

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN URGENCY ORDINANCE AUTHORIZING A TEMPORARY SPECIFIED SPEED LIMIT ON CLEAR LAKE

WHEREAS, the California Constitution, Article XI, section 7, states: "A county or city may make and enforce within its limits all police, sanitary and other ordinances and regulations not in conflict with general laws"; and

WHEREAS, this Ordinance is enacted under the police power of the County pursuant to Article XI, Section 7 of the California Constitution which authorizes the County to adopt and enforce regulations for the protection of the public health, safety, and welfare that are not in conflict with general laws; and

WHEREAS, Government Code Section 25123 expressly authorizes the Board of Supervisors to adopt, by four-fifths (4/5) vote, an ordinance for the immediate preservation of the public peace, health, or safety, with a declaration of the facts constituting the urgency; and

WHEREAS, Government Code Section 25131 expressly authorizes the Board of Supervisors to adopt such an urgency ordinance immediately upon its introduction; and

WHEREAS, as a result of the heavy rains and flooding, a Declaration of Local Emergency was made by the Director of the County Office of Emergency Services ("OES") on January 13, 2017, ratified by the Board of Supervisors on January 17, 2017;

WHEREAS, the Governor of the State of California has now declared a State of Emergency to address the needs of those counties, including the County of Lake, that have been imperiled by the heavy rains and flooding; and

WHEREAS, Chapter 15 of the Lake County Code already provides that it is a misdemeanor for any person to operate any motor boat on the waters of Clear Lake at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motor boat to a stop within the assured clear distance ahead; and

WHEREAS, it is prudent to establish a specified speed limit as the maximum speed on the waters of Clear Lake because of high lake levels and debris until such emergency conditions no longer exist;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS FOLLOWS:

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Section 1: Findings and Purpose

A. Findings

In enacting this Urgency Ordinance, the Lake County Board of Supervisors finds that the foregoing recitals are true and correct and incorporated herein by reference.

Continuous heavy rainfall has affected the Clear Lake region resulting in high lake levels and swollen streams carrying significant debris from the tributaries and lakeshore that is currently floating in Clear Lake. Wind and boat-generated waves are damaging docks, piers, pilings, and retaining walls and can cause floating debris to accumulate on the shore.

B. Purpose

The purpose of this Ordinance is, for the period of this emergency, to remove all doubt as to what will constitute a maximum reasonable speed when operating on the near shore waters of Clear Lake.

Section 2: Due to the above-described emergency conditions in Lake County, the consequent significant threat to the public health, safety, and welfare as described hereinabove, and recognizing that different boat styles create wakes at different speeds, the following is hereby established as a maximum near shore operating limit for boaters on the waters of Clear Lake: boaters shall operate at no wake within 2500 feet of shore when the lake level is 7.9 Rumsey or higher

Section 3: In addition to the above-described near-shore limitation, all boaters are required to always operate a motor boat on the waters of Clear Lake at a rate of speed no greater than will permit them to exercise reasonable care and safety.

Section 4: This ordinance will automatically terminate upon the cessation of the Local Emergency declared as a result of the heavy rains and flooding and/or the lake stage reaches 7.9'R for a 72-hour period, whichever occurs first.

Section 5: On duty Sheriff's office boats and CA DFW warden boats are exempted from the no-wake restriction in the event of an emergency.

Section 6: This Ordinance shall take effect on the _____ of _____, 2017, and within fifteen (15) days after adoption of the ordinance, the Clerk to the Board of Supervisors shall publish the Ordinance with the names of those supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the Ordinance.

The Foregoing Ordinance was introduced before the Board of Supervisors on the _____ day
of _____, 2017, and passed on that date by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair Board of Supervisors

ATTEST: CAROL J. HUCHINGSON

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

ANITA L. GRANT

By: _____

Deputy

By: _____