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4 **AN ORDINANCE OF THE COUNTY OF BUTTE AMENDING**
5 **SECTIONS 20-50, 20-50.5, 20-51, 20-52, AND 20-53 OF CHAPTER 20,**
6 **SUBDIVISIONS, OF THE BUTTE COUNTY CODE**
7

8 The Board of Supervisors of the County of Butte ordains as follows:
9

10 Section 1. Section 20-50 is repealed and replaced as follows:
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12 **20-50 Public Roads**

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14 All new roads that are part of the circulation element of the Butte County General Plan (generally
15 collector and arterial roads) and that are constructed to County Standards approved by the
16 Department of Public Works shall be recommended to the Board of Supervisors for inclusion into
17 the County Maintained Mileage. Additionally, all new roads will be public roads included within the
18 County Maintained Mileage, except as specified below.

19
20 Roads that are constructed to County Standards and approved by the Department of Public Works
21 that are not part of the circulation element of the Butte County General Plan and are not collector or
22 arterial roads shall be recommended for acceptance into the County Maintained Mileage subject to
23 approved funding for the future maintenance of the road and its associated facilities through a
24 Permanent Road Division (PRD) zone of benefit, County Service Area or other Board approved
25 Benefit Assessment District.
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27 Roads that are constructed to County Standards approved by the Department of Public Works for
28 parcel maps and waiver of parcel maps, or gated subdivision communities may be allowed to be
29 privately maintained, where maintenance is provided by a Home Owners Association (HOA), Road
30 Maintenance Association (RMA) or other means acceptable to the Planning Commission or the
31 Board of Supervisors. All other roads shall comply with the two paragraphs above.
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33 Section 2. Section 20-50.5 is repealed and replaced as follows:
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35 **20-50.5 Private roads for gated subdivisions.**

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37 (a) Private roads are authorized within Butte County if the subdivision is approved as a gated
38 community subdivision and provided that the subdivision improvements meet with the standards of
39 the County of Butte for a regular dedicated subdivision and providing paragraphs (c), (d), and (e) of
40 this section are complied with.
41

42 (b) Roads or other public facilities within and serving gated subdivisions shall not be dedicated to the
43 County of Butte.
44

45 (c) A mutual lot owners' association, road or water company, community services district, Home
46 Owners Association (HOA), Road Maintenance Association (RMA) or other means acceptable to the

1 Planning Commission or the Board of Supervisors shall be established to own, operate and maintain
2 such roads and utilities within and serving gated subdivisions.

3
4 (d) Entrance to private road subdivisions must be controlled by a gate, provided such gate allows for
5 unimpeded access for emergency personnel including but not limited to police, fire and medical
6 personnel.

7
8 (e) Private roads for gated subdivisions not lying contiguous to a public road must be connected to a
9 public road by a road or roads constructed to the standards set forth in the Butte County
10 Improvement Standards.

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12 Section 3. Section 20-51 is repealed and replaced as follows:

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14 **20-51 Amount of fees.**

15 The amount of the PRD zone application processing fee assessed and levied pursuant to the
16 provisions of this Article shall be based on the hourly rate as set forth in Butte County Code Section
17 3-82, Land Development Division Fee Schedule.

18
19 Section 4. Section 20-52 is repealed and reserved:

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21 Section 5. Section 20-53 is repealed and reserved:

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23 Section 6. Severability.

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25 If any provision of this Ordinance or the application thereof to any person or circumstances is for any
26 reason held to be invalid by a court of competent jurisdiction, such provision shall be deemed
27 severable, and the invalidity thereof shall not affect the remaining provisions or other applications of
28 the Ordinance which can be given effect without the invalid provision or application thereof.

29
30 Section 7. Effective Date and Publication.

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32 This Ordinance shall take effect thirty (30) days after the date of its passage. The Clerk of the Board
33 of Supervisors is authorized and directed to publish this ordinance before the expiration of fifteen
34 (15) days after its passage. This Ordinance shall be published once, with the names of the members
35 of the Board of Supervisors voting for and against it, in the Enterprise-Record, a newspaper of
36 general circulation published in the County of Butte, State of California.
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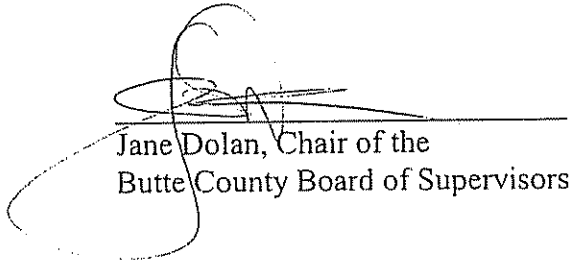
PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 13th day of March, 2007, by the following vote:

AYES:

NOES:

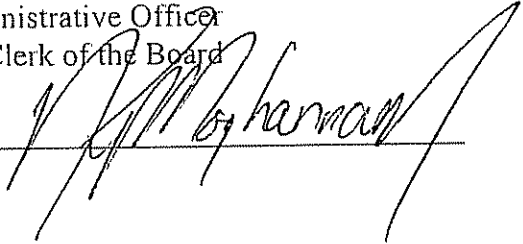
ABSENT:

NOT VOTING:



Jane Dolan, Chair of the
Butte County Board of Supervisors

ATTEST:
PAUL McINTOSH, Chief
Administrative Officer
and Clerk of the Board



By _____