

Attachment A

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
REPEALING EXISTING CHAPTER 14.22 OF THE MONTEREY
COUNTY CODE AND AMENDING CHAPTER 14.12 RELATING TO
HOUSEBOATS ON LAKE SAN ANTONIO AND LAKE NACIMIENTO**

County Counsel Summary

This Ordinance repeals Chapter 14.22 of the Monterey County Code, regulating houseboats at Lake San Antonio. This Ordinance also amends Chapter 14.12 of the Monterey County Code to prohibit the placement or use of houseboats at Lake San Antonio and Lake Nacimiento and authorizes the impoundment of any houseboat which remains at Lake San Antonio or Lake Nacimiento after December 31, 2020.

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

SECTION 1. Chapter 14.22 of the Monterey County Code is hereby repealed in its entirety.

SECTION 2. Section 14.12.010.H-11 is hereby added to the Monterey County Code as follows:

H-11. "Houseboat" means a Boat, watercraft, or industrial or commercial structure on or in the waters of Lake San Antonio 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 3. Chapter 14.12.085 is hereby added to the Monterey County Code as follows:

14.12.085 – Prohibition and impoundment of houseboats at Lake San Antonio and Lake Nacimiento.

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

2. Resource Management Agency-Parks shall issue a prorated refund, based on a three hundred sixty (360) day calendar year, to any person with a previously issued annual permit to place or use a houseboat on Lake San Antonio or Lake Nacimiento prior to the expiration of said permit, or no later than March 1, 2021 for any such permit which would otherwise authorize the person to continue to place or use a houseboat on Lake San Antonio or Lake Nacimiento for a period of time after January 1, 2021.

3. Any houseboat remaining on Lake San Antonio or Lake Nacimiento or within the County Park after December 31, 2020, 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.

- a. 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 attorney's fees.
- b. 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 shall be deemed to be January 1, 2021.
- c. 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, 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 and/or State law governing the disposal of abandoned property. Regardless of any change(s) in ownership, all unpaid costs and fees incurred by the County of Monterey as a result of the impoundment of the houseboat shall continue to be associated with the houseboat and/or the houseboat owner and/or permit holder until paid in full.
- d. 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 Resource Management Agency 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 4. 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 5. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

Wendy S. Strimling
Assistant County Counsel

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