

County of Lassen, California
OFFICE OF COUNTY COUNSEL

Robert M. Burns, Lassen County Counsel
221 South Roop Street, Ste. 2
Susanville CA 96130



May 3, 2017

Board of Supervisors
221 S. Roop St.
Susanville, CA 96130

RE: Review Lassen County Code Titles 10, 11, and 13 for obsolescence

Dear Sirs,

In our ongoing effort to review various portions of the Lassen County Code to ensure it is current and up to date, I have attached Titles 10, 11, and 13 for review. I can say at this time that there are various sections that are plainly out of date and compel being repealed. I would like your direction to do so, after review.

Robert M. Burns

A handwritten signature in blue ink, appearing to read "RMB", is written over the printed name "Robert M. Burns".

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<u>Title 10 VEHICLES AND TRAFFIC</u>							

Chapter 10.04 ROAD SPEED LIMITS

10.04.010 Designated.

The following restricted speed zones are established upon the county roads set forth in Schedule A, attached hereto and incorporated herein by this reference. Schedule A sets forth the respective county road number, the maximum speed permitted within

the zone applicable thereto, and the boundaries of the restricted zone, designated as "location," applicable to each respective county road. Regulation California state highway speed restriction signs shall be placed within the right-of-way of each county road, at each boundary of each speed restriction zone, giving notice of the speed restriction. It is unlawful to operate any motor vehicle at any time within the boundaries of any speed restriction zone when such controlling signs are in space denoting the maximum speed permitted, in excess of such maximum permitted speed.

* For provisions regarding penalty for violation of the provisions of this section, see Section 10.28.300 of this code.

SCHEDULE A		
County Road Number	Speed	Location
102	25 M.P.H.	From the intersection with Edgewood Drive southerly to its terminus
103 (A-21) Mooney Road	35 M.P.H.	From Hwy 36 south to the intersection with Ash Street (CR WW13)
103	35 M.P.H.	From State Highway 36 at the Westwood "Y" southwesterly to the east boundary of the Western Pacific Railroad right-of-way
103	25 M.P.H.	From the east boundary of the Western Pacific Railroad right-of-way westerly to .15 of a mile west of Greenwood Street in the town of Westwood
201 (A-1) Eagle Lake Road	50 M.P.H.	From Hwy 36 northerly 1.2 miles
201 (A-21) Eagle Lake Road	45 M.P.H.	From 1.2 miles north of Hwy 36 to 1,000 feet south of Forest Drive
201 (A-21) Eagle Lake Road	35 M.P.H.	From 1,000 feet south of Forest Drive to 1,000 feet north of Alta Drive
201 (A-1) Eagle Lake Road	45 M.P.H.	From 1,000 feet north of Alta Drive to 1.8 miles south of Gallatin Road (CR 231)

201	45 M.P.H.	From Highway 36 northerly 1.2 miles
201	35 M.P.H.	From 1.2 miles north of Highway 36 to 1.8 miles south of the Gallatin turnoff (Junction County Road No. 231)
201	45 M.P.H.	From 1.8 miles south of the Gallatin turnoff to 1.8 miles north of said junction
203	25 M.P.H.	From Susanville city limits southerly for .25 of a mile
203 Richmond Road	25 M.P.H.	From city limits south 1,000 feet
203 Richmond Road	35 M.P.H.	From 1,000 feet south of city limits to 1,024 feet south of Bauer Road
209 Sears Road	40 M.P.H.	From Hwy 395 south to Janesville Main Street (CR 235)
212	25 M.P.H.	From the intersection with U.S. 395 south .5 miles to end of pavement
215	35 M.P.H.	From Susanville city limits to 1.16 miles east of Susanville city limits
215	45 M.P.H.	From 1.16 miles east of Susanville city limits to 1.45 miles east of Susanville city limits
215	45 M.P.H.	From 2200 to 700 feet west of the intersection with County Road 315, Cut Off Road
215 (A-27) Center Road	35 M.P.H.	From 700 feet west of Cut-Off Road (CR 315) east to Hwy 395
215	35 M.P.H.	From 700 feet west of the intersection with County Road 315, Cut-Off Road east, to the intersection with US 395
215 Johnstonville Road East	35 M.P.H.	From city limits to Big Sky Blvd.
215 Johnstonville Road East	45 M.P.H.	From Big Sky Blvd. to Johnstonville Road North (CR 238)
231	35 M.P.H.	From the intersection with County Road 201 northeasterly 3.0 miles to its terminus
233	25 M.P.H.	From the intersection with County Road 231 northwesterly to its terminus at the easterly side of the surfaced parking area for the Eagle Lake Marina
233	10 M.P.H.	From the easterly side of the surfaced parking area at the Eagle Lake Marina westerly to the concession building and including all the parking lot area and boat launching area
235	35 M.P.H.	From 200 feet east of the junction with County Road 205 to .30 of a mile east of the junction with County Road 205
235	25 M.P.H.	

		From .30 of a mile east of the junction with County Road 205 to 1.45 miles east of the junction with County Road 205
235 Janesville Main Street	25 M.P.H.	From 1,332 feet south of Wingfield Road East (CR 205) to Sears Road
238 Johnstonville Road	40 M.P.H.	From City Limits to 0.35 miles west of Commercial Road (CR 228)
238 Johnstonville Road	45 M.P.H.	From 0.35 miles west of Commercial Road (CR 228) to Commercial Road (CR 228)
238 Johnstonville Road	50 M.P.H.	From Commercial Road (CR 228) to 0.7 miles west of Johnstonville Road East (CR 229)
238 Johnstonville Road	50 M.P.H.	From 0.7 miles west of Johnstonville Road East (CR 229) to Johnstonville Road East (CR 229)
238 Johnstonville Road North	35 M.P.H.	From Johnstonville Road East (CR 215) to SR 395
245 Stone Road	25 M.P.H.	From the north terminus of Eagle Lake Road (CR 201) to the south terminus of Eagle Lake Road (CR 201)
245 Stone Road	40 M.P.H.	From Eagle Lake Road (CR 201) to Eagle Lake Road (CR 201)
342 Doyle Old Highway	45 M.P.H.	From Hwy 395 west to Pickens Road (CR 349)
EL-01 Circle Drive	35 M.P.H.	From the intersection of Richmond Road to 3400 feet southerly
EL-01 Circle Drive	30 M.P.H.	From Richmond Road (CR 203) southerly 3,400 feet
EL-01 Circle Drive	25 M.P.H.	From 3400 feet southerly of the intersection of Richmond Road to its terminus
EL-02 Fairway Drive	25 M.P.H.	From the intersection of Circle Drive EL-01 to its terminus
EL-03 Eagle Drive	25 M.P.H.	From the intersection of Circle Drive EL-01 to the intersection of Fairway Drive EL-02
EL-04 Circle Court	25 M.P.H.	From the intersection of Circle Drive EL-01 to its terminus
LFE01 Alta Drive	25 M.P.H.	From the southern extremity of the Alta Drive northerly to the intersection with County Road 201
LFE02 Lake Drive	25 M.P.H.	From the southern extremity of Lake Forest Drive northerly to the intersection with County Road 201
LFE03 Estates Drive	25 M.P.H.	From the southern extremity of Estates Drive northerly to the intersection with Cedar Way (LFE06)
LFE04 Las Plumas Way	25 M.P.H.	From the intersection of Las Plumas Way and the Alta Drive easterly to the intersection with Forest Drive
LFE05 Lassen Way	25 M.P.H.	

		From the intersection of Lassen Way and Alta Drive easterly to the intersection with Cedar Way
LFE06 Cedar Way	25 M.P.H.	From the intersection with Alta Drive easterly to the intersection with Las Plumas Way
LFE07 Tara Way	25 M.P.H.	From the intersection with Cedar Way easterly to the intersection with Dean Drive
LFE08 Forest Drive	25 M.P.H.	From the intersection with Tara Way northerly to the intersection with County Road 201
LFE09 Dean Drive	25 M.P.H.	Dean Drive from its southern terminus northerly to its northern terminus
LFE10 Janet Way	25 M.P.H.	Janet Drive from its western terminus to the intersection with Dean Drive
LFE11 Eagle Way	25 M.P.H.	From the intersection with Lake Forest Drive easterly to the intersection with Estates Drive
LFE12 Baja Way	25 M.P.H.	From the intersection of Alta Drive easterly to the intersection with Lake Forest Drive
SHO 1 Susan Hills	25 M.P.H.	From the intersection with Richmond Road southerly to the intersection with Beverly Drive
SHO 2 Beverly Drive	25 M.P.H.	Dean Drive from its easterly terminus westerly to its western terminus
SHO 4 Debi Way	25 M.P.H.	From the intersection with Richmond Road southerly to the intersection with Gold Crest Lane
SHO 5 Marilyn Court	25 M.P.H.	Marilyn Court from the intersection with Debi Drive easterly to its eastern extremity
SHO 6 Alberta Court	25 M.P.H.	Alberta Court from the intersection with Debi Drive westerly to its western extremity
SHO 7 Gold Crest Lane	25 M.P.H.	From the intersection with Richmond Road westerly to its western terminus
SV-03 Rd.A	35 M.P.H.	From the intersection with Skyline Rd. southerly to its intersection with State Highway 139
SV16 Riverside Drive	30 M.P.H.	From old mill entrance (City Limits) to S. Fairfield (City Limits)
SV-13 Chestnut St.	35 M.P.H.	From the City limits of Susanville easterly to its intersection with State Highway 139
SV-37 Skyline Road	35 M.P.H.	From the intersection with Paiute Lane easterly to its intersection with Bunyan Rd. A
CR-244 Travis Lane	35 M.P.H.	From the intersection with Johnstonville Rd. north to its terminus
CR-215 Center Road	45 M.P.H.	From 0.50 mile W. with its intersection with CR-217 Rice Canyon Road to 0.25 mile E. of its intersection with California Correctional Center.

(Ord. 2011-002 § 2; Ord. 2011-001 § 2; Ord. 438-G-1 § 2, 2010; Ord. 438-F § 1, 1997; Ord. 438-D § 1, 1991; Ord. 438-C § 1, 1991; Ord. 438-B § 1, 1987; Ord. 438-A §§ 1, 2, 1986; Ord. 438 § 1, 1978; Ord. 390B § 1, 1975; Ord. 390A § 1, 1970; Ord. 390 § 1, 1968; Ord. 353, 1962).

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Chapter 10.08 STOP SIGNS

10.08.010 Placement.

A regulation California state highway stop sign shall be placed upon each numbered county road designated in Schedule B which is attached hereto and incorporated herein by this reference, at the location which is set forth opposite each county road number or street name, controlling traffic in the direction indicated. It is unlawful for the driver of any vehicle upon approaching any intersection set forth in Schedule B, when the intersection is signposted with a stop sign as provided herein, to fail to stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection.

* For provisions regarding penalty for violation of the provisions of this section, see § 10.28.300 of this code.

SCHEDULE B		
County Road Number		Location
101		At junction with County Road Number 103
102		At junction with County Road Number 103
104		At junction with County Road Number 103
105		At junction with County Road Number 201
110		At junction with County Road Number 103
113		At junction with County Road Number 103
Westwood Airport Road		At junction with County Road Number 103
204		At junction with County Road Number 203
205		At junction with County Road Number 203
205		At junction with County Road Number 207
205		At junction with County Road Number 235
206		At junction with County Road Number 518
209		At junction with County Road Number 235
209		At junction with County Road Number 301
210		At junction with County Road Number 222
213		At junction with County Road Number 215
215		At junction with County Road Number 238 (Westbound)

216		At junction with County Road Number 215
217		At junction with County Road Number 215
218		At junction with County Road Number 215
218	Chappuis Lane	At junction with Lake Leavitt Road Number 211
219	Elysian Valley Road	At junction with Wingfield Road Number 205 (South)
219		At junction with County Road Number 205 (North leg)
221	Johnson School Road	At junction with Chappuis Lane Road Number 218
221	Johnson School Road	At junction with Johnson Road Number 220

222		At junction with County Road Number 301
225		At junction with County Road Number 201
228		At junction with County Road Number 215
231		At junction with County Road Number 201
232		At junction with County Road Number 203
235		At junction with County Road Number 208
240		At junction with County Road Number 203
243		At junction with County Road Number 239
302		At junction with County Road Number 305
303		At junction with County Road Number 305
303		At junction with County Road Number 306
304		At junction with County Road Number 306
304		At junction with County Road Number 301
304	Alexander Lane	At junction with Lambert Lane both east/west Number 302
305	Mapes Lane	At junction with Capezzoli Lane Number 306
305		At junction with County Road Number 304
305		At junction with County Road Number 301
306		At junction with County Road Number 301
307		At junction with County Road Number 301
307		At junction with County Road Number 302
308		At junction with County Road Number 215
309		At junction with County Road Number 313
309		At junction with County Road Number 357
310		At junction with County Road Number 313
311		At junction with County Road Number 353
311	Hemphill Road	At junction with Cummings Road Number 356
311	Hemphill Road	At junction with Standish-Buntingville Road Number 301

312	Blickenstaff Road	At junction with Lakecrest Road Number 353
312	Blickenstaff Road	At junction with Hemphill Road Number 311
312		At junction with County Road Number 301
313		At junction with Army Access Road
314		At junction with County Road Number 320 (North end)
315		At junction with County Road Number 215
316	McClelland Lane	At junction with Alexander Lane Number 304
317	Zamboni Road	At junction with Doyle Drive Number 361
318		At junction with County Road Number 305
318		At junction with County Road Number 320
319	Antola Road	At junction with Fish and Game Road Number 318
322		At junction with County Road Number 320
325	Harrington Road	At junction with Doyle Drive Number 361
326	Milford Old Highway	At junction with Milford Grade Number 336
327	Fort Sage Road	At junction with Hackstaff Road Number 322
330		At junction with County Road Number 301
331	Doyle Grade	At junction with Doyle Drive Number 361
334		At junction with County Road Number 353
335	Fox Road	At junction with Hemphill Road Number 311
337	Viewland Road	At junction with Wendel Road Number 320
339		At junction with County Road Number 320
346	Laver Crossing	At junction with Hackstaff Road Number 322
347		At junction with County Road Number 305
350		At junction with County Road Number 359
352		At junction with Army Access Road
353		At junction with County Road Number 301 (both sides)
355		At junction with County Road Number 215
355		At junction with County Road Number 315
356		At junction with County Road Number 301 (both ends)
357		At junction with County Road Number 359
360		At junction with County Road Number 215
402		At junction with County Road Number 407
403		At junction with County Road Number 407
410		At junction with County Road Number 407
414		At junction with County Road Number 422
417		

		At junction with County Road Number 418 (On north leg of County Road Number 417)
418		At junction with County Road Number 422
420		At junction with County Road Number 422
422	Bieber Exit	At junction with Bieber Lookout Road Number 419
423		At junction with County Road Number 424
424		At junction with County Road Number 422
428		At junction with County Road Number 422
428	Center School House Road	At junction with Hunt Road Number 411
434		At junction with County Road Number 424
436		At junction with County Road Number 422
437		At junction with County Road Number 419
440	Bumselmeier Road	At junction with Valley Cut-off Road Number 418
441		At junction with County Road Number 404
444		At junction with County Road Number 408
501		At junction with County Road Number 536
503		At junction with County Road Number 502
504	Stage Road	At junction with Tuledad Road Number 506
504	Stage Road	At junction with Marr Road Number 526
506		At junction with County Road Number 502
507		At junction with County Road Number 513
516		At junction with County Road Number 201
517		At junction with County Road Number 502
518	Spaulding Road	At junction with the Strand Number 247
518	Spaulding Road	At junction with Eagle Lake Road Number 201
520	Garate Road	At junction with Mail Route Number 502
522	Jones Road	At junction with Juniper Ridge Road Number 508
523	West Side Road	At junction with Termo-Grasshopper Road Number 513
528	Williams Road	At junction with Ash Valley Road Number 527
529		At junction with County Road Number 536
538		At junction with County Road Number 513
544		At junction with County Road Number 502
546	Longhorn Drive	At junction with Ash Valley Road Number 527
BIEBER AREA		

BB01	Juniper Street	At junction with First Street both east and west
BB01	Juniper Street	At junction with Second Street both east and west
BB01	Juniper Street	At junction with Third Street both east and west
BB04	Park Street	At junction with Market Street Number BB10 both east and west
BB04	Park Street	At junction with First Street Number BB11
BB05	College Street	At junction with market Street Number BB10
BB06	Union Avenue	At junction with Bieber Dump Road Number 415
BB09	Water Street	At junction with Bridge Street both north and south.
BB10	Market Street	At junction with Bridge Street both north and south.
BB11	First Street	At junction with Bridge Street both north and south.
DIAMOND VIEW SUBDIVISION		
DV01	Diamond Way	At junction with County Road Number 203
DV04	Florence Lane	At junction with County Road Number 205
DOYLE AREA		
DL01	Clark Street	At junction with Doyle Drive Number 361
DL02	Third Street	At junction with Clark Street Number DL01
DL03	Second Street	At junction with Clark Street Number DL01
DL03	Second Street	At junction with Main Street Number DL06 both (north/south)
DL03	Second Street	At junction with Doyle Drive Number 361
DL02	Third Street	At junction with Main Street Number DL06 both (north/south)
DL02	Third Street	At junction with Doyle Drive Number 361
DL06	Main Street	At junction with Doyle Drive Number 361 both (east/west)
DL08	Fourth Street	At junction with Doyle Grade Number 331 both (east/west)
EMERSON LAKE SUBDIVISION		
EL01	Circle Drive	At junction with County Road Number 203

HONEY LAKE AREA

HL1A	Arlington Road	At junction with County Road Number 359
HE-3		At junction with HE-1

HE-2

At junction with Ponderosa Blvd.

JANESVILLE AREA

JV01	Mountain Way	At junction with County Road Number 235
JV02	Cemetery Lane	At junction with County Road Number 235
JV03	Christie Street	At junction with County Road Number 235
JV04	Church Street	At junction with County Road Number 235
JV05	Pine Street Exten.	At junction with County Road Number JV03 (Christie Street)
JV06	Orchard Street	At junction with County Road Number 235
JV07	Raines Road	At junction with County Road Number JV05 (Pine Street extension)

LAKE FOREST ESTATES SUBDIVISION

LFE01	Alta Drive	At junction with County Road 201
LFE02	Lake Forest Drive	At junction with County Road 201
LFE03	Estates Drive	At junction with Cedar Way
LFE04	Las Plumas Way	At junction with Alta Drive
LFE04	Las Plumas Way	At junction with Lake Forest Drive (both east and west)
LFE04	Las Plumas Way	At junction with Forest Drive
LFE05	Lassen Way	At junction with Alta Drive
LFE05	Lassen Way	At junction with Lake Forest Drive (both east and west)
LFE05	Lassen Way	At junction with Cedar Way
LFE06	Cedar Way	At junction with Alta Drive
LFE06	Cedar Way	At junction with Lake Forest Drive (both east and west)
LFE06	Cedar Way	At junction with Las Plumas Way
LFE07	Tara Way	At junction with Cedar Way
LFE07	Tara Way	At junction with Forest Drive
LFE08	Forest Drive	At junction with County Road 201
LFE10	Janet Way	At junction with Estates Drive (both east and west)
LFE10	Janet Way	At junction with Dean Drive Number LFE09
LFE11	Eagle Way	At junction with Lake Forest Drive
LFE11	Eagle Way	At junction with Estates Drive

PATTON VILLAGE AREA

PV01	Tamarack Avenue	At junction with Army Access Road
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STANDISH AREA

ST01	Plumas Avenue	At junction with County Road Number 301
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STONE'S EAGLE LAKE SUBDIVISION

SEL1	Lakeside	At junction with Eagle Lake Road Number 201
SEL3	Buck Point Road	At junction with Eagle Lake Road Number 201

SUSANVILLE AREA

SV03	Bunyan Road A	At junction with Chestnut Street (both north and south)
SV10	San Francisco	At junction with County Road Street Number 215
SV13	Chestnut Street	At junction with Bunyan Road A (both east and west)
SV15	South Laurel Street	At junction with County Road (Riverside Drive)
SV17	Grove Street	At junction with County Road (Riverside Drive)
SV30	Campbell Street	At junction with County Road (North Weatherlow Street)
EL02	Fairway Drive	At junction with County Road Number EL01
EL03	Eagle Drive	At junction with County Road Number EL01
EL03	Circle Court	At junction with County Road Number EL01
2365	Paiute Lane	At junction with County Road Number SV37 (both north and south)

WESTWOOD AREA

WW01	Seventh Street	At junction with Delwood Street (both east and west)
WW02	Sixth Street	At junction with Birch Street (both east and west)
WW02	Sixth Street	At junction with Cedar Street (both east and west)
WW02	Sixth Street	At junction with Delwood Street (both east and west)
WW02	Sixth Street	At junction with Elm Street (both east and west)
WW02	Sixth Street	At junction with County Road #103 (both east and west)
WW03	Fifth Street	At junction with Birch Street (both east and west)
WW03	Fifth Street	At junction with Cedar Street (both east and west)
WW03	Fifth Street	At junction with Delwood Street (both east and west)
WW03	Fifth Street	At junction with Elm Street (both east and west)
WW03	Fifth Street	At junction with County Road #103 (both east and west)
WW04	Fourth Street	At junction with Birch Street (both east and west)
WW04	Fourth Street	At junction with Cedar Street (both east and west)
WW04	Fourth Street	At junction with Delwood Street (both east and west)
WW04	Fourth Street	At junction with Elm Street (both east and west)
WW04	Fourth Street	At junction with County Road #103
WW04	Fourth Street	At junction with Fir Street (both east and west)
WW05	Third Street	At junction with County Road #103
WW06	Second Street	At junction with Cedar Street (both east and west)

WW06	Second Street	At junction with Delwood Street (both east and west)
WW06	Second Street	At junction with Elm Street (both east and west)
WW06	Second Street	At junction with Fir Street (both east and west)
WW06	Second Street	At junction with Greenwood Street
WW08	Greenwood Street	At junction with County Road #103 (both north and south)
WW09	Fir Street	At junction with First Street
WW09	Fir Street	At junction with Fourth Street (both north and south)
WW09	Fir Street	At junction with County Road #103 (both north and south)
WW10	Elm Street	At junction with First Street
WW10	Elm Street	At junction with Fourth Street (both north and south)
WW10	Elm Street	At junction with County Road #103 (both north and south)
WW11	Cedar Street	At junction with Seventh Street (both north and south)
WW11	Cedar Street	At junction with County Road #103 (both north and south)
WW11	Cedar Street	At junction with Fourth Street (both north and south)
WW12	Birch Street	At junction with Fourth Street (both north and south)
WW12	Birch Street	At junction with Seventh Street (both north and south)
WW12	Birch Street	At junction with County Road #103 (both north and south)
WW13	Ash Street	At junction with County Road #103
WW13	Ash Street	At junction with Moonty Road (both north and south)
WW14	Delwood Street	At junction with County Road #103 (both north and south)
WW14	Delwood Street	At junction with Fifth Street (both east and west)
WW15	Avenue 5	At junction with Delwood Street
WW16	Avenue 4	At junction with Cedar Street
WW16	Avenue 4	At junction with Delwood Street
WW17	Avenue 3	At junction with Cedar Street
WW17	Avenue 3	At junction with Delwood Street
WW18	Avenue 2	At junction with Cedar Street
WW20	Lassen Drive	At junction with Birch Street (both east and west)
WW20	Lassen Drive	At junction with Delwood Street
WW21	Ninth Street	At junction with Birch Street
WW23	Eighth Street	At junction with Birch Street (both east and west)
WW23	Eighth Street	At junction with Delwood Street

(Ord. 438-G § 2, 2001; Ord. 438-E § 1, 1993; Ord. 438-D § 2, 1991; Ord. 438-C § 2, 1991; Ord. 438-B § 2, 1987; Ord. 438-A § 3, 1986; Ord. 390C § 1, 1981; Ord. 390B § 2, 1975; Ord. 390 § 2, 1968).

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Chapter 10.12 ROAD WEIGHT LIMITS

10.12.010 Maximum tonnage—Violation—Penalty.

It is unlawful for any person, firm, corporation or association of persons, to operate or haul over, along, and upon the public highways of Lassen County, outside of incorporated cities or towns, any tractor, motor vehicle, or trailer, with a gross weight including load, exceeding ten tons for each such tractor, motor vehicle, or trailer. Provided, that no motor truck, trailer, or vehicle shall carry a load in excess of ten percent in addition to its tonnage capacity, according to the manufacturer's rating of capacity thereof, and that no trailer, whether motor truck, or vehicle of any kind shall carry a load in excess of five tons.

Any person violating the provisions of this section shall be guilty of a misdemeanor and is liable to a penalty of twenty dollars for each full ton or fraction in excess of the limitation herein imposed, and any peace officer making the arrest of the owner or driver of any vehicle violating the provisions of this section, shall keep such vehicle with its load in his custody until such time as the penalty shall have been paid provided that the owner of any such vehicle may give to the peace officer a bond in favor of the county, conditioned to secure the payment of the penalty within the time prescribed in the bond. Furthermore, any peace officer may weigh the vehicle to establish the weight of the vehicle and of the load thereof. (Ord. 127 § 1, 1922; Ord. 123 § 1, 1921).

10.12.020 Maximum tonnage—Excess—Permit required.

Anything to the contrary herein notwithstanding, the board of supervisors may in its discretion issue a special permit for the operation or hauling of any tractor, motor vehicle, truck or trailer, of a greater weight including load, than as provided in Section 10.12.010. (Ord. 127 § 2, 1922; Ord. 123 § 2, 1921).

10.12.030 Maximum tonnage—Bridge limitation.

Anything to the contrary herein notwithstanding, the board of supervisors may limit the weight and load of any tractors, motor trucks, or vehicles, or vehicles or trailers, operated or hauled over or on any bridge, below the maximum fixed by Section 10.12.010 by placing signs announcing the limited weight at or near the approaches to such bridge. (Ord. 127 § 3, 1922; Ord. 123 § 3, 1921).

* See also Chapter 10.16

10.12.050 Highway 4.

The gross weight limit for vehicles on County Highway No. 4, Road District No. 4, which runs from Little Valley to a junction with County Highway No. 2, the so-called Pittville Road, is established at sixteen thousand pounds, gross, including the weight of truck or other vehicle.

It is unlawful for any person to drive a vehicle onto Highway No. 4 when the gross weight of the vehicle and load exceeds the total of sixteen thousand pounds.

Signs shall be placed at stated intervals on Highway No. 4 stating that the maximum weight limit for vehicles on that road is established at sixteen thousand pounds. (Ord. 258 §§ 1, 2, 3, 1947).

10.12.060 Highway 14.

(a) It is unlawful for any person or persons, firm or firms, corporation or corporations, to drive or cause to be driven any vehicle upon that portion of Highway 14 in Lassen County, between the points designated Engineer's Station 2778+50 at the intersection of Hayden Hill Road and the boundary line of Lassen and Modoc counties designated Engineer's Station 3444+12, which imposes upon the highway by the wheels of any one axle, a gross weight in excess of ten thousand pounds, and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed five thousand five hundred pounds.

(b) It is unlawful for any person or persons, firm or firms, corporation or corporations, to drive or cause to be driven, any vehicle upon that portion of Highway 14 between the city limits of Susanville, California, for a distance of 54.2 miles to the intersection of Hayden Hill Road, which imposes upon the highway by the wheels of any one axle a gross weight in excess of ten thousand pounds, and the gross weight upon any one wheel or wheels, supporting one end of an axle and resting upon the roadway, shall not exceed five thousand five hundred pounds. (Ord. 301 § 1, 1953; Ord. 278 § 1, 1949).

10.12.070 Road No. 201.

A maximum gross weight limit of forty-five thousand pounds is established on County Road No. 201, commonly called the Eagle Lake Road, from the Eagle Lake Summit northerly approximately .5 miles to its intersection with the Paul Bunyan Logging Road in the SE 1/4 of Section 32 in Township 31 N, R. 11 E., MDM. (Ord. 397-AD § 1, 1989; Ord. 397-AC § 1, 1989; Ord. 397-AB, 1986; Ord. 397-AA § 2, 1984; Ord. 397 § 1, 1970).

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Chapter 10.20 ROAD COMMISSIONER

10.20.010 Determination of highways needing weight restriction—Posting authority.

The county road commissioner is authorized and empowered to determine which, if any, highways in the county require weight limitation upon vehicles using the same; and he is further authorized and empowered, upon his determination that any highway or highways require the enforcement of weight restrictions for the protection and preservation of the highway or highways, to post the extremities of the highway or highways with signs stating the fact that the highway or highways is subject to weight limitation, and the maximum allowable weight. (Ord. 324 § 1, 1957).

10.20.020 Fixing of highway weight restriction.

The road commissioner is authorized and empowered, subject to approval by minute order of the board of supervisors to fix the weight limitations to be applied on any particular county highway, and the length of time during which the restriction shall remain in force and effect. (Ord. 324 § 2, 1957).

10.20.030 Driving restriction on posted highways.

It is unlawful for any person or persons, firm or firms, corporation or corporations, to drive or cause to be driven any vehicle over, upon or across any county highway, which has been designated by the road commissioner as a highway subject to weight limitation and has been properly posted as provided in Section 10.20.010. (Ord. 324 § 3, 1957).

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Chapter 10.24 TRAFFIC OFFICER

10.24.010 Appointment—Compensation.

The board of supervisors may, in their discretion, appoint a traffic officer to serve for such time and at such salary as the board may by resolution determine, the compensation to be paid out of the general fund of Lassen County. (Ord. 125 § 1, 1921).

10.24.020 Powers and duties.

The traffic officer shall be provided with a star, and shall be empowered to make arrests for all violations of the State Motor Vehicle Law and acts and amendments thereto within the county outside incorporated cities and towns, and also to enforce Chapter 10.12. The officer shall also be empowered to keep the public highways of the county outside incorporated cities and towns clear of livestock thereon in violation of the State Motor Vehicle Act. (Ord. 125 § 2, 1921).

10.24.030 Arrest action.

On making an arrest the traffic officer shall without delay take the party or parties arrested before the nearest and most accessible magistrate to be dealt with according to law. (Ord. 125 § 3, 1921).

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Chapter 10.26 SKATEBOARDS AND ROLLER SKATES

10.26.010 Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section.

“Roller skate” means any footwear, or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are “in line” and where such wheels may be used to aid the wearer in moving or propulsion.

“Skateboard” means a board of any material, which has wheels attached to it and which is propelled or moved by human, gravitational, or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels.

“To operate in a negligent manner” means the operation of one or more of the above-described devices in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices and failure to yield right-of-way to pedestrians and/or vehicular traffic. (Ord. 542 § 2, 2000).

10.26.020 Traffic regulations.

Any person operating a skateboard or roller skates shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. (Ord. 542 § 2, 2000).

10.26.030 Speed.

No skateboard or roller skates shall be ridden in a negligent manner but shall be operated with reasonable regard for the safety of the operation and other persons. (Ord. 542 § 2, 2000).

10.26.040 Prohibited areas.

It is unlawful for any person to operate or ride upon any skateboard or roller skates upon any county-owned walkway, ramp, stairs or stairway of any county-owned building or parking lot in the courthouse square area of Lassen County as bounded by Court, Mill, Lassen and Roop Streets. (Ord. 542 § 2, 2000).

10.26.050 Violation—Penalty.

Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished by the imposition of a monetary penalty of not more than one hundred dollars. Further, the device ridden at the time of violation shall be subject to impound for a period of ten days. (Ord. 542 § 2, 2000).

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Chapter 10.32 MISCELLANEOUS PROVISIONS

10.32.010 Tractors with lugs prohibited.

It is unlawful to drive, use, tow, or operate any tractor with lugs or disks, or any other kind of machinery or equipment which will result in injury to the road surface, on any county road. (Ord. 208 § 1, 1939).

10.32.020 Petition for cattle guards—Made by whom.

Any ten freeholders, two of whom are residents of the road district in which the road affected is situated, and are taxable therein for road purposes, may petition the board to install, or permit to be installed, cattle guards at any particular place on or adjacent to a county road. (Ord. 281 § 1, 1950).

10.32.030 Petition for cattle guards—Notice of hearing.

Upon the filing of such petition, the board shall by order fix a day for hearing the petition and shall give notice to all freeholders in the road district of the time and place fixed for the hearing. The notice shall be given by publication in a newspaper of general circulation published in the county and designated in the order by the board, for at least two successive weeks prior to the day fixed for the hearing. (Ord. 281 § 2, 1950).

10.32.040 Petition for cattle guards—Hearing.

The board shall, on the day fixed for the hearing, or on the day to which the hearing is postponed or continued, hear the evidence offered by any party interested. Upon termination of the hearing the board may make its order to install or permit the installation of the cattle guards or deny the petition. (Ord. 281 § 3, 1950).

10.32.050 Minimum design standards for county road.

Minimum design standards for county roads shall be as follows:

	Traffic	Under 100		100 to 400		400 to 1000	
Design Feature	Topography	Minimum*	Desirable	Minimum*	Desirable	Minimum*	Desirable
Design Speed (mph)	Flat	40	50	45	55	50	60
	Rolling	30	30	35	45	40	50
	Mountainous	20	25	25	35	30	40
Radii (Ft.)	Flat	400	650	500	850	650	1000
	Rolling	275	400	350	525	400	650

(Min. & Desirable Min.)	Mountainous	100	250	150	325	250	400
Grade (%)	Flat	7	4	7	5	6	5
(Max. & Desirable Max.)	Rolling	12	6	10	7	8	6
	Mountainous	15	10	14	9	12	7
Nonpassing Sight Distance (Ft.)	Flat	275	350	315	415	350	475
	Rolling	250	275	240	315	275	350
	Mountainous	125	200	165	240	200	275
R/W Width (Ft.)		50	60	60	60	60	80
Roadbed Width (Ft.)		24	28	28	32	30	38
Surface Width (Ft.)		20	22	20	22	22	24
Thickness Base & Surface		Design based on engineering analysis of character of traffic and s					
Bridges Clear Width (Ft.)		22	26	24	26	26	28
Vertical Clearance (Ft.)		14.5	15	14.5	15	14.5	15
Design Load (A.A.S.H.O.)		H-15	-	-	-	-	-
* (Max. for % Grade)							

(Ord. 312 § 3, 1955).

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Chapter 10.36 RAILROAD CROSSINGS

10.36.010 School bus—Stop required.

It is unlawful, within the Lassen County outside of any incorporated city or town, for any driver of a school bus containing a child or children to fail to stop, get out of the machine and look up and down a railroad track before entering upon or crossing the same. (Ord. 128 § 1, 1922).

10.36.020 Public conveyance—Stop required.

It is unlawful within the Lassen County outside of any incorporated city or town, for any driver of a public conveyance containing a passenger or passengers to fail to stop and look up and down a railroad track before entering or crossing the same. (Ord. 128 § 2, 1922).

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Chapter 10.50 ENCROACHMENT PERMITS

10.50.010 Definitions.

Unless the contrary is stated or clearly appears from the context, the definitions set forth in this section shall govern the interpretation of this chapter.

“Encroachment” means and includes any tower, pole, pole line, pipe, pipeline, fence, billboard, stand, driveway, building excavation or any structure or object of any kind or character not particularly mentioned in this section, which is placed in, under or over any portion of the entire width of right-of-way of a county highway within the county of Lassen, whether or not such portion is actually used for highway purposes.

“Highway” means and includes all or any part of the entire width of right-of-way of a county highway, whether or not such area is actually used for highway purposes.

“Person” means any person, firm, partnership, association, corporation, district or organization. (Ord. 526 § 2, 1995).

10.50.020 Permits—Authorized for certain encroachments.

The road commissioner of the county may issue written permits authorizing the permittee to do any of the following acts:

- (a) Make an opening or excavation for any purpose in any county highway.
- (b) Place, change or renew an encroachment.
- (c) Place or display in, under or over any county highway any kind of advertising sign or device. Any such sign or device placed or displayed contrary to the provisions of this section is a public nuisance and the county road commissioner may immediately remove it. The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this state.
- (d) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any county highway. (Ord. 526 § 2, 1995).

10.50.030 Permits—Improvement exceptions.

Notwithstanding that encroachment permits shall be required for all encroachments into the county highway, no road improvements shall be required under the following circumstances:

- (a) Existing driveways that were approved by the county of Lassen;
- (b) Minor development improvements which do not result in significant changes in land use or traffic;
- (c) Existing driveways that are the same type of composition as the county roadway to which they encroach;
- (d) Nothing contained herein shall excuse compliance with road improvements required pursuant to the county subdivision road standards or applicable general/specific plan. (Ord. 526 § 2, 1995).

10.50.040 Fees for the issuance of encroachment permits.

The board reserves the authority and right to establish, by resolution, a schedule of fees for the engineering review and inspection of work performed under the authority of a written permit issued pursuant to the provisions of this chapter. (Ord. 526 § 2, 1995).

10.50.050 Conditions.

Any permit issued under the provisions of this chapter may provide that the permittee will pay the entire expense of replacing the highway in as good condition as before, and may provide such other conditions as to the location and the manner in which the work is to be done as the county road commissioner finds necessary for the protection of the highway. (Ord. 526 § 2, 1995).

10.50.060 Compliance with chapter and term of permit.

Any act done under the authority of a written permit issued pursuant to the provisions of this chapter shall be done in accordance with the applicable provisions of this chapter and the terms and conditions of such permit. (Ord. 526 § 2, 1995).

10.50.070 Removal or relocation—Revocation of permit.

Any permit issued to a permittee shall contain a provision that in the event of the future improvement of the highway, necessitating the relocation or removal of such encroachment, the permittee will relocate or remove the same at his sole expense. In such event, the county road commissioner shall serve on the permittee a written demand specifying the place of location or that the encroachment must be removed from the highway and specifying a reasonable time within which the work of relocation shall be commenced. The permittee shall commence such relocation or removal within the time specified in the demand and thereafter diligently prosecute the same to completion. All permits other than those issued pursuant to Section 10.50.130 are revocable on five days' notice and the encroachment shall be removed or relocated as may be specified by the county road commissioner in the notice revoking the permit and within the time specified by the county road commissioner, which time shall not be less than five days unless the permit so provides. (Ord. 526 § 2, 1995).

10.50.080 Supervision of work by county road commissioner.

The county road commissioner shall not directly supervise any work done under permit issued under the provision of this chapter. Control of work done under this chapter shall be limited to engineering review of plans required for issuance of the permit and inspection of work to insure compliance with permit requirements. (Ord. 526 § 2, 1995).

10.50.090 Emergency repairs.

Permittees may excavate openings into county highways to make repairs in cases of emergency requiring immediate action. In such cases the appropriate representative of the county road commissioner's office shall be promptly notified of any such action and such permittee, at his own expense, shall immediately replace such county highway in as good condition as before such excavation. A city or public corporation supplying water service to its inhabitants may, within its corporate limits, excavate a county highway without a permit in cases of emergency requiring immediate action; but in such cases the county highway shall at the expense of the city or public corporation be replaced in as good condition as before such excavation. (Ord. 526 § 2, 1995).

10.50.100 Bond generally.

Before granting a permit under the provisions of this chapter, the county road commissioner may require the applicant to file with him a satisfactory bond, or a cash deposit equal to the amount of the bond, payable to the county in such an amount as he deems sufficient to insure proper compliance by the permittee with the provisions of this chapter. (Ord. 526 § 2, 1995).

10.50.110 Annual bond of public utilities.

Public utilities corporations shall annually file with the county road commissioner of the county a faithful performance bond covering all permits required under this chapter by the public utilities corporations for each year in such amounts as the county road commissioner deems sufficient, conditioned upon the proper compliance by the corporations with the provision of this chapter. (Ord. 526 § 2, 1995).

10.50.120 Bonding of political subdivisions, etc.—Issuance of permit to political subdivisions, etc.

Except as otherwise provided in this section, a bond shall not be required of any city, public corporation or political subdivision which is authorized by law to establish or maintain any works or facilities, in, under or over any public highway, nor shall the application of any such governmental unit for a permit be denied. Every such applicant is entitled as a matter of right to a permit, but is otherwise subject to the provisions of this chapter and to all reasonable conditions and provisions made by the county road commissioner in any such permit.

The county road commissioner may require of any such applicant a bond in a sum not to exceed twenty thousand dollars if such applicant has in fact prior to such application failed to comply with the provisions of this chapter or with the provisions of a previous permit. (Ord. 526 § 2, 1995).

10.50.130 Water or utility district blanket permits.

Any city, municipal utility district, municipal water district or metropolitan water district is entitled to a blanket permit renewable annually for the installation of its service connection and for ordinary maintenance of its facilities located or installed in county highways; but the county road commissioner may revoke any such blanket permit if the permittee fails to comply with the provisions of this chapter. When any such permit is revoked in a proper case such municipal utility district, municipal water district or metropolitan water district is entitled to a permit only on furnishing a bond as provided in Section 10.50.120. (Ord. 526 § 2, 1995).

10.50.140 Violation.

(a) No person shall encroach, or permit or caused to be placed any encroachment, into a county highway without first having obtained a valid encroachment permit.

(b) No person who has obtained a valid encroachment permit shall violate any terms or conditions imposed therein. (Ord. 526 § 2, 1995).

10.50.150 Penalties.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail for a period of not more than thirty days and/or by a fine of not more than two hundred and fifty dollars. (Ord. 526 § 2, 1995).

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Chapter 10.52 PARKING DURING SNOW CONDITIONS

10.52.010 Parking during snow conditions.

It is unlawful for any person to park or leave unattended any vehicle upon the right-of-way of any county road in the county at any time and in any manner which will obstruct, delay, hinder or otherwise inconvenience the county and the officers and employees thereof in any of the snow removal operations by any of the county officers and employees. (Ord. 563 § 2, 2005).

10.52.020 Illegally parked vehicles subject to removal.

It shall be the right and duty of the officers and employees, or any of them, of the county, during snow removal operations, or in preparing for such snow removal, to remove or cause to be removed any such vehicle parked or left unattended on any county road in violation of Section 10.52.010 at the expense of the owner or person in charge thereof. The ordinance codified in this chapter shall not be effective until the street or highway, or portion thereof, has been sign-posted in a conspicuous place, in accordance with California Vehicle Code Section 22510, with a notice not less than seventeen inches by twenty-two inches in size, with lettering not less than one inch in height, setting forth the days the parking is prohibited. (Ord. 563 § 3, 2005).

10.52.030 Violation—Penalty.

The penalty for a violation of Section 10.52.010 shall be a fine in the amount of fifty dollars for each offense. (Ord. 563 § 4, 2005).

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Chapter 10.54 OFF-HIGHWAY VEHICLES

10.54.010 Definitions.

(a) For the purposes of this chapter “off-highway vehicles (OHVs)” shall be defined as off-highway motorized wheeled vehicles including, but not limited to: “all-terrain vehicles (ATVs),” “utility vehicles (UTVs),” “trail bikes,” “dune buggies,” “off-road motorcycles,” and Jeep-type vehicles, pursuant to Sections 38006, 38010, and 38012 of Division 16.5, “Off-Highway Vehicles” of the California Vehicle Code. This definition applies to off-highway motorized wheeled vehicles that are not licensed for on-highway use as well as highway-licensed vehicles while operated off-highway.

(b) For the purposes of this chapter, “rural recreation areas” shall be defined as those portions of Lassen County and adjoining counties accessible through Lassen County that lie outside of residential areas, and that are, and have been commonly utilized for motorized outdoor recreation purposes, including, but not limited to, the operation of motorized vehicles such as Jeep-type vehicles, dune buggies, ATVs, UTVs, trail bikes, off-road motorcycles, or similar on- and off-highway vehicles.

(c) For the purposes of this chapter, “unpaved roads, or portion of unpaved roads, of the following county roads within the Lassen County maintained mileage system which are within or connecting to rural recreation areas,” shall be designated as fire trails, logging roads, service roads, or other roughly graded roads, pursuant to Section 38001 of Division 16.5, “Off-Highway Vehicles” of the California Vehicle Code. Furthermore, the design of these specified unpaved roads allows for the safe operation of regular vehicular traffic and off-highway vehicle use (i.e., are low volume, low speed roadways which are minimally maintained and which provide access to rural recreation areas and public lands). (Ord. 2011-007 § 2).

10.54.020 Off-highway vehicles—Allowable uses.

Off-highway vehicles may be operated at the operator’s own risk on the following unpaved county roads, or portions of unpaved roads, within the Lassen County maintained mileage system which are within or connecting to rural recreation areas:

Road District 1 (Westwood):	
CR 101 McCoy Road:	(entire 9.44 miles, Mooney Road (A-21) to SH 44)
CR 104 Norvel Road:	(entire 9.57 miles, McCoy Road (CR 101) to Mooney Road (A-21))
CR 105 Champs Flat Road:	(16.05 mile portion, FS Road 21 to FS Road 22)
CR 110 Silver Lake Road:	(entire 5.18 miles, Mooney Road (A-21) to Road 8224)
CR 111 Pittville Road:	(25.6 mile portion, SH 44 to Cinder Cone Road)

CR 112 Bridge Creek Spring Road:	(entire 12.15 mi, SH 44 to Champs Flat Road (CR 105))
CR 113 Indian Ole Road:	(entire 1.55 miles, Mooney Road (A-21) to end)
Road District 2 (Susanville):	
CR 204 Gold Run Road:	(4.70 mile portion, end of pavement to Plumas County Line)
CR 216 Karlo Road:	(entire 6.30 miles, SH 395 to Road 8293)
CR 249 Signal Butte Road:	(entire 0.21 miles, Eagle Lake Road (A-1) to end)
Road District 3 (Standish):	
CR 327 Fort Sage Road:	(entire 10.5 miles, Hackstaff Road (CR 322) to Nevada State Line)
CR 331 Doyle Grade:	(3.10 mile portion, end of pavement to Plumas County Line)
CR 336 Milford Grade:	(3.04 mile portion, end of pavement to Plumas County Line)
CR 338 Smoke Creek Ranch Road:	(entire 19.02 miles, SH 395 to Nevada State Line)
CR 341 Stoney Creek Road:	(entire 1.78 miles, SH 395 to end)
CR 344 Summers Road:	(entire 3.80 miles, Hackstaff Road (CR 322) to end)
CR 348 Connection Road:	(entire 3.30 miles, Wendel Road (CR 320) to end)
Road District 4 (Bieber):	
CR 417 Punkin Center Road:	(3.70 mile portion, end of pavement to Road 8016)
Road District 5 (Ravendale):	
CR 503 Horn Road:	(entire 9.90 miles, Mail Route Road (CR 502) to end)
CR 506 Tuledad Road:	(entire 24.06 miles, Mail Route Road (CR 502) to Nevada State Line)
CR 507 So. Grasshopper Road:	(entire 9.09 mi, SH139 to Termo Grasshopper Road (CR 513))
CR 509 Blue Lake Road:	(entire 10.20 mile, Clarks Valley Road (CR 510) to end)
CR 510 Clarks Valley Road:	(entire 23.35 miles, SH 395 to Tuledad Road (CR 506))
CR 515 Cold Spring Road:	(entire 6.00 miles, Mail Route Road (CR 502) to end)

CR 519 Dow Butte Road:	(entire 6.59 mi, Champs Flat Road (CR 105) to Cleghorn Road (CR 521))
CR 521 Cleghorn Road:	(entire 9.00 miles, SH 139 to Road 8090)
CR 524 Spooner Road:	(entire 6.76 miles, Ash Valley Road (CR 527) to end)
CR 527 Ash Valley Road:	(entire 28.10 miles, SH 395 to Modoc County Line)
CR 536 Horse Lake Road:	(entire 25.53 miles, SH 139 to SH 395)

(Ord. 2011-007 § 2).

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Chapter 11.05 LASSEN COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

11.05.010 Lassen County in-home supportive services public authority created separate entity.

(a) Pursuant to Welfare and Institutions Code Section 12301.6, there is hereby created the Lassen County in-home supportive services public authority.

(b) The Lassen County in-home supportive services public authority shall be a public entity separate from the county of Lassen, and shall file the statements required by Government Code Section 53051. (Ord. 552 § 2, 2002).

11.05.020 Definitions.

The following words and phrases when used in this chapter shall be construed to have the following meanings:

“County” means the county of Lassen.

“IHSS” means in-home supportive services as described in Welfare and Institutions Code Section 12300 et seq.

“In-home supportive services personnel” and “provider” means a person who provides in-home supportive services to one or more recipients.

“Public authority” means the Lassen County in-home supportive services public authority.

“Recipient” means a person eligible and authorized to receive in-home supportive services under Welfare and Institutions Code Section 12300 et seq. (Ord. 552 § 2, 2002).

11.05.030 Purpose.

The purpose of the public authority is to provide for the delivery of in-home supportive services to qualified residents of the county, subject to all applicable federal and state laws and regulations, and to the provisions of this article. (Ord. 552 § 2, 2002).

11.05.040 Governing board—Board of supervisors.

The governing body of the public authority is the Lassen County board of supervisors (hereinafter the “public authority board”). (Ord. 552 § 2, 2002).

11.05.050 Public authority board powers.

The public authority shall be a corporate public body, exercising public and essential governmental functions, and, subject to the provisions set forth in this article, shall have all the powers necessary or convenient to carry out the delivery of in-home supportive services in the county, including but not limited to the power to contract for services pursuant to Welfare and Institutions Code Sections 12302 and 12302.1, and to make or provide for direct payment to a provider chosen by the recipient pursuant to Welfare and Institutions Code Sections 12302 and 12302.2. (Ord. 552 § 2, 2002).

11.05.060 Public authority duties and responsibilities.

The public authority shall have the following duties and responsibilities:

- (a) Provide assistance to recipients in finding in-home supportive services personnel through the establishment of a registry.
- (b) Investigate the qualifications and background of potential in-home supportive services personnel.
- (c) Establish a referral system under which in-home supportive services personnel shall be referred to recipients.
- (d) Provide for training for providers and recipients; provided, however, that the public authority shall not be obligated to provide training directly, to pay for training provided privately or in the community, to pay providers for the time spent in training, to accompany recipients to training, to pay for transportation to training, or to pay for any materials required by the training. The public authority also shall not be obligated to screen or be responsible for the content of any training it informs providers or recipients is available in the community (i.e., not provided directly by the public authority), or to ensure that any provider or recipient attend or complete any training.
- (e) Ensure that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Codes are met.
- (f) Develop written procedures to address consumer and consumer representative complaints related to a provider's delivery of in-home supportive services.
- (g) Adopt rules and regulations for the administration of the public authority consistent with the provisions of this article.
- (h) The authority shall not be responsible for 1) authorizing services for an IHSS recipient; 2) determining a recipient's need for IHSS, the level and quality of services required, and the eligibility of individuals to be served; 3) conducting the initial or any subsequent assessment of need for services; or 4) terminating the recipient's participation in the IHSS program. The above referenced services and functions shall be the exclusive responsibility of the department of employment and social services.
- (i) Perform other functions related to the delivery of in-home supportive services as may hereafter be prescribed by law. (Ord. 552 § 2, 2002).

11.05.070 Public authority—Administration.

At the discretion of the public authority board, there may be an executive director of the public authority, who shall be appointed by and serve at the pleasure of the public authority board. The public authority board shall provide for the appointment of all other public authority employees, and may provide that it shall make any such appointments, or may delegate that authority to the executive director. Officers, officials, employees, agents and volunteers of the public authority shall not be deemed to be officers, officials, employees, agents or volunteers of the county for any purpose. (Ord. 552 § 2, 2002).

11.05.080 Public authority board—Advisory committee.

- (a) The board of supervisors shall appoint an advisory committee for the public authority, as provided in Welfare and Institutions Code section 12301.3.

(b) The Lassen County IHSS advisory committee, established by Resolution No. 00-066 of the Lassen County board of supervisors, shall serve as the advisory committee described in subsection (a) of this section. (Ord. 552 § 2, 2002).

11.05.090 Public authority—Employment functions.

(a) The public authority shall be deemed to be the employer, within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, of in-home supportive services personnel referred to recipients by the public authority. The public authority shall preserve the individual provider mode of service for recipients of IHSS and shall ensure that recipients retain the unconditional and exclusive right to hire, fire and supervise the work of their providers. In no event shall in-home supportive services personnel be deemed to be employees of the county for any purpose.

(b) Recipients shall retain the right to select, terminate, and direct the work of any in-home supportive services personnel providing services to them. In addition, the public authority shall have no authority or jurisdiction to regulate, control or limit the rights and responsibilities of recipients of in-home supportive services to recruit, hire, fire or supervise providers. The right to supervise includes, but is not limited to, the right to determine matters such as work schedules, tasks and duties, assignment and direction of work, methods and standards of care and conduct, discipline, provision for safety and security, control of premises, any in-home living or other accommodations, and final resolution of concerns, problems and complaints relating to such supervision. Recipients retain such rights and responsibilities independent of the public authority, just as they held such rights and responsibilities independent of the county prior to the formation of the public authority. (Ord. 552 § 2, 2002).

11.05.100 State's responsibilities.

The creation and operation of the public authority shall not affect the state's responsibilities with respect to the state payroll system, unemployment insurance, or workers' compensation and other provisions of Welfare and Institutions Code Section 12302.2 for individual providers of in-home supportive services. (Ord. 552 § 2, 2002).

11.05.110 County responsibilities.

The county shall retain the responsibility to determine recipient eligibility for IHSS and to determine the number of hours of service each eligible recipient may receive. (Ord. 552 § 2, 2002).

11.05.120 Recipient selection.

Recipients of in-home supportive services may select in-home supportive services personnel who are not referred to them by the public authority. Those personnel shall nevertheless be referred by the recipients to the public authority for the purposes of wages, benefits and other terms and conditions of employment. (Ord. 552 § 2, 2002).

11.05.130 Public authority—Labor relations.

(a) Subject to the provisions of subsection (a) of this section, the public authority board shall adopt such personnel and labor relations rules and regulations as it deems necessary or appropriate and are consistent with federal, state and local laws and regulations.

(b) Due to the special and critical health-care services provided through the IHSS program, the Lassen County board of supervisors hereby finds that any interruption of such services would pose an imminent threat to the health and safety of the recipients of IHSS services and to the community. In order to minimize the likelihood of such interruption and thereby protect the health and safety and to promote harmony and productive labor relations between the public authority and any labor organization which seeks to represent or represents IHSS providers or public authority personnel:

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

(2) Any collective bargaining agreement reached between the public authority and any labor organization certified to represent IHSS providers shall be subject to the limitations of this article, and to ratification in its entirety (i.e., all provisions of such agreements shall be subject to the same vote) by a simple majority of the votes cast in a ballot in which all providers, as defined by the public authority board, shall be eligible to participate. Final adoption of any such agreement shall be by a simple majority vote of the public authority board. (Ord. 552 § 2, 2002).

11.05.140 County costs.

The costs and expenses of the county to provide administrative, legal, labor relations and other services requested by the public authority and agreed to by the county, and to make payments to or provide benefits for in-home supportive services providers, shall be charged against the funds of the public authority. (Ord. 552 § 2, 2002).

11.05.150 Public authority—County agreement.

Prior to initiating delivery of IHSS through the public authority, the public authority shall enter into an agreement with the county specifying the roles and responsibilities of each party, provide for the county's provision of such administrative, legal, labor relations, and other services to the public authority as the parties may deem necessary or appropriate, and including provisions which ensure compliance with all applicable federal, state and local laws and regulations, including but not limited to all statutory and regulatory provisions applicable to the delivery of IHSS, and federal and state labor laws. (Ord. 552 § 2, 2002).

11.05.160 Fiscal provisions.

(a) IHSS services shall not be reduced in order to fund the public authority or implementation of Government Code Sections 3500 et seq.

(b) To ensure that the public authority's budget procedures and adoption are compatible with the county's budget, the public authority board shall adopt its budget under the same procedural laws, rules and policies that control the county budget process.

(c) The public authority board shall not agree to or approve any collective bargaining or other agreement that requires an increase in wages or benefits unless there is a state or federal match for such increases.

(d) The establishment and operation of the public authority or the application of Government Code Sections 3500 et seq., shall not result in payments from the county's general fund beyond the county's annual appropriation for the public authority, if any, which shall be an absolute limit on county cost.

(e) The maximum amount of county funds available in any given budget year for the public authority's wage and benefit negotiations, if any, shall be set by the board of supervisors as part of the county's annual

budget as it may be amended from time to time. While the establishment of this figure shall not obligate the county, it shall serve as the absolute limit to county costs for any increases negotiated in collective bargaining taking place that fiscal year. The absolute cap on annual county spending on wage or benefits increases shall not be affected by any potential changes in state or federal reimbursement rates.

(f) The total of all operating costs, wages and benefits proposed or established by the public authority board shall be consistent with the provisions of the county budget. The public authority board shall not establish a payment rate, including costs of wages, benefits and operation, until the public authority board determines that the funds necessary for the payment rate are legally available. The annual appropriation for the public authority, if any, contained in the county's fiscal budget for any fiscal year shall be an absolute limit on county cost for that fiscal year. (Ord. 552 § 2, 2002).

11.05.170 Limitations of public authority liability.

(a) The public authority shall not be deemed to be the employer of in-home supportive services personnel referred to recipients for purposes of liability due to the negligence or intentional torts of the in-home supportive services personnel.

(b) The public authority shall not be held liable for any action or omission of any in-home supportive services personnel whom the public authority did not list on a registry or otherwise refer to a recipient. (Ord. 552 § 2, 2002).

11.05.180 Limitations of county liability.

(a) The county shall be immune from any liability resulting from the implementation of this article or Welfare and Institutions Code Section 12302.6.

(b) The county shall be immune from any liability resulting from the administration of the IHSS program pursuant to this article or Welfare and Institutions Code Section 12301.6.

(c) Any obligation of the public authority, whether statutory, contractual or otherwise, shall be the obligation solely of the public authority and shall not be the obligation of the county. Any and all contracts, leases or other agreements of any nature, including collective bargaining agreements, between the public authority and third parties other than the county shall contain an express provision advising the third party that the public authority is a separate governmental entity and that such agreement does not bind the county. (Ord. 552 § 2, 2002).

11.05.190 Liability insurance.

Without limiting the public authority's indemnification of the county as set forth below, the public authority shall acquire and maintain appropriate insurance in amounts and coverage as are determined by the county's risk manager to be adequate, and shall name the county, its elected and appointed officers, employees and agents as additional insureds on any policies of insurance maintained by the public authority. Evidence of such insurance shall be provided to the county's risk manager within thirty days of procurement. (Ord. 552 § 2, 2002).

11.05.200 Indemnification.

The public authority shall indemnify, defend and hold harmless the county, its elected and appointed officers, employees and agents from and against any and all liability, including defense costs and legal fees, and claims for damages of any nature whatsoever, including but not limited to personal injury or property

damages, arising from or connected with any act or omission of any officer or personnel of the public authority. (Ord. 552 § 2, 2002).

11.05.210 Severability.

If any provision of this chapter, or the application of such provision to any person or circumstance, is held, valid, the remaining provisions of this chapter shall be deemed severable from the invalid provision and shall remain in full force and effect. (Ord. 552 § 2, 2002).

11.05.220 Termination—Review.

The board of supervisors shall review the provisions of this chapter, including but not limited to the creation of an independent public authority for the purpose of determining whether to provide for the appointment of an independent governing board for the public authority, or whether to otherwise modify or repeal the provisions of this chapter, and to take such other actions as the board of supervisors may deem appropriate. (Ord. 552 § 2, 2002).

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Chapter 11.10 REPRESENTATION FEES

11.10.010 Payment regulations.

The county of Lassen may pay, but is expressly exempted from the obligation to pay, representation fees mandated by the provisions of Section 17403.1 of the California Welfare and Institutions Code. (Ord. 468 § 2, 1984).

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Chapter 11.14 EMERGENCY ORGANIZATION

11.14.010 Purposes.

The declared purposes of the ordinance codified in this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this county in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this county with all other public agencies, corporations, organizations and affected private persons. (Ord. 519 § 1, 1994).

11.14.020 Definition.

As used in the ordinance codified in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this county caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the county, requiring the combined forces of other political subdivision to combat. (Ord. 519 § 2, 1994).

11.14.030 Disaster council membership.

- (a) The Lassen County disaster council is created and shall consist of the following:
 - (1) The chair of the board of supervisors, who shall be chair;
 - (2) The director of emergency services, who shall be vice-chair; and
 - (3) The assistant director/coordinator of emergency services who shall serve as vice-chair in the director's absence.
- (b) Such representatives of civic, business, labor, veterans, professional or other organizations having an official emergency responsibility, as may be appointed by the board of supervisors.
- (c) The assistant director/emergency services chief who shall serve as the vice-chair in the director's absence. (Ord. 519-A § 2, 2010; Ord. 519 § 3, 1994).

11.14.040 Disaster council powers and duties.

It shall be the duty of the Lassen County disaster council, and it is empowered, to develop and recommend for adoption by the board of supervisors, emergency and mutual aid plans and agreements and such ordinances, and resolutions, and rules, and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chair, or in his or her absence from the county or inability to call such a meeting, upon call of the vice chairman. (Ord. 519 § 4, 1994).

11.14.050 Director and assistant director of emergency services.

(a) There is hereby created the office of the director of emergency services. The director shall be appointed by the board of supervisors.

(b) There is hereby created the office of the assistant director/emergency services chief, who shall be appointed by the director and approved by the board of supervisors. (Ord. 519-A § 2, 2010; Ord. 519 § 5, 1994).

11.14.060 Director and assistant director of emergency services—Powers and duties.

(a) The director is empowered to:

(1) Request the board of supervisors to proclaim the existence or threatened existence of a local emergency if the board of supervisors is in session, or to issue such proclamation if the board of supervisors is not in session. Whenever a local emergency is proclaimed by the director, the board of supervisors shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;

(2) Recommend that the chair of the board of supervisors request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

(3) Control and direct the effort of the emergency organization of this county for the accomplishment of the purposes of the ordinance codified in this chapter;

(4) Direct cooperation between and coordination of services and staff of the emergency organization of this county; and resolve questions of authority and responsibility that may arise between them;

(5) Represent this county in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

(6) In the event of the proclamation of a local emergency as provided in this chapter, the proclamation of a state emergency by the governor or the director of the State Office of Emergency Services, or the existence of a state of war emergency, the director is empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency. Provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board of supervisors,

(B) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the county for the value thereof, and if required immediately, to commandeer the same for public use,

(C) To require emergency services of any county officer or employee, and in the event of the proclamation of a state of emergency in the county or the existence of a state of war emergency, to command the aid of as many citizens of this county as he or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers,

(D) To requisition necessary personnel or material of any county department or agency, and

(E) To execute all of his or her ordinary power as emergency services director conferred upon him or her by the ordinance codified in this chapter, or by resolution or emergency plan pursuant hereto adopted by the board of supervisors, all powers conferred upon him or her by any statute, by any agreement approved by the board of supervisors, and by any other lawful authority.

(b) The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his or her duties during an emergency. Such order of succession shall be approved by the board of supervisors.

(c) The assistant director/emergency services chief shall, under the supervision of the director and with the assistance of emergency services staff, develop emergency plans and manage the emergency programs of this county; and he or she shall have such power and duties as may be assigned by the director. (Ord. 519-A § 2, 2010; Ord. 519 § 6, 1994).

11.14.070 Emergency organization.

All officers and employees of this county, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of subsection (a)(6)(C) of Section 11.14.060 of this chapter, be charged with duties incident to the protection of life and property in this county during such emergency, shall constitute the emergency organization of the county of Lassen. (Ord. 519 § 7, 1994).

11.14.080 Emergency plan.

The Lassen County disaster council shall be responsible for the development of the County of Lassen Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this county, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and it shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the board of supervisors. (Ord. 519 § 8, 1994).

11.14.090 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the county of Lassen. (Ord. 519 § 9, 1994).

11.14.100 Punishment of violations.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during a state of war emergency, state of emergency, or local emergency, to:

- (1) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to the ordinance codified in this chapter, or in the performance of any duty imposed upon him by virtue of the ordinance codified in this chapter;
- (2) Do any act forbidden by any lawful rule or regulation issued pursuant to the ordinance codified in this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder, or delay the defense or protection thereof;
- (3) Wear, carry or display without authority, any means of identification specified by the emergency agency of the state. (Ord. 519 § 10, 1994).

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Chapter 11.15 AMBULANCE SERVICES

11.15.010 Purpose and intent.

The purpose of this chapter is to provide for the public health, safety, and welfare in the operation of pre-hospital emergency care resources through the establishment of effective standards for the operation, equipment, and personnel of ambulance service. It is intended that this chapter be consistent with and supplement the provisions of the emergency medical services systems and the Pre-hospital Emergency Medical Care Personnel Act (Division 2.5 of the Health and Safety Code). (Ord. 564 § 3, 2005).

11.15.020 Definitions.

For the purposes of this chapter, the following definitions shall apply. These definitions are meant only to supplement and not to supplant the definitions set forth in Division 2.5 of the Health and Safety Code.

“Ambulance” means a vehicle certified by the California Highway Patrol that is specifically constructed, modified, equipped, designed, used and operated for transporting sick, injured, convalescent, or otherwise incapacitated persons. “Medi-vans” and/or “gurney-vans” are not included in this definition, nor are they meant to be used interchangeably with “ambulance.”

“Ambulance provider” means a person, organization, company, corporation, or other entity, whether public or private, which provides ambulance services.

“Ambulance provider agreement” means a written agreement between the local EMS agency and an ambulance provider entered into pursuant to Section 11.15.040 of this chapter.

“Ambulance service area(s)” means area(s) designated by the board of supervisors for the provision of emergency medical services. The map depicting and defining the geographic service areas shall be available from the permit officer.

“Ambulance services” means the transportation (including, but not limited to, interfacility transfers) by an ambulance provider of sick, injured, convalescent, or otherwise incapacitated persons and the furnishing of authorized pre-hospital medical care in conjunction therewith.

“Board of supervisors” means the Lassen County board of supervisors.

“Chapter” means Chapter 11.15 of the Lassen County Code.

“County” means Lassen County.

“Emergency Medical Services System Act” means the Emergency Medical Service Systems and the Pre-hospital Emergency Medical Care Personnel Act as set forth in Division 2.5 of the Health and Safety Code. Any reference thereto shall be deemed to refer to the Act as it may be amended subsequent to the enactment of the ordinance codified in this chapter.

“Exclusive operating area” means an ambulance service area for which the local EMS agency, upon the recommendation of Lassen County, restricts operations to one or more emergency ambulance services.

“Health and Safety Code” means the California Health and Safety Code. Any reference thereto shall be deemed to refer to the Code as it may be amended subsequent to the enactment of the ordinance codified in this chapter.

“Local EMS agency” means the entity which the Lassen County board of supervisors has designated or contracted with pursuant to the Emergency Medical Service Act to fulfill the duties and responsibilities prescribed in the act to be undertaken by a “local EMS agency” as that term is defined in the Act.

“Permit officer” means the County administrative officer or his or her designee.

“Person” means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any organization of any kind.

“Provisional ambulance provider agreement” means an ambulance provider agreements, which is limited in duration (not to exceed ninety days), executed between the LEMSA and an ambulance provider.

“State” means the state of California. (Ord. 564-A § 2, 2007; Ord. 564 § 3, 2005).

11.15.025 Regulations.

(a) The permit officer shall make necessary and reasonable rules and regulations covering ambulance service operation, ambulance transport equipment, ambulance personnel, and standards of dispatch for the effective and reasonable administration of this chapter.

(b) These regulations shall include, but not be limited to:

- (1) Response time standards for emergency responses in each area of the county;
- (2) Identification of required operational reports and dispatch records;
- (3) Personnel requirements;
- (4) Equipment requirements;
- (5) Vehicle requirements;
- (6) Dispatch center requirements and dispatching procedures;
- (7) Countywide system status management plan; and
- (8) Other operational and dispatch standards.

(c) The minimal level of care that is to be provided for all primary response units is advanced life support. (Ord. 564 § 3, 2005).

11.15.030 Permit required.

(a) No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance operator’s permit or a contract with Lassen County to provide ambulance service within an exclusive operative area.

(b) No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in air ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance operator's permit. This includes air ambulance services that are based outside of Lassen County that provide emergency response within Lassen County.

(c) No permit is required for the delivery into Lassen County of persons picked up outside the county boundaries. (Ord. 564 § 3, 2005).

11.15.035 Exclusive operating permits.

(a) The local EMS agency, upon recommendation of the board of supervisors, may, designate an ambulance service area within Lassen County as an exclusive operating area, as defined by Section 1797.85 of the California Health and Safety Code.

(b) Except as described in subsection c of this section, a competitive process meeting the requirements of Section 1797.224 of the California Health and Safety Code shall be used to grant an exclusive operating permit to a single provider within any competitive exclusive operating area. The county shall use a written request for proposals that shall identify the minimum and desired criteria that will be used to select the ambulance service. It shall include, but not be limited to, all applicable requirements established by this chapter.

(c) Any ambulance service operating in Lassen County and meeting the requirements of Section 1797.224, California Health and Safety Code may apply for a non-competitively granted exclusive operating permit. Only one exclusive operating permit may be granted within any zone.

(d) A contract shall be negotiated with the ambulance provider selected within each exclusive operating area. It shall bind the ambulance provider to the requirements established by this chapter and any greater requirements established through the competitive process. (Ord. 564-A § 3, 2007; Ord. 564 § 3, 2005).

11.15.040 Ambulance provider agreements.

(a) In addition to the county's permitting process and in conformity with the Emergency Medical Services System Act and the regulations adopted pursuant thereto, any ambulance service operating in Lassen County shall meet all requirements of the local EMS agency, including maintaining a current provider agreement.

(b) The policies and procedures governing the terms and conditions of ambulance provider agreements shall include, but not be limited to, staffing and certification requirements for ambulance personnel, deployment and usage requirements, performance standards, reporting requirements, insurance and workers' compensation requirements, training requirements, mutual aid requirements, and vehicle maintenance standards. (Ord. 564 § 3, 2005).

11.15.050 Permit requirements.

(a) Liability Insurance.

(1) Each ambulance permittee, at its sole cost and expense, shall obtain and maintain at minimum compliance with all of the following insurance coverage(s) and requirements. Such insurance coverage shall be primary coverage as respects the county and any insurance or self-insurance maintained by the county shall be in excess of contractor's insurance coverage and shall not contribute to it:

(A) Workers' compensation in the minimum statutorily required coverage amounts;

(B) Automobile liability insurance for each of the permittee's vehicles used in the performance of its permit, including owned, nonowned (e.g., owned by the permittee's employees), leased or hired vehicles;

(C) Comprehensive or commercial general liability insurance coverage, including coverage for: (i) bodily injury, (ii) personal injury, (iii) broad form property damage, (iv) contractual liability, and (v) cross-liability;

(D) Professional liability insurance.

(2) If any of the above insurance coverage is provided on a "claims made" rather than "occurrence" form, the permittee shall maintain the required coverage for a period of three years after the expiration of its permit. The permittee may maintain the required post-permit coverage by renewal or purchase of prior acts or tail coverage. This provision is contingent upon post agreement coverage being both available and reasonably affordable in relation to the coverage provided during the term of this agreement. For purposes of interpreting

this requirement, a cost not exceeding one hundred percent of the last annual policy premium during the term of this agreement in order to purchase prior acts or tail coverage for post agreement coverage shall be deemed to be reasonable.

The board of supervisors shall by resolution set the minimum limits for the required insurance coverage. These shall take effect ninety days after adoption by the board of supervisors.

(b) Financial Responsibility. An ambulance provider shall provide the permit officer with information in reference to any pending action or unpaid judgments or liens against the provider, and the notice of the transactions or acts giving rise to the judgments or liens. The ambulance provider shall notify the permit officer in writing of the actions within one week of the notification from the levying agency. The reported information will be reviewed by the permit officer who will make a determination regarding the effect this information will have on the agency's ability to provide continuous service.

(c) Performance Security.

(1) The board of supervisors shall by resolution set the amount of a performance security for ambulance permittees. The amount shall be that required to ensure continuous availability of emergency ambulance service in the event of a major breach by the permittee.

(2) The permittee, prior to beginning service, shall provide a performance bond or other security method to the permit officer in the amount set in a form acceptable to the permit officer. Acceptable methods may include a cash bond, insurance bond, irrevocable letter of credit, or lien on vehicles and equipment.

(3) The performance security shall be structured so that in the event of a major breach by the permittee, the security is immediately transferred to Lassen County, with any challenge or appeal to follow.

(4) For the purpose of this section, a major breach is defined as discontinuation of service without at least one-hundred and eighty days notice or any event that results in revocation of any ambulance permit as described in Section 11.15.080.

(d) Service Level. The permittee shall be approved by the LEMSA as an advanced life support provider prior to beginning service.

(e) Response Standards.

(1) All emergency ambulances in regular services shall be staffed and equipped at the advanced life support level.

(2) Any response to an emergency request for ambulance service that is responded to by a unit not staffed at the ALS level shall be reported immediately to the permit officer.

(f) Unauthorized response. No ambulance service shall cause or allow its ambulances to respond to a location without first receiving a specific request from a Lassen County primary or secondary public safety answering point for such service at that location.

(g) Advertising.

(1) No person or organization shall announce, advertise, offer, or in any way claim that it provides emergency ambulance service unless it possesses a currently valid, emergency ambulance service permit.

(2) No person or organization shall announce, advertise, offer, or in any way claim that it provides advanced life support services unless it has been approved as an advanced life support provider by the Lassen County EMS Agency.

(3) No permittee under this chapter shall announce, advertise, offer, or in any way publicize any seven-digit phone number for use in emergencies. Any use of a seven-digit phone number for nonemergency ambulance service shall include the phrase "FOR EMERGENCIES, CALL 9-1-1" in capital letters that are at least as big as the letters used for the seven-digit telephone number.

(h) Rates.

(1) The allowable rates that the holder of a competitively granted exclusive permit may charge for providing emergency service shall be established as part of the competitive process and incorporated into the contract described in Section 11.15.035(d).

(2) The board of supervisors may set by resolution the emergency rates that all other ground ambulance permittees may charge for providing emergency service. (Ord. 564 § 3, 2005).

11.15.060 Fees.

(a) An application for an ambulance permit shall be accompanied by payment of an application fee, which shall include the ambulance permit fee for the first year's permit.

(b) An application for renewal of an ambulance permit shall be accompanied by payment of an annual permit fee.

(c) The board of supervisors shall set the fees by resolution. The fees shall not exceed the reasonable cost of administering and enforcing this chapter as determined by the board of supervisors. (Ord. 564 § 3, 2005).

11.15.070 Exemptions.

The provisions of this chapter shall not apply:

(a) To the delivery of persons from outside Lassen County who are transported to medical facilities in Lassen County by ambulances based and properly licensed in another jurisdiction;

(b) To persons engaged in the provisions of ambulance services when the services are rendered at the request of any county communications or dispatch center, or at the request of any law enforcement or fire protection agency during a "state of war emergency," a "state of emergency," or a "local emergency" as those phrases are now, and may hereafter, be defined in Section 8558 of the California Government Code;

(c) Whenever the county health officer determines that adequate emergency ambulance service will not be available from existing providers. The exemption provided in this subsection shall not exceed thirty days, but may be renewed for additional thirty-day periods thereafter, without limitation, at the discretion of the county health officer, should the officer determine, at the time of each renewal, that adequate emergency ambulance service will not be available from existing providers. The county health officer, in approving any thirty-day exemption as provided in this subsection, may condition such exemption on such terms as may, in the sole discretion of the county health officer, be appropriate and shall report, in writing, to the board of supervisors each time an exemption period is authorized. The county health officer may delegate his/her authority to the LEMSA for providing exemptions to this chapter and the reporting requirements;

(d) Whenever any peace officer, firefighter, certified emergency medical technician I/II, licensed paramedic, registered nurse, nurse practitioner, physician's assistant or physician arranges for the transportation of an individual in need of emergency medical care when no ambulance with a current ambulance provider agreement, or provisional ambulance provider agreement, is available and such transportation is required immediately;

(e) To ambulances owned and operated by agencies of the federal and state government;

(f) To ambulances owned and operated by a governmental agency which operates a search and rescue organization, provided the ambulance(s) are not regularly used to transport patients, except as part of rescue operations;

(g) To an ambulance provider that provides specialized transport services (such as, but not limited to, neonatal transport services) that are not available through those ambulance services with a current ambulance provider agreement;

(h) To air ambulance operations;

(i) Red Rock Road to the Sierra County line. (Ord. 564 § 3, 2005).

11.15.080 Enforcement

(a) Investigations and Inspections.

(1) The ambulance service permittee shall cooperate with the permit officer or designee in any investigations of possible violations of this chapter and shall make all dispatch logs and similar dispatch records available for inspection and copying at reasonable times at the permittee's regular place of business.

(2) At the request of the permit officer or his designee the ambulance provider shall submit self inspections of all ambulances on a form to be provided by the permit officer. The ambulance provider shall allow the permit officer or designee to inspect, on a preannounced or unannounced basis, all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours at the ambulance operations center. The purpose of such inspections may include, but shall not be limited to, determining if the ambulance and its equipment and appurtenances, including radios, are in good working order, properly maintained, and equipped for the provision of ambulance service.

(b) The permit officer may suspend or revoke an ambulance operator's permit for:

(1) Failure to comply and maintain compliance with, or for violation of, any applicable provision, standard or requirement of state law or regulation, of this chapter, or of any regulations promulgated under this chapter; or

(2) Failure to make and retain records showing its operations in any area covered by this chapter, including, but not limited to, dispatching, response, personnel, vehicles, medical treatment or billing, or failure to make such records available for inspection by the permit officer or designee; or

(3) Accepting an emergency call when it is either unable or unwilling to provide the requested service or fails to inform the person requesting such service of any delay and fails to obtain consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed; or

(4) Failure to pay any fine issued pursuant to this section within ten business days; or

(5) Failure to maintain local EMS agency approval as an advanced life support service.

(c) Suspension is not a condition precedent to revocation.

(d) The board of supervisors shall set by resolution maximum fines for violation of this chapter.

(e) Fines, not exceeding the amount established by the board of supervisors, may be issued by the permit officer for:

(1) Failure to respond to an emergency call within the required response times; or

(2) Failure to provide required clinical or operational reports, including dispatch records;

(3) Failure to respond to an emergency call with an advanced life support unit;

- (4) Failure to comply with the countywide system status management plan;
- (5) Failure to comply with requirements for personnel, equipment, and vehicles; or
- (6) Failure to comply with any other section of this chapter or any policy adopted pursuant to Section 11.15.025.

(f) Notice Issuance. Before any punitive action, the permit officer shall give written notice to the permittee specifying why such action is contemplated and giving the permittee a reasonable period of time (not less than five nor more than fifteen business days) to comply with the provisions in question or to show cause against suspension or revocation and setting a date for hearing thereon.

(g) Hearings.

(1) Hearing Officer. Hearings conducted pursuant to this chapter shall be conducted before a hearing officer designated by the county administrator. The hearing officer may issue subpoenas for the production of documents or the attendance of witnesses. The hearing officer shall determine whether oral evidence at the hearing shall be recorded by a court reporter. At the conclusion of the hearings, the hearing officer shall promptly prepare a written summary of the evidence and proposed findings and conclusions for consideration by the permit officer. The parties shall equally bear the expense of the hearing officer and the cost of the hearing. Each party shall bear its own expenses.

(2) Hearing Procedure. At the hearing, the permit officer has the burden of proof and may present evidence as to why such action should be taken and to answer the evidence presented by the permittee.

(3) Evidence. In hearings conducted pursuant to this chapter, evidence must be relevant, noncumulative, and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. So far as practicable, the hearing shall be conducted under Section 11513 of the Government Code and witnesses may be examined under Section 776 of the Evidence Code.

(h) Emergency Action. The permit officer may reduce the period of time for compliance under a suspension or revocation notice to no less than twenty-four hours and set the matter for hearing immediately upon expiration of the period when the permit officer makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When, as a result of such an emergency proceeding, a permit is suspended or revoked, the permittee may request an additional hearing at which the permittee will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearing will be commenced within five days of the permittee's request. The request for, or the scheduling of, an additional hearing shall not stay operation of the suspension or revocation order.

(i) Decision. The permit officer shall issue a written decision within thirty days after conclusion of the hearing.

(j) A fine not to exceed five hundred dollars for each additional violation of this chapter after the second violation within one year. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation. (Ord. 564 § 3, 2005).

11.15.090 Severability.

If any provision of this chapter or the application of any provision of this chapter to any person or circumstances is held invalid by a court of competent jurisdiction, that invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are expressly made severable. (Ord. 564 § 3, 2005).

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Chapter 13.04 NONBOATING ZONES

13.04.010 Definitions.

The following words and phrases when used in any provision of this chapter shall be construed to have the following meaning:

(1) "Boat" means any vessel or device except an aquaplane in or upon which persons or property may be transported upon, under or over the surface of water, including but not confined to any boat, raft, barge, canoe, skiff, dinghy, rowboat, sailboat, sailing vessel, yacht, motorboat, motor vessel, float, pontoon, commercial boat, launch and ship;

(2) "Motorboat" means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable outboard motors;

(3) "Aquaplane" means, any device used for the transportation of one or more persons upon the surface of the water which is pulled or towed by any boat, vehicle or other motive power by means of a rope, chain, cable, wire or other flexible connection, including but not confined to any aquaplane, plank, surfboard, or water ski;

(4) "Marked nonboating area" means any beach or water area set aside as a nonboating area, and marked as such in conformity with the provisions of Article 6, Title 14, California Administrative Code;

(5) The verb "to operate" means the steering of such boat in any manner, the operation or manipulation of any outboard or inboard engine or motor used to propel such boat, the operation, use or manipulation of oars, sails or other device used as the propulsion of such boat, while such boat is floating in or upon the waters of Eagle Lake;

(6) "Person" means any person, firm, partnership, association, corporation, company, estate, trust or organization of any kind;

(7) Words used in the male gender include the feminine and neuter and words used in the singular number include the plural.

(8) "Sheriff" means sheriff, or his authorized deputy, of the county of Lassen, state of California. (Ord. 410 § 2, 1972).

13.04.020 Zones designated.

The following described areas are designated areas prohibited to boating:

(1) Merrill Campground Boating Prohibited Area — Comprising that area described as lying within two hundred twenty-five feet of the centerline of the Merrill Campground access road, as such centerline is projected into Eagle Lake a distance of two hundred feet from the shoreline;

(2) Gallatin Boating Prohibited Area — Comprising that area described as lying within a distance three hundred feet in an easterly direction and five hundred feet in a westerly direction of the westerly border of the parking lot at Gallatin Beach, Eagle Lake, projected into Eagle Lake a distance of two hundred feet from the shoreline;

(3) (A) Pelican Island Boating Prohibited Area —Comprising the area described as lying within the following area: beginning at the shoreline opposite the northerly end of Spalding Landing Strip, projecting

into Eagle Lake a distance of three thousand feet due east, thence southerly three thousand nine hundred eight yards, more or less, to the easternmost point of Pelican Island, then westerly three thousand feet to the west shore of Eagle Lake at Pelican Point.

(B) Pelican Island Boating Prohibited Area shall exist only during the period May 1st to August 31st of each year. (Ord. 410C, 1973; Ord. 410A, 1973; Ord. 410 § 3, 1972).

13.04.030 Boating prohibited when.

It is unlawful for any person to operate a boat or aquaplane within a boating prohibited area at any time marker buoys denoting the boundaries of such area are in place. (Ord. 410 § 4, 1972).

13.04.040 Violation—Penalty.

Any person convicted of a violation of the provisions of Section 13.04.020 shall be punishable by a fine of not exceeding fifty dollars. (Ord. 410 § 5, 1972).

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Chapter 13.05 REGULATION OF ACTIVITIES AT EAGLE LAKE MARINA

13.05.010 Definitions.

As used in this chapter, all words and phrases shall have the following meanings:

- (1) "Board" means the Lassen County board of supervisors.
- (2) "Boat" means any device or vessel described in Section 13.04.010(2).
- (3) "Eagle Lake Marina" means that area beginning at the east end of the Eagle Lake Marina parking lot, and continuing westerly along the lake shore to the breakwater; then north and east along the inside of the breakwater, to the east end of the breakwater; thence on a line over the water, marked by approved buoys, to the point of beginning at the east end of the parking lot.
- (4) "Harbormaster" means the lessee duly appointed by the county of Lassen and his duly authorized representatives.
- (5) "Major painting" means any painting other than touching up existing paint, and particularly includes any painting wherein the old paint is scraped or otherwise removed.
- (6) "Major repairs" means any construction, repair or replacement of structural members or portions of any boat, including repairs to the engine, gears, driveshaft, propeller or other propulsion system.
- (7) "Sheriff" shall have the same meaning as provided in Section 13.04.010(8). (Ord. 432 § 1, 1978).

13.05.020 Duties of harbormaster and sheriff.

- (a) Enforce Regulations. Subject to the authority of the supervisors of the county of Lassen, the sheriff is charged with the duty of enforcing all regulations within the Eagle Lake Marina. He shall interpret all sections of this chapter not specifically defined in this chapter, and his decision shall be final, subject to appeal to the board of supervisors.
- (b) Authority Over Boats. Every boat entering the Eagle Lake Marina shall immediately become subject to the orders and directions of the sheriff. The sheriff shall direct where each boat shall be moored or docked within the marina.
- (c) Emergency Powers. Whenever any boat is in danger of being damaged or damaging other boats or any of the marina facilities, the harbormaster or sheriff shall be empowered to take such action as in his discretion is necessary for the protection of any property of the county or its lessees. The harbormaster may use county personnel.
- (d) Visitors. The harbormaster shall grant permission to enter the docking facilities to persons other than lessees and their guests at all reasonable hours. In granting permission to persons who enter for the purpose of performing work or services on boats within the marina, the harbormaster may impose such regulations in connection with said work or services as are necessary to protect the property of the county and its lessees. (Ord. 432 § 1, 1978).

13.05.030 Regulations.

(a) Speed Limit. No owner, operator or person in command of any boat shall operate or allow said boat to be operated within the Eagle Lake Marina at a speed in excess of five miles per hour. No wake is to be generated.

(b) Swimming. No person shall swim, dive, water ski or skin dive within the Eagle Lake Marina; provided, however, the harbormaster may grant permission to any person to dive or skin dive for the purpose of inspection or making emergency repairs on any boat.

(c) Refuse. No person shall throw, deposit, discharge or otherwise place any refuse, garbage, debris, bait, sewage, bilge water, inflammable liquids or other contaminants in the Eagle Lake Marina.

(d) Repairs. No person shall make, or cause to be made, any major repairs, major engine overhauls or major painting or repainting of any boat within the Eagle Lake Marina.

(e) Advertising and Soliciting. No person shall advertise or solicit on any boat or any mooring facility within the Eagle Lake Marina, except that the harbormaster may permit one "For Sale" sign, not to exceed one square foot in area, on any boat.

(f) Fishing. No person shall fish or attempt to take any fish or other marine life by rod and reel, net, trap or any method whatever within the Eagle Lake Marina.

(g) Fish Cleaning. No person shall clean any fish or other products of the lake within the Eagle Lake Marina, except at facilities specifically designated for said purpose.

(h) Storage. No person shall store, or cause to be stored, any supplies, materials, accessories, boats, motors, debris, refuse, or garbage on any trestle, approach ramp, headwalk or finger float in the Eagle Lake Marina, except in containers approved by the harbormaster.

(i) Dogs. No owner or person in control of any dog or other animal, whether licensed or unlicensed, shall permit or allow said dog or other animal to run at large within the Eagle Lake Marina. All dogs and other animals shall be deemed to be running at large within the meaning of this section unless led or restrained by a chain, strap, cord or other similar device attached to their collars and actually held by some person or made fast to some stationary object.

(j) Bicycles or Motorcycles. No person shall ride, drive or propel a bicycle or motorcycle on any docking facility within the Eagle Lake Marina.

(k) Mooring. No person shall moor or cause to be moored any boat, skiff or tender in the Eagle Lake Marina except at a place designated by the harbormaster.

(l) No person shall camp overnight within the Eagle Lake Marina. For the purposes of this section, camping means sleeping overnight whether within a temporary shelter such as a tent, recreation vehicle or motor home, or sleeping overnight without shelter. (Ord. 439, 1979; Ord. 132 § 1, 1978).

13.05.040 Living on board.

No person shall live on board any boat within the Eagle Lake Marina, except as provided in this chapter. For purposes of this section, "living on board" means sleeping overnight, preparation of food, or any other activity normally connected with temporary or permanent lodging. The harbormaster may grant permission to any person to remain on board a boat for a period not to exceed forty-eight hours where it is shown that said person is in transit from some other port, said living aboard is necessary for the protection of property, or any other reason the harbormaster in his discretion determines will not result in permanent residency. (Ord. 432 § 1, 1978).

13.05.050 Accidents.

Any person involved in any activity which causes damage to any other person, boat, property, or the marina facilities within the Eagle Lake Marina of any nature whatsoever, whether said person is at fault or not, shall make a report of such incident within twelve hours to the sheriff or harbormaster and shall supply such information as the sheriff deems necessary. (Ord. 432 § 1, 1978).

13.05.060 Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment. (Ord. 432 § 1, 1978).

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Chapter 13.10 REGULATION OF ACTIVITIES AT SPALDING BOAT RAMP

13.10.010 Vehicle defined.

As used in this chapter "vehicle" means any device by which any person or property may be propelled, moved or drawn upon a highway including, without limitation, motor vehicles, recreational vehicles, motorhomes, camp trailers, boat trailers, motorcycles, scooters and bicycles. (Ord. 505 § 1, 1991).

13.10.020 Regulations.

(a) Refuse. No person shall deposit, discharge or otherwise place any refuse, debris, bait or sewage within the area of the Spalding Boat Ramp, otherwise than by disposal into public receptacles marked for that purpose.

(b) Fish Cleaning. No person shall clean any fish or other products of the lake within the area of the Spalding Boat Ramp, except at facilities specifically designated for said purpose.

(c) It is unlawful to park any vehicle on public property within five hundred feet of the Spalding Boat Ramp between the hours of ten p.m. and five a.m.

(d) No person shall camp overnight on public property within five hundred feet of the centerline of the Spalding Boat Ramp.

(e) No person shall operate a generator on public property within five hundred feet of the Spalding Boat Ramp between one-half hour after sunset and one-half hour after sunrise.

(f) No person shall swim, wade, dive, water ski, or skin dive within one hundred feet of the Spaulding boat launch ramp or attendant dockage.

(g) No person shall picnic, sunbathe or engage in other activity on the boat launch ramp or in the immediate area thereof so as to impede or obstruct the launching or retrieval of boats. (Ord. 505-A, 2002; Ord. 505 § 1, 1991).

13.10.030 Signage.

The Lassen County department of public works shall erect and maintain appropriate signs delineating the regulations set forth in this chapter and the boundaries within which said regulations, shall be effective. (Ord. 505 § 1, 1991).

13.10.040 Penalties.

Any person violating any provision of this chapter shall be guilty of an infraction, punishable as provided by Government Code Section 25132(b). (Ord. 505 § 1, 1991).

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Chapter 13.12 REGULATION OF ACTIVITIES AT STONES LANDING BOAT RAMP

13.12.010 Vehicle defined.

As used in this chapter "vehicle" means any device by which any person or property may be propelled, moved or drawn upon a highway including, without limitation, motor vehicles, recreational vehicles, motorhomes, camp trailers, boat trailers, motorcycles, scooters and bicycles. (Ord. 505 § 2, 1991).

13.12.020 Regulations.

(a) Refuse. No person shall deposit, discharge or otherwise place any refuse, debris, bait or sewage within the area of the Stones Landing Boat Ramp, otherwise than by disposal into public receptacles marked for that purpose.

(b) Fish Cleaning. No person shall clean any fish or other products of the lake within the area of the Stones Landing Boat Ramp, except at facilities specifically designated for said purpose.

(c) It is unlawful to park any vehicle on public property within five hundred feet of the Stones Landing Boat Ramp between the hours of ten p.m. and five a.m.

(d) It is unlawful to camp overnight within the boundaries of the Stones Landing Boat Ramp launching facility.

(e) No person shall operate a generator within the boundaries of the Stones Landing Boat Ramp facility between one-half hour after sunset and one-half hour after sunrise.

(f) No person shall swim, wade, dive, water ski, or skin dive within one hundred feet of the Stones Landing boat launch ramp or attendant dockage.

(g) No person shall picnic, sunbathe or engage in other activity on the boat launch ramp or in the immediate area thereof so as to impede or obstruct the launching or retrieval of boats. (Ord. 505-B, 2002; Ord. 505 § 2, 1991).

13.12.030 Signage.

The Lassen County department of public works shall erect and maintain appropriate signs delineating the regulations set forth in this chapter and the boundaries within which said regulations shall be effective. (Ord. 505 § 2, 1991).

13.12.040 Penalties.

Any person violating any provision of this chapter shall be guilty of an infraction, punishable as provided by Government Code Section 25132(b). (Ord. 505 § 2, 1991).

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