

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

AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY EXCEPTION TO THE  
NOTICE REQUIREMENTS OF CHAPTER 13 OF THE LAKE COUNTY CODE

WHEREAS, the County of Lake, the State of California, most of this nation, and much of the world are presently operating under emergency conditions as a result of a pandemic commonly referred to as COVID-19; and

WHEREAS, as a result of the pandemic known as COVID-19, the Governor of California proclaimed a State of Emergency on March 4, 2020; and

WHEREAS, on March 10, 2020, the County of Lake Board of Supervisors ratified the public health emergency declaration of the County Public Health Officer made on March 9, 2020, and on March 17, 2020, ratified the declaration of emergency of the County Director of Emergency Services made on March 13, 2020; and

WHEREAS, as a result of Executive Orders of the California Governor and the public health orders of the County's Public Health Officer, all persons in Lake County, with certain exceptions for essential workers, have been ordered to shelter in place to the greatest extent possible; and

WHEREAS, the Governor's Executive Orders now recognize that among the work that remains essential is the control of hazardous vegetation because of the threat of wildfires; and

WHEREAS, over the last several years, the County of Lake has experienced an unrelenting series of disasters due to wildfire resulting in a massive loss of land mass, critical damage to public infrastructure, and heart-wrenching loss to County residents; and

WHEREAS, the Board of Supervisors has repeatedly acted on its commitment to reduce hazardous vegetation through the adoption of local legislation, the creation of zones of benefits, and the County's creation of and participation in the Risk Reduction Authority; and

WHEREAS, since the fire season is Lake County is fast approaching at a time when the County's resources are already significantly strained as a result of the ongoing pandemic and the resources of our neighbors through mutual aid will likely be largely unavailable given the strain

1 already placed on their resources; and

2 WHEREAS, there is an immediate need to address hazardous vegetation abatement  
3 quickly and effectively within a small window of time despite the ongoing emergency conditions  
4 created by this pandemic; and

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

8 WHEREAS, the temporary reduction of the thirty-day notice requirement of the Notice of  
9 Nuisance and Order to Abate as provided in Section 13-62 of the Lake County Code to fifteen  
10 days will still allow property owners the opportunity to self-abate, but if property owners do not  
11 act, it will afford the County the ability to maximize the use of its employee and other resources to  
12 take all necessary abatement actions while resources are still available and before the fire season is  
13 in full sway.

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

16 Section One: The foregoing recitals are true and correct, are incorporated by reference herein,  
17 and hereby establish the factual basis constituting the urgent need for this  
18 Ordinance.

19 Section Two: Article XI, section 7 of the California Constitution provides that cities and counties  
20 may make and enforce within their limits all local, police, sanitary and other  
21 ordinances and regulations not in conflict with general laws. It is through this police  
22 power that the County may exercise its regulatory authority to protect public  
23 health, safety and welfare. Government Code section 25123 expressly authorizes  
24 the Board of Supervisors to adopt by four-fifths vote an ordinance for the  
25 immediate preservation of the public peace, health, and/or safety, with a  
26 declaration of facts constituting the urgency.

27 Section Three: For the period of April 15, 2020 through July 15, 2020, when the County Fire  
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Official serves a Notice of Nuisance and Order to Abate pursuant to Section 13-62.1.2 of the Lake County Code as a result of a public nuisance caused by hazardous vegetation, the thirty (30) day period for the property owner to self-abate described in that section shall be modified to provide that said notice shall order that hazardous vegetation must be abated within fifteen (15) days.

Section Four: Should such abatement not occur within the fifteen (15) days specified, and after the period of appeal has run, the County may abate the nuisance without further notifications and the property owner shall be responsible for all costs associated with the investigation and abatement.

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

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

Section Seven: This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_, 2020 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.

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1 The Foregoing Ordinance was introduced before the Board of Supervisors on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2020, and passed by the following vote on the \_\_\_\_ day of  
3 \_\_\_\_\_, 2020.

4 AYES:

5 NOES:

6 ABSENT OR NOT VOTING:

7 COUNTY OF LAKE

8  
9 \_\_\_\_\_  
10 Chair Board of Supervisors

11 ATTEST: CAROL J. HUCHINGSON  
12 Clerk of the Board of Supervisors  
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14 By: \_\_\_\_\_  
15 Deputy

16 APPROVED AS TO FORM:  
17 ANITA L. GRANT  
18 By: \_\_\_\_\_  
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