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

**AN ORDINANCE OF THE COUNTY OF SISKIYOU**

**AMENDING SECTIONS 3-13.601 AND 3-13.702 AND REPEALING ARTICLE 3.5 OF CHAPTER 13 OF TITLE 3 OF THE SISKIYOU COUNTY CODE REGARDING REGULATION OF GROUNDWATER**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS FOLLOWS:

SECTION I: Section 3.13.601, titled “Civil Penalty”, of the Siskiyou County Code is amended to read as follows:

Sec. 3-13.601. – Civil Penalty.

The County may elect to proceed with a civil action against a violator, including injunctive relief, or through administrative enforcement. Any person or entity who violates this chapter shall be subject to fines of up to Two Thousand, Five Hundred and no/100ths ($2,500.00) Dollars per separate violation. A person shall be deemed to have committed separate violations for each and every day or portion thereof during which any such violation is committed, continued, or permitted as well as for each and every separate groundwater well with which any such violation is committed, continued, or permitted.

SECTION II: Section 3.13.702 is amended to read as follows:

Sec. 3-13.702. -Wasting groundwater prohibited.

 (i) No person or entity shall knowingly engage in the act of wasting or unreasonably using groundwater by extracting and discharging groundwater underlying Siskiyou County for use in cultivating cannabis in violation of Chapter 14 or Chapter 15 of Title 10 of the Siskiyou County Code.

 (ii) No person or entity shall knowingly permit the existence of any public nuisances, as defined in this Article, to exist on property in his or her ownership or possession and control.

 (iii) No person shall knowingly use water extracted in violation of this section.

SECTION III: Article 3.5, of Chapter 13 of Title 13, titled “Administrative Permit Process for Groundwater Extraction for use Off-Parcel from Which it was Extracted”, of the Siskiyou County Code is hereby repealed, and that article shall be reserved for future use.

SECTION IV: This ordinance amendment has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines (i.e., the “general rule exemption because it can be seen with certainty that the proposed amendment does not have the potential to result in a significant impact on the environment.”)

SECTION V: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION VI: 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.

PASSED AND ADOPTED this \_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2023 at a regular meeting of the Board of Supervisors by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ed Valenzuela, Chair

Siskiyou County Board of Supervisors

ATTEST:

Laura Bynum, Clerk,

Board of Supervisors

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy