

ORDINANCE NO. SCC 2021-05

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ADDING CHAPTER 18.09 TO THE SHASTA COUNTY CODE
CONCERNING WASTING GROUNDWATER**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Chapter 18.09 is added to the Shasta County Code to read as follows:

CHAPTER 18.09 – WASTING GROUNDWATER

Sections:

18.09.010	Declaration and Purpose
18.09.020	Wasting Groundwater Prohibited
18.09.030	Enforceability

Section 18.09.010 Declaration and Purpose

The Board of Supervisors finds that the extraction and discharge of groundwater underlying Shasta County for the use in the cultivation of cannabis is in violation of Section 17.88.320 or Section 17.88.325 of this code:

- A. Is inconsistent with Article X, section 2, of the California Constitution and Section 100 of the California Water Code;
- B. Constitutes the waste and/or unreasonable use of groundwater; and
- C. Is hereby declared to be a public nuisance and a threat to the public health, safety, and welfare.

Section 18.09.020 Wasting groundwater prohibited

- A. No person or entity shall engage in the act of wasting or unreasonably using groundwater by extracting and discharging groundwater underlying Shasta County for use in cultivating cannabis in violation of Section 17.88.320 or Section 17.88.325 of this code.
- B. No person or entity shall permit the existence of any public nuisances, as defined in this Chapter, to exist on property in his or her ownership or possession and control.
- C. No person shall knowingly use groundwater extracted in violation of this section.

- D. For purposes of this chapter, the term “groundwater” shall have the same meaning as section 18.08.020(I) of this code.

Section 18.09.030 Enforceability

- A. As authorized by Government Code Section 25132, any person or entity violating any provision of this Chapter of the Shasta County Code shall be guilty of a misdemeanor.
- B. Violations of this Chapter are unlawful and shall constitute a public nuisance and may be enforced and abated by the Shasta County Director of Environmental Health in accordance with Chapter 8.28 (Nuisances) of the Shasta County Code and by any other means available by law.
- C. Any well used to extract groundwater in violation of this Chapter shall also be considered to be operating in violation of Chapter 8.56 (Water Wells) of the Shasta County Code and may be abated, disabled, or otherwise destroyed by the Shasta County Director of Environmental Health in accordance with the procedures in Chapter 8.56 (Water Wells) of the Shasta County Code and by any other means available by law.

SECTION II.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect adverse physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant adverse effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15307 (actions taken as authorized by local ordinance to assure protection of natural resources) and 15308 (actions taken as authorized by local ordinance to assure protection of the environment). There are no unusual circumstances under CEQA Guidelines section 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION III.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION IV.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance are hereby superseded by this Ordinance. The adoption of this Ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION V.

This Ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this Ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 16th day of November, 2021, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Rickert, Jones, Baugh, Chimenti, and Moty
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



JOE CHIMENTI, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MATTHEW P. PONTES
Clerk of the Board of Supervisors

By



Deputy