

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. 3059

**AN URGENCY ORDINANCE TEMPORARILY PROHIBITING SPECIFIED  
OPERATIONS 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 emergency rules and regulations relating to boats and vessels on Clear Lake as authorized by Harbors and Navigations Code section 660 for a period not to exceed 60 days.;

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

**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 and may endanger homes situated on the shores of Clear Lake.

**B. Purpose**

The purpose of this Ordinance is, for the period of this emergency, to prohibit operating certain vessels on the waters of Clearlake until such time as it can be determined that public safety is not endangered thereby.

**Section 2:** Due to the above-described emergency conditions in Lake County and the consequent significant threat to public health, safety, and welfare as described hereinabove, no motorized boats or other motorized vessels shall operate on Clear Lake for the period of this emergency.

Section 3: On duty Sheriff's office boats and CA DFW warden boats are exempted from these restrictions in the event of an emergency.

Section 4: This Ordinance shall take effect on the 14th of February, 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. This Ordinance shall be submitted to the Department of Boating and Waterways upon adoption.

The Foregoing Ordinance was introduced before the Board of Supervisors on the 14th day of February, 2017, and passed on that date by the following vote:

AYES: Supervisors Simon, Scott, Brown and Steele

NOES: None

ABSENT OR NOT VOTING: Supervisor Smith

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: 

