

Additions are underlined.  
Deletions are ~~struck through~~.  
Revision markers are noted in left or  
right margins as vertical lines.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,  
STATE OF CALIFORNIA, DELETING SUBSECTION (B) OF SECTION  
12.04.030 (EXEMPTIONS TO CHAPTER PROVISIONS) OF CHAPTER  
12.04 (ENCROACHMENTS) OF THE NAPA COUNTY CODE  
PERTAINING TO ENCROACHMENT PERMITS FOR PUBLIC  
UTILITIES**

**WHEREAS**, Napa County Code Section 12.04.030 (B) currently exempts the erection and maintenance of power, telegraph or telephone poles and guy wires and auxiliary poles used in connection therewith by any public utility company operating in the county, from the provisions of Chapter 12.04 (Encroachments) of the Napa County Code ; and

**WHEREAS**, there is a need to process encroachment permits for these facilities in order to protect the health, safety and welfare of the public, as well as the County's infrastructure; and

**WHEREAS**, the Board of Supervisors desires to modify the regulations applicable to encroachment permits in order to delete this exemption.

The Napa County Board of Supervisors, State of California, ordains as follows:

**SECTION 1.** Section 12.04.030 (Exemptions to chapter provisions) of Chapter 12.04 (Encroachments) of the Napa County Code is amended to read in full as follows:

**12.04.030 Exemptions to chapter ~~provisions~~.**

**~~A.~~**—The provisions of this chapter shall not apply to any officer or employee of the county in the discharge of the officer's or employee's ~~his~~ official duties, or to any work being performed by any person or persons, firm or corporation under contract with the county to do the same.

~~B. — Neither shall the provisions of this chapter apply to the erection and maintenance of power, telegraph or telephone poles and guy wires and auxiliary poles used in connection therewith by any public utility company operating in the county.~~

**SECTION 2.** Adoption of this Ordinance is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

**SECTION 3.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 4.** This ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 5.** A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the

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names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 2017, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the \_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

ABSTAIN: SUPERVISORS \_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

\_\_\_\_\_  
BELIA RAMOS, CHAIR  
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL  
Clerk of the Board of Supervisors

By:\_\_\_\_\_

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: _____ Deputy County Counsel</p> <p>By: _____ County Code Services</p> <p>Date: _____</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON \_\_\_\_\_.

\_\_\_\_\_, DEPUTY  
GLADYS I. COIL, CLERK OF THE BOARD