

ORDINANCE NO. 5340

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
ADDING NEW SECTION 1.22.105 TO CHAPTER 1.22 OF THE MONTEREY COUNTY
CODE RELATING TO ADMINISTRATIVE REMEDIES FOR VIOLATIONS OF
REQUIREMENTS TO MONITOR AND PROTECT ARCHEOLOGICAL AND
CULTURAL RESOURCES.**

County Counsel Summary

This Ordinance amends Chapter 1.22 of the County of Monterey Code, which governs administrative remedies for code enforcement by adding Section 1.22.105 to establish penalties for the failure to monitor and protect archeological and cultural resources at any land use project site where such monitoring and protection is required by the conditions of approval for the project.

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

SECTION 1. PURPOSE AND FINDINGS. Pursuant to Article XI, section 7 of the California Constitution, and Government Code sections 25845 and 53069.4, 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 citizens.

The preservation of archeological and cultural resources is of significant public importance and this ordinance provides enhanced protection of such resources by establishing fines as a civil penalty for the failure to both monitor and protect archeological and cultural resources when so required.

SECTION 2. Section 1.22.105 is hereby added to the Monterey County Code to read as follows:

1.22.105 Administrative fines for archeological monitor violations.

A. Notwithstanding Section 1.22.100, for any activity, including but not limited to construction authorized by a land use entitlement or permit, which requires an onsite archeological or tribal monitor, or both, and the protection of archeological or cultural resources as a condition of approval for the activity, an Enforcement Official may issue to a responsible person an administrative citation that imposes the following fine(s) in the event that said condition of approval is violated:

1. A fine of \$25,000 for each day of the violation beginning from day 1.

B. The cumulative amount of fines imposed on a responsible person pursuant to this section shall not exceed twenty-five percent (25%) of the fair market value of the real property at which the violation occurred determined by a contemporary appraisal from an appraiser satisfactory to the County, paid for by the responsible person.

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. CEQA. Adoption of this ordinance is categorically exempt from the California Environmental Quality Act as an action to preserve and protect the environment pursuant to Title 14 California Code of Regulations section 15308, and to establish additional enforcement mechanisms for a regulatory agency pursuant to Title 14 California Code of Regulations section 15321.

SECTION 5. This ordinance shall become effective on the thirty-first day following its adoption.

SEPTEMBER

PAESSED AND ADOPTED on this 15th day of ____, 2020, by the following vote:

AYES: SUPERVISOR ALEJO, PHILLIPS, ADAMS, LOPEZ AND PARKER

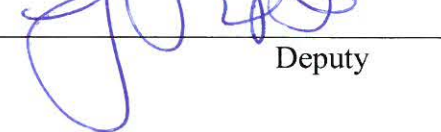
NOES: NONE

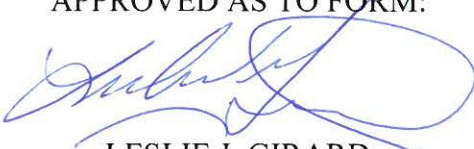
ABSENT: NONE


Chris Lopez, 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:

LESLIE J. GIRARD
County Counsel