

Attachment B

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 14.22 OF THE MONTEREY COUNTY CODE
RELATING TO HOUSEBOATS ON LAKE SAN ANTONIO AND LAKE NACIMIENTO**

County Counsel Summary

This ordinance amends Chapter 14.22 of the Monterey County Code relating to houseboats. This ordinance adds Section 14.22.015 to prohibit issuance or renewal of houseboat permits at Lake San Antonio effective January 1, 2021, with such prohibition to remain in effect until further action by the Board of Supervisors to rescind or modify the prohibition. This ordinance also adds Section 14.22.055 to authorize the impoundment of any houseboat remaining at Lake San Antonio after January 31, 2021. This ordinance also adds Section 14.22.025 to include the existing prohibition on use or placement of houseboats at Lake Nacimiento.

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

SECTION 1. Findings and Declarations.

A. Chapter 14.22 of the Monterey County Code currently requires an annual permit issued by the County Parks Department in order to place or use a houseboat on the reservoir called "Lake San Antonio" and currently has no provision for permitting houseboat placement or use on the reservoir called "Lake Nacimiento."

B. Due to several years of low water levels at Lake San Antonio, the marina at the lake has been moved off land and anchored in the deepest water in the lake.

C. The marina has deteriorated to the extent that it is no longer functional, and the marina must be removed and demolished, and no plans or funds have been identified to replace the marina.

D. Due to the condition of the marina at Lake San Antonio, the continued use of the lake by houseboat permit holders creates a risk of water contamination and ecological damage and other potential safety hazards.

E. To protect the public health, safety, and welfare, this ordinance is intended to prohibit issuance or renewal of annual permits for houseboat use on Lake San Antonio, effective January 1, 2021, by rendering the permit provisions of Chapter 14.22 inoperative until such time that the Board of Supervisors modifies or rescinds the prohibition, and this ordinance also makes explicit the existing prohibition on houseboat use at Lake Nacimiento.

F. This ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308, Actions by Regulatory Agencies for the Protection of the Environment.

SECTION 2. Section 14.22.015 is hereby added to the Monterey County Code to read as follows:

14.22.015 – Prohibition on the issuance or renewal of permits for houseboats on Lake San Antonio.

As of January 1, 2021, notwithstanding any other provisions of this Chapter, the County shall not issue any new houseboat permits or renew any existing houseboat permits for use or placement of a houseboat on Lake San Antonio. Such prohibition shall remain in place until further action by the Board of Supervisors modifying or rescinding the prohibition. While the permitting authority of the County pursuant to this Chapter is hereby made inoperative until further action by the Board of Supervisors, all other provisions and requirements in this Chapter shall remain in full force and effect.

SECTION 3. Section 14.22.025 is hereby added to the Monterey County Code to read as follows:

14.22.025 – Prohibition of houseboats at Lake Nacimiento.

Houseboats shall not be used or placed on Lake Nacimiento.

SECTION 4. Section 14.22.055 is hereby added to the Monterey County Code to read as follows:

14.22.055 – Prohibition and impoundment of houseboats at Lake San Antonio.

A. Effective January 1, 2021, houseboats shall be prohibited on Lake San Antonio, and such prohibition shall remain in place until further action by the Board of Supervisors modifying or rescinding the prohibition. All permits previously issued to authorize the placement or use of a houseboat(s) on Lake San Antonio shall not be renewed and are deemed revoked as of January 1, 2021. All houseboats shall be removed from Lake San Antonio no later than December 31, 2020. Failure to remove any houseboat from Lake San Antonio by January 31, 2021, will result in the impoundment of the houseboat pursuant to this section and the imposition of daily penalties pursuant to Chapter 1.22 of this Code.

B. Any houseboat remaining on Lake San Antonio, or within the County Park, after January 31, 2021, will be impounded by the County. Excepting as to notice as required by Chapter 1.22 of this Code for the assessment of penalties, no notice shall be required prior to impoundment. Upon impoundment of the houseboat, the County may, in its sole discretion, authorize the houseboat to be removed from the water, stored, and/or moved to an appropriate facility for the security of the vessel or convenience during such impoundment.

1. The houseboat owner and/or permit holder shall be jointly and severally liable for all costs and fees related to the impoundment and/or relocation of a houseboat, including but not limited to hauling and storage fees, staff time, any other associated costs and/or charges, penalties assessed under Chapter 1.22 of this Code, and reasonable attorneys' fees.

2. An impounded houseboat shall be returned to its owner upon the payment of all applicable costs and fees pursuant to subdivision (a) above, provided said costs and fees are paid to the County within sixty (60) calendar days from the date of impoundment. For the purposes of this Section, the date of impoundment includes a 30-day grace period and shall be deemed to be February 1, 2021.

3. After being impounded for sixty (60) calendar days from the date of impoundment, the houseboat and its contents may be destroyed or sold at public auction in accordance with the provisions of Article 4 of Chapter 2, Division 3 of the Harbors and Navigation Code (§500 et seq.), as it may be amended from time to time. For federally documented vessels, Federal Maritime Law shall apply. Should the houseboat have no evidence of state or federal registration, and in the circumstance that the County does not guarantee title to the vessel upon sale, the County may dispose of the houseboat pursuant to any applicable provisions of this Code or State law governing the disposal of abandoned property. Regardless of any changes in ownership, the houseboat owner and/or permit holder shall be jointly and severally liable for all unpaid costs and fees incurred by the County of Monterey as a result of the impoundment of the houseboat.

4. The owner of a houseboat impounded pursuant to this Section assumes all liability for loss or damage to property of every kind. To the fullest extent permissible under the law, neither the County of Monterey nor its agents shall be held liable for any damages resulting from impoundment of a houseboat pursuant to this Section. The County of Monterey assumes no risk on account of fire, theft, storm, wind, acts of God, or damage of any nature from any cause whatsoever, to any houseboat or other property.

SECTION 5. Section 14.22.010.A.1 of the Monterey County Code is amended to read as follows:

1. "Houseboat" means a water craft or industrial or commercial structure on or in the waters of ~~Lake San Antonio~~ Lake or Lake Nacimiento, floating or non-floating, which is designed or fitted out as a place of habitation and is not principally used for transportation. "Houseboat" includes platforms.

SECTION 6. Subsection 17 is added to Section 14.22.010.A of the Monterey County Code to read as follows:

17. "Lake Nacimiento" means the reservoir impounded by the Nacimiento Dam on the Nacimiento River in the County of San Luis Obispo.

SECTION 7. 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 8. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ___ day of _____, 2020, by roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chris Lopez, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

APPROVED AS TO FORM BY:

Wendy S. Strimling
Assistant County Counsel

By: _____
Deputy