenclosed areas with resultant negative health impacts such that State law prohibits smoking within 25 feet of playgrounds and tot lots ; and

WHEREAS, smoking in parks and on trails poses a significant and avoidable fire danger; and

WHEREAS, cigarette butts and filters are a health hazard, an eye sore, and a major and persistent source of litter in Nevada City; and

WHEREAS, the City desires to extend its smoking prohibition to outdoor places under its control to promote the public health, safety, and welfare and to promote a healthy atmosphere and reduce litter in the city:

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

SECTION I;

Section 8.24.020 Findings and purpose of Chapter 8.24 is amended to repeal subsection F and re-enact it as a new subsection I following newly added subsections F, G and H as follow:

F. Studies have shown that levels of secondhand smoke exposure outdoors under certain conditions can reach the significant levels attained indoors with the same negative health impacts; and

G. Smoking in parks and on trails poses a significant and avoidable fire danger; and

H. Cigarette butts and filters when not properly disposed of are a major and persistent source of litter that is unsightly, unhealthy, takes a long time to decompose and frequently ends up in storm drains and contaminating waterways; and

I. Accordingly, the city council finds that the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent this City would be benefitted by the regulation of smoking provided herein.

SECTION II;

Section 8.24.030 Definitions of Chapter 8.24 is amended to add definitions for the following words and phrases whenever used in that chapter which are to read as follow:

“City Properties” means all facilities and areas owned, leased, or licensed by the City. The term “City Properties includes, but is not limited to, open space areas such as the Old Airport, Beryl P. Robinson Plaza, Deer Creek Environs, Penzance Park, Nevada Mine, and such other properties as may be subsequently acquired or developed.

“Recreational Area” means any area that is owned or operated by the City of Nevada City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes but is not limited to parks, picnic areas, playgrounds, sports fields, walking paths, trails, and bike paths. The term “Recreational Area” includes, but is not limited to, parks such as Pioneer Park, Calanan Park, and Hirschman's Pond, and trails such as Indian Trails to Hirschman's Pond and Little Deer Creek and Miners Trail, together with such other areas, parks and trails as may be subsequently acquired or developed.

“Unenclosed” means any area that is not Enclosed.

SECTION III;

Section 8.24.135 Prohibition of smoking in certain unenclosed areas is added to Chapter 8.24 which is to read as follows:

Section 8.24.135 Prohibition of smoking in certain unenclosed areas.

Smoking is also prohibited in the unenclosed areas of the following places within the City of Nevada City, in addition to places where Smoking is already prohibited by state or federal law, in which case those laws apply:

- A. City Properties, except for sidewalks and streets.
- B. Recreational Areas.

SECTION IV;

Section 8.24.155 Other requirements and prohibitions is added to Chapter 8.24 which is to read as follows:

Section 8.24.155 Other requirements and prohibitions.

A. Immediately at the boundaries of areas where Smoking is prohibited by section 8.24.135, the City shall place suitable receptacles for extinguishing and disposing of cigarette butts and filters in sufficient numbers and locations so as to discourage littering.

B. No person shall dispose of used Smoking or tobacco product waste, including, but not limited to cigarette butts and filters, other than in suitable receptacles such as those provided pursuant to subsection A above.

C. "No Smoking" signs shall be posted in at least one conspicuous point within the area where Smoking is prohibited. The signs shall have letters of no less than one inch in height and shall include the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City.

D. The presence of Smoking waste receptacles in violation of subsection A above or the absence of such authorized receptacles and the absence of signs required by subsection C above shall not be a defense to a violation of any provision of this chapter.

SECTION V;

Subsection E of Section 8.24.170 Where smoking is not regulated of Chapter 8.24 is amended to read as follows:

E. Any area exterior to the building in which the establishment or facility is located, except as specifically prohibited in this Chapter; and

SECTION VI;

Section 8.24.190 Nonretaliation of Chapter 8.24 is amended to renumber the existing provision as subsection A and to add a subsection B to read as follows:

8.24.190 Nonretaliation.

A. No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this chapter.

B. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this chapter.

SECTION VII:

STATUTORY CONSTRUCTION & SEVERABILITY: It is the intent of the City Council of the City of Nevada City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Nevada City hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

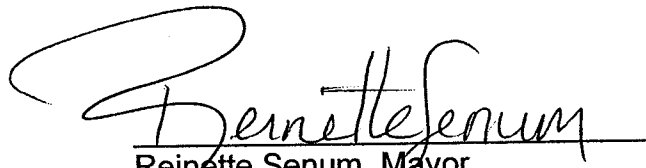
PASSED AND ADOPTED this 27th day of January, 2010 by the following vote:


AYES: SENUM, HARRIS, MCKAY, BERGMAN

NOES: COFFMAN

ABSTAIN: NONE

ABSENT: NONE


Reinette Senum, Mayor

ATTEST: 
Niel Locke, City Clerk