

## ORDINANCE NO. 5344

### AN ORDINANCE OF THE MONTEREY COUNTY WATER RESOURCES AGENCY AMENDING ORDINANCE NO. 04065 CONCERNING BOAT DOCK FEES AND PENALTIES

#### County Counsel Summary

*This ordinance amends Ordinance No. 04065 (adopted May 30, 2000) to remove the boat dock license fees and penalties from the Ordinance and to instead reference the Monterey County Water Resources Fee Article within the Monterey County Fee Resolution to set the fee amounts. Moving the fee amounts from the Ordinance to the Fee Article will enable the Monterey County Water Resources Agency to more easily update the fees.*

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

SECTION 1. Section 5 of Ordinance No. 04065 is hereby amended to read as follows:

License and other fees charged under the provisions of this Ordinance and fines, penalties and enforcement costs associated with violations of this Ordinance not otherwise set forth herein, shall be established by the Agency Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

SECTION 2. Section 16 of Ordinance No. 04065 is hereby amended to read as follows:

(a) It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

(b) Any violation which occurs or continues to occur from one day to the next shall be deemed a separate violation for each day during which such violation occurs or continues to occur.

(c) If licensee fails to comply with the standards and requirements in this ordinance, the property owner shall assume full responsibility for all fees owed to the Agency, including any and all disposal fees and removal expenses as appropriate.

(d) Agency shall have the right to remove, at the property owner's and/or licensee's expense, all licensed or unlicensed, tethered or untethered, boat docks and log-booms not complying with the licensing conditions set forth herein.

SECTION 3. SEVERABILITY

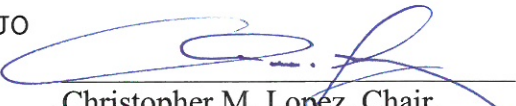
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, 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.

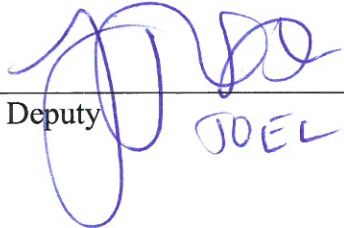
PASSED AND ADOPTED this 13<sup>th</sup> day of OCTOBER, 2020, by the following vote:

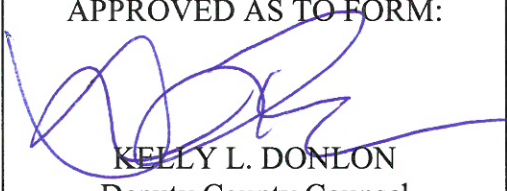
AYES: SUPERVISOR <sup>JCP</sup> ~~ALEJO~~, PHILLIPS, LOPEZ, PARKER AND ADAMS  
NOES: NONE  
ABSENT: SUPERVISOR ALEJO

  
Christopher M. Lopez, Chair,  
Monterey County Board of Supervisors

ATTEST:

VALERIE RALPH  
Clerk of the Board

By:   
Deputy JOEL G. PABLO

APPROVED AS TO FORM:  
  
KELLY L. DONLON  
Deputy County Counsel