

AGENDA WORKSHEET

Submit completed worksheet to:
Siskiyou County Clerk, 510 N Main St, Yreka, CA

Regular ☒

Time Requested: 5 min

Meeting Date: 6/1/21

OR

Consent ☐

Contact Person/Department: County Counsel's Office

Phone: 530-842-8100

Address: 1312 Fairlane Road, Yreka, CA

Person Appearing/Title: Edward Kiernan, County Counsel

Subject/Summary of Issue:

Board discussion, direction, and possible action regarding second reading and public hearing on a proposed ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks and regulating their use upon certain County roads.

The cultivation of cannabis has previously been determined to be a nuisance under SCC Section 10-14.030. The large scale growth of illegal cannabis cultivation in certain areas of the County has been aided by the shipment of water over County roads. The proposed ordinance would prohibit water trucks, and other vehicles carrying over 100 gallons of water, upon certain roads without a permit obtained from the Department of Public Works. The roads to be regulated are set forth in a separate resolution being presented concurrently with this ordinance.

Financial Impact:

NO ☒ Describe why no financial impact:

YES ☐ Describe impact by indicating amount budgeted and funding source below

Amount: _____

Fund: _____

Description: _____

Org.: _____

Description: _____

Account: _____

Description: _____

Activity Code: _____

Description: _____

Local Preference: YES ☐ NO ☐

For Contracts – Explain how vendor was selected:

Additional Information:

Recommended Motion:

If the Board so desires, waive the second reading and approve the adoption of the ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks.

Reviewed as recommended by policy:

County Counsel

Auditor

Personnel

CAO

Special Requests:

Certified Minute Order(s)

Quantity: _____

Other: _____

NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 12:00 p.m. on the Wednesday prior to the Board Meeting.

Revised 1/15/15

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
ADDING ARTICLE 15 TO CHAPTER 4 OF TITLE 3 OF THE SISKIYOU
COUNTY CODE RELATING TO WATER TRUCKS.**

The Board of Supervisors of the County of Siskiyou does ordain as follows:

SECTION 1. Chapter 4 of Title 3 is hereby amended to add Article 15 and to read as follows:

Article 15 – Restrictions on Water Trucks using certain specified County highways.

3-4.1501- Water Trucks prohibited on specified county roads.

- (a) As used in this Article, "Water Truck" means a vehicle designed or being used to carry water of not less than 100 gallons or any vehicle designed for carrying or towing tanks or bladders of 100 gallons of water or more or a "Water Tender Vehicle," as defined in California Vehicle Code section 676.5.
- (b) Pursuant to the authority provided Siskiyou County under California Vehicle Code Section 21101(c), Water Trucks are prohibited from traveling over such streets (as defined in California Vehicle Code Section 590) and highways (as defined in California Vehicle Code Section 360) that the Board of Supervisors may specify by resolution.

3-4.1502- Signs.

The prohibitions set forth in this article shall not be enforceable unless signs have been placed alongside the street or highway so as to warn drivers of the prohibitions.

3-4.1503 Penalties

In addition to any other available penalty, including Section 1-2.01, any person or company, including a corporation or limited liability company (LLC), violating any section of this article shall be guilty of an infraction or misdemeanor and shall be fined \$100 or in an amount that the Board of Supervisors may specify by resolution, subject to the then-existing limitations of Vehicle Code 21104. To the maximum extent allowed under state law, any peace officer (as defined by California Penal Code Section 830 et seq.) in good standing that has completed Police Officer Standards and Training (POST) may enforce this chapter.

3-4.1504- Special permits.

The Director of Public Works of the County is hereby authorized, at his or her

discretion, upon application in writing, and if good cause exists, to issue a special permit in writing authorizing the applicant to operate a Water Tender Vehicle that would otherwise be in violation Section 3-4.1501. Any permit issued under Siskiyou County Code Article 3.5 of Chapter 13 of Title 3 satisfies this requirement.

3-4.1505 - Inapplicability.

The prohibition contained in this chapter do not apply to emergency vehicles. To the extent that any provision of this article conflicts with state or federal law, either on its face or as applied, it shall be inapplicable to the extent of such conflict. The Board hereby affirms that it intends that all remaining provisions not in conflict remain in effect.

SECTION 2. Authority/Effective Date:

This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or other applications of the ordinance, and the provisions of this ordinance are declared to be severable.

SECTION 4. CEQA.

The Board hereby finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations allowing for the restriction of Water Tender Vehicles. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In addition, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption, 14 CCR § 15308, (regulatory activity to assure protection of the environment) and Class 7 Categorical Exemption, 14 CCR § 15307, (regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resources).

PASSED AND ADOPTED this 1st day of June, 2021, at a regular meeting of the Board of Supervisors by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ray A. Haupt Chairman,
Board of Supervisors

ATTEST:
LAURA BYNUM, CLERK,
Board of Supervisors

By _____
Deputy

AGENDA WORKSHEET

Submit completed worksheet to:
Siskiyou County Clerk, 510 N Main St, Yreka, CA

2nd read on 6/1/21

Regular ☒ Time Requested: 5 min Meeting Date: 5/4/21
OR
Consent ☐

Contact Person/Department: County Counsel's Office Phone: 530-842-8100

Address: 1312 Fairlane Road, Yreka, CA

Person Appearing/Title: Ed Kiernan, County Counsel

Subject/Summary of Issue:

Board discussion, direction, and possible action regarding first reading of a regular ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks and regulating their use upon certain County roads.

The cultivation of cannabis has previously been determined to be a nuisance under SCC Section 10-14.030. The large scale growth of illegal cannabis cultivation in certain areas of the County has been aided by the shipment of water over County roads. The proposed ordinance would prohibit water trucks, and other vehicles carrying over 100 gallons of water, upon certain roads without a permit obtained from the Department of Public Works. The roads to be regulated are set forth in a separate resolution being presented concurrently with this ordinance.

Financial Impact:

NO ☒ Describe why no financial impact:

YES ☐ Describe impact by indicating amount budgeted and funding source below

Amount: _____
Fund: _____ Description: _____ Org.: _____ Description: _____
Account: _____ Description: _____
Activity Code: _____ Description: _____

Local Preference: YES ☐ NO ☐

For Contracts – Explain how vendor was selected:

Additional Information:

Recommended Motion:

If the Board so desires: 1. Introduce, waive, and approve the first reading of the ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks; and 2. Direct the clerk to schedule a public hearing on, and second reading of, the ordinance as soon as practicable.

Reviewed as recommended by policy:

County Counsel

Auditor

Personnel

CAO

Special Requests:

Certified Minute Order(s)

Quantity: _____

Other: _____

NOTE: For consideration for placement on the agenda, the original agenda worksheet and backup material must be submitted directly to the Board Clerk (after reviewing signatures have been obtained) by 12:00 p.m. on the Wednesday prior to the Board Meeting.

Revised 1/15/15

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
ADDING ARTICLE 15 TO CHAPTER 4 OF TITLE 3 OF THE SISKIYOU
COUNTY CODE RELATING TO WATER TRUCKS.**

The Board of Supervisors of the County of Siskiyou does ordain as follows:

SECTION 1. Chapter 4 of Title 3 is hereby amended to add Article 15 and to read as follows:

Article 15 – Restrictions on Water Trucks using certain specified County highways.

3-4.1501- Water Trucks prohibited on specified county roads.

- (a) As used in this Article, “Water Truck” means a vehicle designed or being used to carry water of not less than 100 gallons or any vehicle designed for carrying or towing tanks or bladders of 100 gallons of water or more or a “Water Tender Vehicle,” as defined in California Vehicle Code section 676.5.
- (b) Pursuant to the authority provided Siskiyou County under California Vehicle Code Section 21101(c), Water Trucks are prohibited from traveling over such streets (as defined in California Vehicle Code Section 590) and highways (as defined in California Vehicle Code Section 360) that the Board of Supervisors may specify by resolution.

3-4.1502- Signs.

The prohibitions set forth in this article shall not be enforceable unless signs have been placed alongside the street or highway so as to warn drivers of the prohibitions.

3-4.1503 Penalties

In addition to any other available penalty, including Section 1-2.01, any person or company, including a corporation or limited liability company (LLC), violating any section of this article shall be guilty of an infraction or misdemeanor and shall be fined \$100 or in an amount that the Board of Supervisors may specify by resolution, subject to the then-existing limitations of Vehicle Code 21104. To the maximum extent allowed under state law, any peace officer (as defined by California Penal Code Section 830 et seq.) in good standing that has completed Police Officer Standards and Training (POST) may enforce this chapter.

3-4.1504- Special permits.

The Director of Public Works of the County is hereby authorized, at his or her discretion, upon application in writing, and if good cause exists, to issue a special

permit in writing authorizing the applicant to operate a Water Tender Vehicle that would otherwise be in violation Section 3-4.1501.

3-4.1505 - Inapplicability.

The prohibition contained in this chapter do not apply to emergency vehicles. To the extent that any provision of this article conflicts with state or federal law, either on its face or as applied, it shall be inapplicable to the extent of such conflict. The Board hereby affirms that it intends that all remaining provisions not in conflict remain in effect.

SECTION 2. Authority/Effective Date:

This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or other applications of the ordinance, and the provisions of this ordinance are declared to be severable.

SECTION 4. CEQA.

The Board hereby finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations allowing for the restriction of Water Tender Vehicles. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In addition, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption, 14 CCR § 15308, (regulatory activity to assure protection of the environment) and Class 7 Categorical Exemption, 14 CCR § 15307, (regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resources).

PASSED AND ADOPTED this 4th day of May, 2021, at a regular meeting of the Board of Supervisors by the following vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

Ray A. Haupt Chairman,
Board of Supervisors

ATTEST:
LAURA BYNUM, CLERK,
Board of Supervisors

By _____
Deputy