

Attachment B

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ORDINANCE NO. ____

**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 specifically authorized by an appropriate governmental entity.

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 ____ day of _____, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,
Monterey County Board of
Supervisors

ATTEST

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Assistant County Counsel