

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. 3110

**AN URGENCY ORDINANCE PROHIBITING WATER HAULING TO
UNPERMITTED CANNABIS CULTIVATION SITES**

WHEREAS, the Sheriff, acting as the OES Director of Lake County, declared a local emergency due to drought conditions on May 6, 2021; and

WHEREAS, the Lake County Board of Supervisors approved the ratification of the declaration of a local emergency due to drought conditions on May 11, 2021; and

WHEREAS, the Board of Supervisors wish to better control the activities of water trucks filling up with water and/or delivering water within Lake County; and

WHEREAS, the Board of Supervisors wish to ensure that those who need water still have access to water truck deliveries; and

WHEREAS, it is critical to ensure that water use is saved only for specific activities to help us conserve as much water as possible; and

WHEREAS, water trucks have been witnessed dropping off water at cannabis cultivations, and there are no ordinances available to curb those illegal activities of providing water application where cannabis cultivation occurs without the required permits; and

WHEREAS, while unpermitted cannabis activities can be held accountable for the illegal activity or the violation of receiving water hauler deliveries, water haulers are not currently being held responsible for taking part in the unpermitted grows;

NOW THEREFORE, the Board of Supervisors of the County of Lake hereby ordains as follows:

Section One: Due to the exceptional drought that we are experiencing and the declaration of a drought emergency, all water haulers found delivering water to a property where unpermitted cannabis cultivation is occurring, with the exception of properties following the rules and regulations of the Adult Personal Use 27.3 (z), shall be held accountable for delivering water to benefit unpermitted cannabis cultivation.

A. Definitions:

- a. Cannabis cultivation: (as defined per Sec 21-68.4 (c) 5) Any activity involving the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants.
- b. Water hauler: Any individual or commercial entity that operates a truck or tanker, or uses other means to carry water
- c. Unpermitted cannabis cultivation: cannabis cultivation which occurs within the unincorporated areas of the County of Lake without first having obtained the required county permits and state licensing

B. Water Hauler Regulations Regarding Cannabis Activities:

- a. If a water hauler is found to be delivering water to a property with unpermitted cannabis cultivation, their activities shall be deemed in violation of this ordinance and the water hauler owner/business shall receive an administrative penalty.

C. Penalties:

Due to the nature of the environmental impact and the exceptional drought that Lake County is experiencing during this declared drought emergency, it is important that these penalties be in place to protect our residents and all other approved activities to ensure continued access to water for residential and commercial purposes. Potential issues stemming from unlawful water hauling can be quite severe such as loss of residential access to water, to environmental issues due to the loss of water illegally drawn from waterways or wells that impact both surrounding land use activities and wildlife. Corrective actions may result in costly actions such as land restoration or water delivery for those who have lost access to water.

- a. Administrative penalties shall follow Section 13-13 of the Lake County Municipal Code.
- b. Violation of this urgency ordinance is seen as a “high severity violation”.
- c. In addition to Section 13-13, if a water hauler is fined more than once in a calendar year, the California State Department of Water Resources Control Board shall be contacted and provided information of the illegal activities the water hauler is undertaking in the county of Lake.
 - i. Potential consequences could occur to the water hauler state license.

Section Two: This urgency ordinance, if approved, shall take effect until the declared drought emergency has expired or if the Board of Supervisors revokes the ordinance.

Section Three: It can be seen with certainty that there is no possibility that this urgency Ordinance may have a significant effect on the environment.

Section Four: All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Five: This ordinance shall go into effect immediately, and before the expiration of fifteen days after its passage, it shall be published at least once in a newspaper of general circulation printed and published in the County of Lake.

Section Six: This Ordinance is adopted as an urgency Ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and shall be effective immediately upon adoption. Based on the declaration of purpose and facts constituting the urgency set forth above in Section One of this Ordinance, the Board of Supervisors finds and determines that the adoption of this Ordinance as an urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety to address critical groundwater conditions in Lake County.

The Foregoing Ordinance was introduced before the Board of Supervisors on the 24th day of August, 2021, and passed by the following vote on the 24th day of August, 2021.

AYES: Supervisors Simon, Crandell, Scott, Pyska, and Sabatier

NOES: None

ABSENT OR NOT VOTING: None

COUNTY OF LAKE


Bruno Sabatier (Aug 27, 2021 09:53 PDT)

Chair, Board of Supervisors

ATTEST: CAROL J. HUCHINGSON
Clerk of the Board of Supervisors

By: Johanna DeLong (Aug 27, 2021 09:44 PDT)
Deputy

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____