



Monterey County Board of Supervisors

Board Order

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A motion was made by Supervisor John M. Phillips, seconded by Supervisor Mary L. Adams to Adopt

Adopt Ordinance No.: 5364

To amend Chapter 16.10 of the Monterey County Code to prohibit unauthorized metal detection activity on the former Fort Ord in the unincorporated area of Monterey County [REF200039 - Metal Detection Prohibition].

Proposed CEQA Action: Categorically exempt per CEQA Guidelines section 15308.

PASSED AND ADOPTED on this 20th day of April 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting April 20, 2021.

Dated: September 30, 2021

File ID: ORD 21-004

Agenda Item No.: 32

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy

ORDINANCE NO. 5364

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 16.10 OF THE MONTEREY COUNTY CODE RELATING TO
DIGGING AND EXCAVATION ON THE FORMER FORT ORD.**

County Counsel Summary

Chapter 16.10 of the Monterey County Code currently requires special procedures for digging, excavation, and ground disturbance on the former Fort Ord in the unincorporated area of Monterey County due to the risks associated with potential remaining unexploded ordnance and explosives (UXO). This ordinance amends Chapter 16.10 to add a prohibition on unauthorized metal detection activities on the former Fort Ord in the unincorporated area of the County in order to prevent risks to the public health and safety that could occur from encountering UXO as a result of metal detection.

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

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

B. In 2005, the County adopted Ordinance No. 5012 enacting Chapter 16.10 of the Monterey County Code to require special procedures for digging, excavation, and ground disturbance on the former Fort Ord in the unincorporated area of the County due to the risks associated with potential remaining unexploded ordnance and explosives (UXO).

C. The Board of Supervisors desires to amend Chapter 16.10 to add a prohibition on unauthorized metal detecting activities on the former Fort Ord in the unincorporated area of the County to protect the public health and safety because unauthorized metal detecting may result in lay persons encountering UXO, which puts lay persons at immediate risk if they do not have the proper training, experience, or equipment to handle UXO safely.

D. This ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308 because the ordinance adds procedures for protection of the environment.

SECTION 2. Section 16.10.042 is hereby added to the Monterey County Code to read as follows:

16.10.042 – Prohibition of Metal Detection Activity

It shall be unlawful for any person to engage in any unauthorized metal detection activity of any type on any property located within the district. This prohibition does not prevent metal detection activity if specifically authorized by the County as part of a permit for development or

as part of a County project on County land or if authorized by a state and/or federal agency for remediation or similar purposes.

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this 20th day of April, 2021, by the following roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

ABSTAIN: None



Wendy Root Askew Chair,
Monterey County Board of Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: 
Julian Lorenzana, Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Assistant County Counsel