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

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:**

**ARTICLE 4 – SPECIFIC USE REGULATIONS**

**Section 1.** Section 130.40.130 entitled “Communication Facilities” is amended in its entirety as set forth below:

**130.40.130 Telecommunication Facilities**

- A. **Applicability.** This section applies to all wireless telecommunication facilities, except as expressly stated otherwise. These regulations are specifically not intended to, and shall not be interpreted to apply to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate wireless communication facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commissions (FCC).
- B. **Purpose.** The purpose and intent of this Section is to provide a reasonable, uniform, and comprehensive set of procedures, standards, and guidelines for the deployment, construction, co-location, modification, operation, and removal of commercial and private wireless telecommunication facilities within the unincorporated areas of El Dorado County, consistent with and to the extent permitted under federal and California state law. The Board finds these regulations are intended to protect and promote the public health, safety, and welfare of the residents of the unincorporated areas of El Dorado County. The regulations in this County are specifically not intended to regulate wireless communications facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the FCC.
  - 1. Generally, the County will seek to minimize the visual impacts of wireless telecommunication facilities by limiting the number of facilities. However, the County may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive or otherwise in the public interest.

- C. **Exempt Facilities.** The following telecommunication facilities are exempt from the requirements of this section:
1. Government-owned telecommunication facilities used primarily to protect public health, welfare, and safety.
  2. Facilities operated by providers of emergency medical services, including hospitals, ambulance, and medical air transportation services, for use in the provision of those services.
  3. Satellite dish, radio, and television antennas for residential and commercial use, solely for the use of the occupants of the site, as defined in County Code Section 130.20.040 (Exemptions from Planning Permit Requirements).
  4. Any facility specifically exempted under federal or state law.
  5. Facilities located on tribal trust lands.
- D. **Permit Requirements.** Communication Facilities, as defined in Article 8 (Glossary: See "Telecommunication Facilities") of this Title, shall be allowed subject to the following standards and permitting requirements:
1. Small Cell Wireless Telecommunication Facilities.
    - a. Small cell wireless telecommunication facilities that do not exceed five (5) square feet and do not protrude more than 1½ (1.5) feet from the mounting surface or extend more than three (3) feet above the roofline may be allowed by right in any zone provided that no additional equipment is required.
    - b. Small cell wireless telecommunication facilities may be permitted subject to an Administrative Permit, provided that no additional support equipment is required.
  2. Building Façade Mounted Antennas. In all zones, building façade-mounted antennas may be allowed subject to an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title subject to the requirements below in this Section..
    - a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 (Roof Mounted Antennas) below in this Section;
    - b. The surface area of all antenna panels shall not exceed ten (10) percent of the surface area of the façade of the building on which it is mounted or 30 square feet, whichever is greater;
    - c. No portion of the antenna or equipment shall extend out more than two (2) feet from the façade of the building;

- d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;
  - e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
  - f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the telecommunication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device. For facilities located on a historic property or building, please see Section F.5. Historic Resources.
3. **Roof Mounted Antennas.** The construction or placement of telecommunication facilities as roof mounted antennas may be allowed as follows:
- a. In all commercial, industrial and research and development zones [listed under Chapter 130.22 (Commercial Zones) and Chapter 130.23 (Industrial and Research and Development Zones)], except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be allowed subject to approval of an Administrative Permit when the following requirements are met:
    - (1) Facilities located on the roof of the building shall be located towards the center of the roof, if feasible, or screened to minimize visual impact from ground level viewers.
    - (2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.
  - b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
4. **Co-location on Existing Non-building Structures or Public Facilities.** In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title when the following requirements are met:
- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less;
  - b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;

- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the telecommunication facility, or on the ground screened from public view; and
  - d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.
5. **Co-location on Existing Approved Monopoles or Towers.** In all zones, the placement of antennas on an existing approved monopole or tower may be allowed by-right as an eligible facilities request per 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100 or Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. This placement may be allowed under an Administrative Permit when the all of the following requirements are met:
- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
  - b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing antenna array is required;
  - c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the telecommunication facility, or on the ground screened from public view;
  - d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and
  - e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased beyond the parameters set forth in Section D.9 Modifications to Telecommunication Facilities, shall be considered a new tower and shall be subject to the provisions of Subsection D.7 (New Towers or Monopoles) below in this Section.
6. **By Right Process for Co-location Facilities.** Co-location facilities may be subject to by right processing, when consistent with California Government Code 65850.6, as amended and superseded.
7. **New Towers or Monopoles.** The construction or placement of telecommunication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:
- a. In all commercial, industrial, and research and development zones (listed under Chapter 130.22 - Commercial Zones and Chapter 130.23 - Industrial and Research and Development Zones), except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.

- b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone (listed under Chapter 130.24 – Residential Zones), new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
  
- 8. **Emergency Standby Generators.** An emergency standby generator, as defined by California Government Code 65850.75, as amended and superseded, may be subject to by right processing (e.g. Building or grading permits) when proposed to serve an existing macro cell tower site.
  
- 9. **Modifications to Telecommunication Facilities.** Modifications to an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base station shall be permitted by right if in accordance with 47 Code of Federal Regulations Section 1.6100(b)(7) or any successor statute thereto. Table 1 outlines relevant facility types and applicable state and federal regulations.
  
- 10. **Temporary Facilities.** A carrier may approach the County for a temporary site permit under the following circumstances.
  - a. Natural disaster emergency coverage: The carrier may temporarily add a facility to urgently provide sufficient coverage during a state, federal or local-declared natural disaster or emergency (flood, fire, etc.). Often, these facilities are constructed on jurisdictionally owned parcels. These facilities may be permitted by the authorized emergency operations or incident response command, as applicable. Use of these facilities shall terminate, and the site be restored to its previous condition, within 30 days of official cessation of the declared disaster/emergency.
  
  - b. Special events: Certain widely attended special events (concerts, fairs, parades, etc.) may necessitate the construction of temporary telecommunications facilities to provide sufficient coverage. These facilities cannot be installed more than four (4) weeks in advance of the event and must be removed a maximum of one (1) week after the event, subject to approval of an Administrative Permit in compliance with Section 130.52.010
  
  - c. Substitute Facilities to Maintain Service Area Coverage: A temporary facility may be necessary to avoid severe impacts due to an outage and/or facility failure in an existing service area. This temporary site prevents the loss of existing service while the new/updated site is permitted through the appropriate entitlement process. These facilities are subject to approval of an Administrative Permit in compliance with Section 130.52.010. Such approval may not exceed 180 days. An extension for an additional 180 days may be granted.
  
- 11. **Other Types of Facilities Not Listed Above.** Unless otherwise described within this Section, Telecommunication Facilities are subject to the permit type within the specified zone as described in Chapter 130.20 of Article 2 (Development and Use Approval Requirements) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title. Application proposals that do not conform to the above requirements of Subsections D.1 through D.10 above in this Section will be subject to Commission approval of a

Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Uses described within this Section are summarized in Table 1. Telecommunication Facility Types.

12. **Speculative Towers.** Towers for which no licensed communication carriers have committed to utilize shall be prohibited.

**Table 1. Telecommunication Facility Types**

<i><u>Communications Facility Type</u></i>	<i><u>Relevant State/Federal Legislation/Existing Regulations</u></i>	<i><u>Recommended Permit</u></i>
Small Cell Wireless Telecommunication Facilities	FCC Declaratory Ruling and Third Report and Order (FCC 18-133)	A
Building Façade Mounted Antennas	Meeting Existing El Dorado County Code (EDC) Regulations	A
Roof Mounted Antennas	Meeting Existing EDC Regulations	A
Co-location on Existing Non-Building Structures or Public Facilities	Meeting Existing EDC Regulations	MUP
Co-location on Existing Approved Monopoles or Towers	Meeting Existing EDC Regulations	P*/A
Co-location Facilities (by right processing)	Meeting criteria of CA Government Code 65850.6	P
New Towers or Monopoles	Meeting Existing EDC Regulations	MUP/CUP
Emergency Standby Generators	Meeting criteria of CA Government Code 65850.75	P
Modifications (non-substantial)	That do not constitute a substantial change per Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100	P
Temporary Facilities		P/A
Other Types of Facilities Not Listed Above		A/MUP/CUP
<b>Note:</b> P = Allowed use A = Administrative permit required (130.52.010) CUP = Conditional use permit required (130.52.021) MUP = Minor use permit required (130.52.020)		

\* Per 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100, collocations by a new carrier that qualify as an eligible facilities request should be permitted by-right.

- E. **Visual.** Visual simulations of the wireless telecommunications facility, including all support facilities, shall be submitted as part of the application. A visual simulation consists of a photo simulation showing the existing and post-project condition. Simulations that include future landscaping, including trees, shall typically show 10-year growth. The applicant shall also submit a map showing the location of the project site and the visual vantage points. Vantage points shall emphasize public views of the project sites.
  
- F. **Development Standards and Design Guidelines.** All facilities shall be conditioned, where applicable, to meet the below criteria. Projects may be subject to additional standards deemed appropriate through discretionary permit processing to address site-specific conditions.
  - 1. **Screening.** All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area, or stealth design. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, existing trees (both type and size), or vegetation of the site. Vegetative screening, if used, shall be subject to the provisions described in Subsection 8.09.070(E)(5) of the El Dorado County Ordinance Code (Hazardous Vegetation and Defensible Space – Critical Infrastructure Sites)
  
  - 2. **Setbacks.** Compliance with the applicable zone setbacks is required. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure. For towers (including monopoles), when the proposed facility is on a site that is adjacent to a site with an existing residential use or a site that is zoned for residential uses, a minimum setback shall be equal to one and one-half (1.5) times the overall height of the telecommunications tower. Setback waivers may be considered by the discretionary permit authority, as needed, to allow flexibility in landscaping and siting the facility in a location that best reduces the visual impact on the surrounding area and roads.
  
  - 3. **Maintenance.** All improvements associated with the telecommunication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be maintained in good condition at all times, free from trash, debris, graffiti, and any form of vandalism. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.
  
  - 4. **Location Preferences.** Wireless telecommunication facilities are encouraged to co-locate on existing buildings and structures to the extent feasible based coverage requirements. Additionally, to minimize the aesthetic and visual impacts, all new wireless telecommunication facilities shall take into consideration the aesthetic impact of the proposed telecommunication facility as seen from roadways and other public properties should any adverse affects be noted. The following preferences should be considered in locating new facilities.
    - a. Industrial and Research and Development, including corporation yards and mineral resource uses.
  
    - b. Commercial.
  
    - c. Agricultural, Rural, and Open Space.
  
    - d. Residential.



5. Historic Resources. No facilities shall be allowed on any building or structure, or in any district, that is listed on any federal, State or local historic register unless it is determined that the facility will have no adverse effect on the building's visual integrity, structure or eligibility for historic designation. Facilities located on any historic building or structure, or within any historic district must comply with the Historical Resource Regulations, the U.S. Secretary of Interior Standards and Guidelines, and local historic guidelines.
  6. Accessibility. Wireless telecommunication facilities shall not be constructed to create a barrier under federal and state Americans with Disabilities Act (ADA).
  7. Written Approval of Owner. A wireless telecommunication facility shall not encroach onto any private or other property outside the public right-of-way unless the owner has provided written consent.
  8. Underground Equipment. Underground equipment shall be located entirely underground and flush with existing sidewalk or ground surface.
  9. Site Security Measures. Wireless telecommunication facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism.
  10. Signage. All wireless telecommunication facilities must include signage that accurately identifies the facility owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. No other signage or advertisements may appear on a wireless telecommunication facility unless approved by the Director, required by law or recommended under FCC, Occupational Safety and Health Administration, or other United States governmental agencies for compliance with Radio Frequency (RF) emissions regulations.
  11. Compliance with Health and Safety Regulations. All wireless telecommunication facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions, ADA, California Building Standards Code, and County Code.
  12. Lighting. All wireless telecommunication facilities shall not include any lights that would be visible from publicly accessible areas, except as otherwise required in compliance with the Federal Aviation Administration or the Airport Land Use Commission area standards, and except when authorized personnel are present at night, and for exempt facilities listed in section B. Exempt Facilities.
  13. Aesthetics. All review shall consider aesthetic impacts, including the location, height, and design of the proposed wireless telecommunication facility and an evaluation of the character of the area.
- G. **RF Requirements.** The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site. Facilities must not be placed or operated in a manner that violates FCC's standards for human exposure to RF emissions.



- H. **Availability.** All existing telecommunication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- I. **Unused Facilities.** The facility owner shall notify the Department no less than 60 days prior to the final day of use of any telecommunication facilities. All obsolete or unused telecommunication facilities shall be physically removed by the facility owner within 180 days after the use of that facility has ceased or the facility has been abandoned. All site disturbance related to the facility shall be restored to its pre-project condition.
- J. **Permit Application Requirements.** In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Section 130.51.050 (Public Notice Requirements and Procedures), the following notification shall occur for discretionary permit applications:
1. New facilities less than 100 feet in height: 1,500 feet from the proposed facility.
  2. New facilities 100 feet or greater in height: 2,000 feet from the proposed facility.
  3. School District Notification. If the proposed wireless facility is located within either 1,500 feet or 2,000 feet from a school based on the height of the proposed facility under Subsections J.1 or J.2 above, the appropriate school district shall be notified during the initial consultation.
  4. Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are within either 1,500 feet or 2,000 feet from the property based on the height of the proposed facility under Subsections J.1 or J.2 above. Any homeowners associations that are identified shall be notified during the initial consultation.
- K. **Additional Sites and Needs Analysis.** The application for a discretionary permit shall contain a site justification letter that includes an alternative sites analysis, a discussion of alternative sites that would accomplish the project goals, an evaluation of the feasibility of using multiple small sites to meet coverage needs rather than a single large site, and a description of the need for the proposed facility based on the adequacy of existing coverage. The letter shall detail meaningful outreach to owners of alternative sites. The analysis shall provide specific comparative analysis of how different sites would impact aesthetic and environmental values, as applicable.
- L. **Fees.** For each initial application, or for the renewal of an application, the applicant shall pay an initial deposit and any associated recurring fees, including maintenance and right-of-way permit fees, consistent with the County's current Community Development Agency Consolidated Fee Schedule.
- M. **Airport Operations.** Wireless telecommunication facilities shall not be sited in locations where they will interfere with airport operations. The siting of wireless towers and related facilities within the airport influence area of any public airport shall be referred to the El Dorado County Airport Land Use Commission for a determination of consistency with Airport Land Use Compatibility Plan.
- N. **Five-Year Review.** Every five years following approval of a Conditional Use Permit for a wireless telecommunications facility, the County shall review the facility for compliance with the approved conditions of approval. Review of wireless telecommunications facility Conditional

Use Permits shall be staff level. This section shall take precedent over existing conditions of approval.

1. Notification. All five-year reviews shall be noticed to nearby property owners in accordance with Table 130.51.050.2.
2. If complaints or concerns are received from a noticed party, the review shall be set with the Planning Commission.

O. **Revocation.** Failure to comply with any condition of approval or standard in this ordinance shall constitute grounds for possible revocation of use pursuant to County Code Section 130.53.090 (Revocation or County Mandated Modification of a Permit).

P. **Severability.** If any sections, subsections, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision or legislation of any court of competent jurisdiction, or by reason of preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of the policy. The Board declares that it would have approved this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases thereof is declared invalid or unconstitutional.

Q. **Glossary.**

**Adjacent:** Adjoining the proposed location, or separated only by a street, highway, public easement, or waterway.

**Base Station.** A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or -authorized wireless communications between user equipment and a communications network. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Co-location.** The placement of an antennae on an existing single structure, pole, or tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Façade.** Also referred to as a “Building Façade”, means all walls, or portions thereof, of a building’s exterior which is exposed to public view, excepting alleys.

**Macro Cell Tower Site.** The place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A macro cell tower does not include rooftop, small cell, or outdoor and indoor distributed antenna system sites. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Modifications to Wireless Telecommunication Facilities.** Modifications to an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as amended and superseded. Includes, but is not limited to, antenna modifications, fiber optic line additions, generator additions, collocations on an existing wireless facility, and the

placement of the first wireless facility on an existing building or structure. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Small Cell Wireless Communication Facility.** A Small Cell Wireless Communication Facility is defined in 47 Code of Federal Regulations and as amended and superseded.

**Standby Generator.** A stationary generator used for the generation of electricity that meets the criteria set forth in paragraph (29) of subdivision (a) of Section 93115.4 of Title 17 of the California Code of Regulations. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Stealth Design.** A design or treatment that minimizes adverse aesthetic and visual impacts. Stealth Design facilities visually and operationally blend into the surrounding area in a manner consistent with existing development and the natural environment by means of camouflaging, disguising, and/or screening. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Telecommunications Facilities (Use Type).** See wireless communication facilities. (See also Section 130.40.130: Communications Facilities.)

**Telecommunications Tower.** Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas. Also known as towers. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Wireless Telecommunication Facilities.** Equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, in 47 C.F.R., Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications Facilities. (See also Section 130.40.130: Telecommunication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Wireless Telecommunications Co-location Facility.** A wireless telecommunications facility that includes co-location facilities. (See also Section 130.40.130: Telecommunication Facilities, in Article 4: Specific Use Regulations, of this Title.)

**Section 2. Effective Date.** Pursuant to California Government Code Section 25125, the amendments to this ordinance shall become effective 30 days from the date of final passage.

**Section 3. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote of said Board:

**ATTEST**  
**KIM DAWSON**  
Clerk of the Board of Supervisors

Ayes:

Noes:

By \_\_\_\_\_

\_\_\_\_\_ Deputy Clerk

Absent:

\_\_\_\_\_

Chair, Board of Supervisors

**APPROVED AS TO FORM**  
**DAVID LIVINGSTON**  
**COUNTY COUNSEL**

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

Title: \_\_\_\_\_