

ORDINANCE NO. 14

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT  
RESTRICTING THE BED AND BANKS OF THE CARMEL RIVER  
TO MOTORIZED VEHICLES

WHEREAS, Section 369 of the Monterey Peninsula Water Management District Law enables the District to restrict the bed and banks of the Carmel River to motorized vehicles; and

WHEREAS, motorized vehicles have caused damage to the bed and banks of the Carmel River; and

WHEREAS, said damage exposes the bed and banks to erosion during periods of water flow;

NOW, THEREFORE, the District Board amends the District rules and regulations by adoption of the following language revisions:

Section One

Rule 124 of the Rules and Regulations shall be amended to read:

Rule 124. River Management and Regulations.

It shall be a violation of these Rules and Regulations, and an infraction/misdemeanor pursuant to the Monterey Peninsula Water Management District Law, (Sections 256 and 369, adopted by the California Legislature by Chapter 986, Statutes of 1981, and Chapter 767, Statutes of 1983, respectively) for any individual to do one or more of the following acts within the riparian corridor without a valid permit issued by this District:

A. Damage, remove, alter, or otherwise injure the riverbank, riverbed, canal, or reservoir which lies within the riparian corridor of the Carmel River; or take water from any canal, ditch, flume, pipe or reservoir installed or operated by the Monterey Peninsula Water Management District.

B. Damage, remove, alter, or otherwise injure any sprinkler or irrigation system installed or operated by the Monterey Peninsula Water Management District.

C. Damage, remove, alter, deface, or otherwise injure any sign, barrier, or obstruction erected by the Monterey Peninsula Water Management District upon the riverbank or riverbed of the Carmel River, or within the riparian corridor of the Carmel River.

45

D. Damage, remove, or otherwise injure any tree or willow within or upon the riverbank or riverbed of the Carmel River except for the purpose of planting local willow cuttings less than one inch in diameter to enhance bank cover.

E. Damage, remove or otherwise injure native vegetation, excluding poison oak, within the riparian corridor.

F. Construct, alter, damage, or otherwise injure any dike, or trail within or upon the riparian corridor.

G. Drive, ride, park or travel in a motorized vehicle upon the riverbank, riverbed, or riparian corridor of the Carmel River.

H. Fail, willfully, to observe any sign, marker, warning, notice, or direction which restricts or closes the Carmel River, or any portion of its bed or banks, to motorized vehicles.

The first offense of this Rule shall be an infraction, punishable by a minimum fine of \$50.00. The minimum fine may be increased to a maximum of \$100.00 based upon the extent of damage caused.

The second offense of this Rule shall be a misdemeanor, punishable by a fine not to exceed \$500.00, and imprisonment in the county jail not to exceed six months.

## Section Two

Rule 125 of the Rules and Regulations shall be added to read:

### Rule 125. River Access Permits

A. River Access Permits shall be required by any person who drives, rides, parks or travels in a motorized vehicle upon the riverbank, riverbed, or riparian corridor of the Carmel River. Permits for such activity shall be issued by the General Manager or the District Engineer who shall follow guidelines established by the Carmel River Advisory Committee. River Access Permits may be conditioned to effect the purposes of this Regulations. Each River Access Permit granted by this Rule may be revoked for cause by the General Manager.

B. River Access Permits shall be granted for those portions of the riverbank and riparian corridor for uses which are necessary to the ordinary operation, maintenance, or repair of existing golf courses. River Access Permits shall be granted for all uses on lands within the State Park System.

C. Determinations of the General Manager or the District Engineer granting, denying or conditioning River Access Permits may be appealed to the Board of Directors pursuant to Rule 70, "Appeals" upon payment of the fee specified in Rule 63(4) Rule 63(1).

Section Three

Rule 125 of the Rules and Regulations shall be renumbered Rule 126.

Section Four

Rule 126 of the Rules and Regulations shall be renumbered Rule 127, and Section C of that Rule shall be amended to read:

C. Determination of the General Manager or the District Engineer ~~granting, denying or conditioning River Access Permits~~ may be appealed to the Board of Directors pursuant to Rule 70, "Appeals" upon payment of the fee specified in Rule 63(4) Rule 63(1).

Section Five

Rule 127 of the Rules and Regulations shall be renumbered Rule 128.

Section Six

Rule 128 of the Rules and Regulations shall be renumbered Rule 129.

Section Seven

Rule 129 of the Rules and Regulations shall be renumbered Rule 130.

*as revised 7/9/84*

On motion of Director Peters and second by Director Heuer, the foregoing ordinance is duly adopted on second reading this 12th day of November, 1984 by the following votes:

AYES: Directors Townsend, Heuer, Peters, McClintock  
DeBerry, Bernardi and Williams

47

NAYES: None

ABSENT: None

I, Gladys McKillop, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a full, true and correct copy of an ordinance duly adopted and passed on the 12th day of November, 1984.

Witness my hand and seal of the Board of Directors this 14th day of November, 1984.

  
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Gladys McKillop, District Secretary

ITEM: IV B SECOND READING AND ADOPTION OF ORDINANCE NO. 14  
RE CONTROL OF CARMEL RIVER VEHICULAR ACCESS

MEETING DATE: November 12, 1984

BACKGROUND INFORMATION: The Board, on July 9, 1984, approved the first reading of Ordinance No. 14 and directed staff to work out minor revisions to the text with the District Attorney regarding enforcement. Staff has had several meetings with the District Attorney staff and have reached agreement on workable enforcement mechanisms including both civil and criminal remedies. Attached as Exhibit A is the revised text of Ordinance No. 14. CRAC has recommended adoption.

RECOMMENDATION: Staff supports adoption.

ACTION REQUIRED: The Board should, by roll call vote, approve Ordinance No. 14.