

**BOARD OF SUPERVISORS
COUNTY OF SIERRA
STATE OF CALIFORNIA**

ORDINANCE NO. 1041

Ordinance to Add Chapter 9.05 to the Sierra County Code Outlining the Process for Protecting, Monitoring and Prevention of Aquatic Invasive Species in County Waterways

THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS as follows:

Ordinance Section One:

Chapter 9.05 is hereby added to the Sierra County Code as follows:

9.05.010 Purpose

The purpose of this ordinance is to preserve navigation, commerce, fishery, and recreation through the preservation of the land and waters in their current natural state by ensuring the protection of all native and desired aquatic species and aquatic habitat in the County of Sierra by preventing the introduction and spread of Aquatic Invasive Species.

Nothing herein shall be deemed to or construed as creating an affirmative duty on the County to enforce the provisions of this Ordinance.

9.05.020 Findings

The water bodies within the County of Sierra may be adversely affected by the introduction of certain non-native species which have the potential to rapidly proliferate, harm and/or consume native species and food resources, and drastically alter the ecosystem of those water bodies. This can adversely impact to the ecology, recreation, water supply, water quality, and economy of the region.

In particular, species of Dreissenid mussels such as Quagga and Zebra mussels pose a significant and imminent threat to the water bodies within the County of Sierra. Dreissenid mussels have already created serious and irreparable harm to bodies of water located in other locations in the United States and California.

Presently, it does not appear that any water body in County of Sierra has been infested with Dreissenid mussels. However, water vessels entering County of Sierra from other areas may have recently been launched in infested waters, making those vessels at high risk to carry mussels, both adults and larvae, into County of Sierra waters.

A screening and inspection program is integral to the preservation of the water bodies and water distribution systems with the County of Sierra and to the drainages from County of Sierra

9.05.030 Definitions

“Aquatic Invasive Species” shall mean any species not already native to the waters of County of Sierra whose introduction to those water is likely to cause economic or environmental harm or harm to human health.

“Watercraft” shall mean any vessel capable of carrying one or more people over water, and shall include, without limitation, all boats, canoes, kayaks, skiffs and rafts.

9.05.040 Prohibition

- (a) No person shall knowingly launch any Watercraft contaminated with any Aquatic Invasive Species into the waters of the County of Sierra
- (b) No person shall launch any Watercraft into the waters of the County of Sierra without first submitting to an inspection pursuant to section 9.05.050, when such an inspection is required by the duly authorized agent of the County or by County personnel.
- (c) No person shall launch any Watercraft into the waters of the County of Sierra without having their Watercraft decontaminated when directed to do so by the duly authorized agent of the County or by County.
- (d) No person shall knowingly provide false information to any agent authorized to perform inspections pursuant to section 9.05.050.

9.05.050 Watercraft Inspections and Decontamination

- (a) The County of Sierra may appoint such agents and/or assign such County personnel as the Board of Supervisors may from time to time authorize to inspect Watercraft prior to launching into the waters of the County of Sierra to detect the presence and prevent the introduction of Aquatic Invasive Species. When inspection is required by any such duly authorized agent or County personnel, no person may launch a watercraft without first submitting to an inspection under this section.
- (b) Any Watercraft inspected pursuant to subsection (a) that is found to have indicia of contamination by aquatic invasive species may be required to undergo decontamination prior to launch, pursuant to such decontamination procedures and requirements shall be prescribed by the Board of Supervisors. Prior to launch, any Watercraft having undergone decontamination procedures will be subject to such inspection and certification requirements as may from time to time be duly established by the Board of Supervisors.
- (c) Prior to launching any Watercraft into waters in the County of Sierra, and/or at the time of the inspection, the person seeking to launch the Watercraft may be required to execute an affidavit indicating whether the watercraft has been operated in any waters known to contain Aquatic Invasive Species and, if so, providing the date(s) of said operation, the length of time that the watercraft has been continuous stored in a drained and dry condition subsequent to being on a water body containing Aquatic Invasive Species, and what decontamination procedures, if any, the watercraft has undergone. Where required, the

affidavit shall be on a form provided by the County and shall contain a list of waters known to contain Aquatic Invasive Species. The affidavit shall be signed under penalty of perjury.

- (d) No person shall be required to submit a Watercraft to inspection under this section. If the watercraft owner or operator refuses to consent to screening, that watercraft shall not be allowed to launch in any water body within the County of Sierra and shall be in violation of this Ordinance if he/she should nonetheless attempt to or actually launch in any water body in the County of Sierra.

9.05.060 Fees

All watercraft inspected are subject to a fee to pay for the inspection and/or decontamination. The County of Sierra or its designee will review and approve the fee structure annually. The inspection fee shall be in such amount as may from time to time be duly adopted by the Board of Supervisors.

9.05.070 Public Nuisance Declaration

Any violation of this chapter is hereby declared to be unlawful and a public health nuisance and may be abated by authorized County of Sierra or its designee, personnel, irrespective of any other remedy provided in this Ordinance.

9.05.080 Violation of Ordinance as an Infraction

Any violation this Ordinance and Chapter 9.05 of the Sierra County Code shall be an infraction, and shall be punishable as such pursuant to section 1.16.030 of the Sierra County Code.

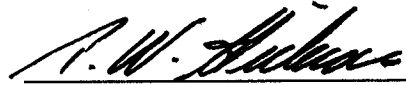
Ordinance Section Two:

This ordinance shall take effect thirty (30) days after its passage. Before expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 21st day of August 2012, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 4th day of September 2012, by the following roll call vote, to wit:

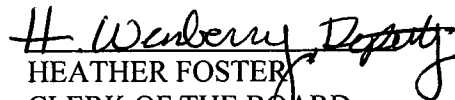
AYES: Adams, Nunes, Goicoechea, Schlefstein and Huebner
NOES: None
ABSTAIN: None
ABSENT: None

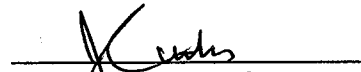
COUNTY OF SIERRA


PETER HUEBNER, CHAIR
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:


HEATHER FOSTER
CLERK OF THE BOARD


JAMES A. CURTIS
COUNTY COUNSEL

P:\JAC\Sierra\ORD\DRAFT\Aquatic Invasive Species Ordinance.docx