

ORDINANCE NO. 52-2023

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT, AMENDING ARTICLE 1 RELATING TO DEFINITIONS AND ARTICLE 3 RELATING TO FEES AND PROCEDURES

WHEREAS, pursuant to Harbors and Navigation Code Section 6070, the Board of a Harbor District may pass all necessary ordinances for the regulation of a Harbor District;

WHEREAS, the District desires to amend Article 1 relating to “Definitions” and Article 3 relating to “Fees and Procedures” of the Code.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. Existing Law Continued. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the District’s business or administration of its law, including but not limited to the following:

- 2.1.1. Actions and proceedings that began before the effective date of this Ordinance;
- 2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance; and
- 2.1.3. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the District Code.

2.2. References to Prior Ordinances Apply to All Amendments. Whenever a reference is made to this code as the “Crescent City Harbor District Code” or to any portion thereof, or to any ordinance of the Crescent City Harbor District, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.3. Article, Chapter, and Headings. Article, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, article, chapter, or section hereof.

2.4. References to Specific Ordinances and Code Sections. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Crescent City Harbor District Code. Renumbering and relabeling of existing ordinance, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, article, chapter, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.5. Effect of Ordinance on Past Actions, Obligations and Irregularities. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the District, does not revive any rights repealed or extinguished by any prior ordinance of the District which is repealed by this Ordinance.

2.6. Effect of Ordinance on Period of Limitation. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.7. Successor Codes. All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Article 1 Amended.

3.1. **Amendment.** Subsection (28) of Section 2.200 of Article I (“General Provisions”) of the District Code is hereby amended and replaced in its entirety as follows:

28) Public Park means all public areas of the District designated by the Harbormaster for public recreational activities, including but not limited to areas of land and water consisting of ocean, harbor, beach, pier, dock, parking lot, roadway, trail, and field.

3.2. **Amendment.** Subsection (47) of Section 2.200 of Article I (“General Provisions”) of the District Code is hereby added as follows:

47) Zones Designated as Drug-Free means all public parks and ocean-fronting beaches within the District, including adjacent parking lots and sidewalks. Pursuant to Health and Safety Code Section 11380.5, any person convicted of the sale of heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), within zones designated as drug-free shall be charged with enhanced criminal penalties as provided under California law.

SECTION 4. Article 3 Amended.

4.1 **Amendment.** Section 13.200 of Article 3 (“Fees and Procedures”) of the District Code is hereby amended and replaced in its entirety as follows:

13.200 – District Fee Schedule

The Board of Commissioners of the Crescent City Harbor District hereby establishes the fees and charges for services provided by the District (“District Fee Schedule”) as set forth in Table 13.200. attached to this Chapter.

(Ord No. 35-2009; Ord No. 47-2017; Ord. No. 51-2022; Ord. No. 52-2023)

(SEE ORDINANCE 52-2023 EXHIBIT 1 – “CRESCENT CITY HARBOR DISTRICT FEE SCHEDULE”)

ORDINANCE 52-2023 - EXHIBIT 1 - TABLE 13.200: CRESCENT CITY HARBOR DISTRICT FEE SCHEDULE

ITEM DESCRIPTION	RATE
Storage	
Storage in Designated Spaces	\$150 \$200 per month (Harbormaster determines availability and any special rates)
Storage in North Yard (per item or pair, not to exceed 325 sq. ft.)	\$65 \$85 per month
Failure to Vacate Storage Space When Required	\$200 \$350 per month
Vessel Dry Storage	\$2.50 \$3 per foot, monthly (34' and under) / \$2.75 \$3.25 for 35' and up, \$50 min
Trailer Inside of Storage Area	\$65 \$85 per month
Concession Fees / Signage	
Special Event Fee Schedule A (open to public, requires no Harbor District staff)	\$100 \$120 per 4 hour event - Up to 1,000 square feet
Special Event Fee Schedule B (open to public, requires no Harbor District staff)	\$150 \$180 per 4 hour event - Up to 2,500 square feet.
Special Event Fee Schedule C (public or private, minimal Harbor District staff involvement, staff time billed at regular rates in addition to base \$500 \$600 fee)	\$500 \$600 per day; plus actual staff time & expenses, \$250 \$300 non-refundable deposit for staff time. Up to 5,000 square feet.
Special Event Fee Schedule C (public or private, Harbor District staff involvement billed at regular rates in addition to base \$1000 \$1,200 fee)	\$1,000 \$1,200 per day; plus actual staff time & expenses, \$500 \$600 non-refundable deposit for staff time. Up to 10,000 square feet.
Concession Fee for Food Carts – no electricity, no more than 100 square feet, contingent on Health Dept. inspection and approval	\$25 \$30 per day (4 hours)
Concession Fee for Self-Contained Food Trucks – no electricity, no more than 500 square feet, contingent on Health Dept. inspection and approval	\$25 \$30 per day (4 hours)
Concession Fee for Non-Food Sales on District Property - no electricity, no lease, three days or more, no more than 100 square feet	\$25 \$30 per day (4 hours)
Concession Fee for Food Sales on District Property - no electricity, no lease, three days or more, contingent on Health Dept. inspection and approval	\$25 \$30 per day (4 hours)
Concession Fee for Dockside Sales of Seafood	\$25 \$30/day (4 hours) / \$125 \$150/month / \$1,000 \$1,200 annual
Concession Fee for Wholesale Purchase of Seafood Products (without a hoist lease)	\$500 \$600 Clerical and Legal Processing Fee \$12,000 \$14,400 Annual fee, plus standard poundage fees
Daily Permit Fees for Filming / Still Photography	\$400 \$480 per day filming / \$100 \$120 per day still photography
Commercial Displays or Demonstrations	To be negotiated by Harbormaster per event
Commercial Vehicle, Vessel or RV Displays	To be negotiated by Harbormaster per event
Wayfinding Signage (single entry marker)	\$100 \$120 Quarterly
Maintenance and Crew Services	
Personnel / Labor	\$150 \$180 per hour between 0700 and 1530 (1 hour minimum) \$250 \$300 per hour between 1530 and 0700 (1 hour minimum)
Forklift	\$100 \$120 per hour (minimum 1/2 hour), includes operator
Backhoe	\$150 \$180 per hour (minimum 1/2 hour), equipment only
Mobile Crane	\$200 \$240 per hour (minimum 1/2 hour), equipment only
Port Small Boat	\$125 \$150 per hour (minimum 1/2 hour), equipment only
Port Landing Craft	\$175 \$225 per hour (minimum 1/2 hour), equipment only
Lay Days in Self-Help Area	\$1.50 \$2.00 per foot, daily (\$20 minimum per day)
Boat Stands at Harbor	\$10 \$12 per stand, monthly
Work Dock	\$25 \$40 per day plus moorage. Tenants allowed 3 free days per year.

Boat Pump Out by District Staff	\$100 \$200 per hour, includes two District Staff
Boat Pump Rental to CCHD Tenants (not available to general public)	\$20 \$24 per day for electric / \$50 \$60 per day for gasoline / personnel cost is extra
Waste Oil/ Bilge Water Disposal	\$1.75 \$2.25 per gallon plus labor charge
Oil Absorbing Pads	\$2.50 \$3.00 per pad

Vessels and Marina	
Launch Fee	\$6 \$7 Daily / \$50 \$60 Monthly / \$150 \$180 Annual
Vessel Inspection and Documentation Fee (annually)	\$200 \$240
Live Aboard Fees	\$200 \$240 per month for up to 2 persons; \$100- \$120 per person thereafter.
Charter Boat Fee (9 Passengers or less)	\$500 \$600 w/annual moorage contract (charter endorsement valid for 1 year) \$750 \$900 w/o annual moorage contract (charter endorsement valid for 1 year)
Charter Boat Fee (10 Passengers or more)	\$1000 \$1200 w/annual moorage contract (charter endorsement valid for 1 year) \$1500 \$1800 w/o annual moorage contract (charter endorsement valid for 1 year)
Anchorage Fee	\$15 per day
Boat Without Insurance	150 \$180
Electric Meter Administrative Fee	\$25 \$30 per month (waived if enrolled in auto-pay or pre-pay)
Annual Parking Permit - Commercial Fishing	\$75 \$90 per year (2 permits included with annual slip rent)
Annual Parking Permit - Recreational Fishing	\$100 \$120 per year (1 permit included with annual slip rent)
Showers	No charge (available to current marina tenants only)

Administrative/Office	
Copies	\$0.50 per page
Electronic Media Copies of Public Documents	Actual cost of duplication
Meeting Agendas: Email, Fax or Pick-up	No charge
Meeting Agendas: First Class Mail	Must provide stamped, self-addressed envelopes
Sending and Receiving Faxes	\$1.00 per page
Clerical Processing Fee (General)	\$75 \$90 per hour
Clerical & Legal Processing Fee (Revocations)	\$350 \$425
Clerical & Legal Processing Fee (Lease Modifications)	\$750 \$900
Paper Billing Fee	\$10 \$12 per mailed statement/invoice, \$10 for pick-up
CEQA Fee	\$500 \$600 deposit, subject to change depending on the extent of CEQA review
Late Fee	\$25 \$30 per month for each invoice
Electronic Key Fob	\$35 \$42
Returned Check	\$25 \$30 for first returned check, \$50 \$60 for subsequent returned checks

Ordinance Violations	
Parking Violation - Schedule A (standard unauthorized space)	\$35
Parking Violation - Schedule B (handicapped space, blocking fire hydrant, etc.)	\$250
Civil Infraction - Schedule A	\$100
Civil Infraction - Schedule B	\$250
Civil Infraction - Schedule C	\$500
Criminal Misdemeanor - Schedule A	\$500
Criminal Misdemeanor - Schedule B	\$1,000
Escalation Fee	30 Days Late: additional 50% fee, 60 Days Late: additional 100% fee

Commercial Vessel Moorage

Dock	Slip Length	Annual	Semi-Annual	Quarterly	Monthly	Daily
A	70'	4410 \$5292	2478 \$2974	1505 \$1806	665 \$798	44 \$53
B	60'	3780 \$4536	2124 \$2549	1290 \$1548	570 \$684	38 \$46
C	50'	3150 \$3780	1770 \$2124	1075 \$1290	475 \$570	32 \$38
D/E	40'	2520 \$3024	1416 \$1699	860 \$1032	380 \$456	25 \$30
F/G	30'	1890 \$2268	1062 \$1274	645 \$774	285 \$342	25 \$30

Recreational Vessel Moorage

Vessel Length	Daily	Weekly	Monthly	Annual
20' and below	\$8 \$19	\$48 \$114	\$144 \$285	789 \$947
21' to 25'	\$9 \$19	\$54 \$114	\$162 \$285	986 \$1183
26' to 30'	\$10 \$19	\$60 \$114	\$180 \$285	1250 \$1500

** OVERLENGTH VESSELS SUBJECT TO ADDITIONAL FEE SUPPLEMENT PER FOOT **

** SUBLICENSSED SLIPS REQUIRE A FEE EQUAL TO 50% OF THE SLIP RENT PAYABLE BY THE SUBLICENSOR, IN ADDITION TO THE FULL SLIP RENT PAYABLE BY THE SUBLICENSEE **

4.2. **Amendment.** Section 13.300 of Article 3 (“Disorderly Conduct & Trespass”) of the District Code is hereby added as follows:

13.300 - Disorderly Conduct & Trespass

A) **Disorderly Conduct.** A person is guilty of disorderly conduct if they are found by the Harbormaster to have caused public danger, alarm, disorder, nuisance, or if their actions were likely to have created such public danger, alarm, disorder, or nuisance through any of the following means:

- 1) Creating a disturbance of the public order by an act of violence or by any act likely to produce violence;
- 2) Engaging in fighting or in violent, threatening, or tumultuous behavior;
- 3) Making any unreasonably loud noise that is offensive to the sensibilities of an average person;
- 4) Addressing abusive language or threats to any person present that creates a clear and present danger of violence;
- 5) Causing likelihood of harm or serious inconvenience by failing to obey a lawful order of dispersal by a peace officer where three (3) or more persons are committing acts of disorderly conduct in the immediate vicinity; or
- 6) Damaging, befouling, or disturbing public or private property so as to create a hazardous, unhealthy, or physically offensive condition.

B) **Trespass.** A person is guilty of trespass under this Code if he or she is found by the Harbormaster to have:

- 1) Entered upon, or refused to leave, any property of a District lessee, either where such property had been posted with "NO TRESPASSING" signs, or where notice had been given by the lessee or lessee's agent, orally or in writing, that such entry, or continued presence, was prohibited;

- 2) Entered upon, or refused to leave District property in violation of District regulations, promulgated by the Harbormaster to ensure the preservation, maintenance, efficient and effective management, and safe use of District property and facilities by the public and/or District employees, where such regulations had either been conspicuously posted or had been made known to the person in advance, by the Harbormaster, or his or her designee, or a peace officer;
- 3) Entered upon, or refused to leave, any portion of District property where the person had, within the immediately preceding twelve months, been determined by the Harbormaster to have either:
 - (i) repeatedly interfered with the business of the District and/or its lessees;
 - (ii) repeatedly damaged District property;
 - (iii) repeatedly engaged in disorderly conduct; or
 - (iv) repeatedly violated any provision of the District's Ordinance Code.

In order for there to be a violation of this subsection, the person must have been advised in advance:

- (i) to leave and not return to specified District property, for a period of time not to exceed twelve months, as determined by the Harbormaster; and
- (ii) that if he or she returned to the specified District property within the specified time period, he or she would be subject to arrest; and
- (iii) documentation of the advisement had been retained by the District, and had indicated the individual who made the advisement, the name of the person advised, the date, approximate time, and location of the District property being restricted; and
- (iv) the advisement had been made by the Harbormaster, or the Harbormaster's designee, or a peace officer at the request of the Harbormaster, or Harbormaster's designee.

Documentation related to this subsection shall be retained for a minimum period of two years. This subsection is not violated if a person so advised enters the property within

the designated twelve-month period, if he or she has been expressly authorized to do so by the Harbormaster or the Harbormaster's designee. The advisement may be appealed to the Board of Harbor Commissioners in accordance with the provisions of Chapter 14 ("Hearings & Appeals") of this Code. Nonetheless, the perfecting of such an appeal shall not suspend the enforceability of the advisement during the pendency of the appeal.

C) Penalties. Any person guilty of disorderly conduct or trespass as provided in this section shall be guilty of a public offense and shall be subject to the following penalties:

- 1) **First Violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$100.
- 2) **Second and Subsequent Violations.** A second violation and all subsequent violations shall be a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.
- 3) **Violations.** The following constitutes a violation for purposes of assessing the penalties available under this section: a conviction for violation of this section, a conviction under California Penal Code Section 853.7 for failure to appear in court to contest a citation for violations of this section, or a forfeiture of bail. Unless otherwise expressly provided, the offenses and penalties stated in this section are cumulative to offenses and penalties stated in all other state and local laws.

4.3. Amendment. Subsection (a) of Section 16.100 of Article 3 ("Enforcement Authority") of the District Code is hereby amended and replaced in its entirety as follows:

A) Enforcement Authority. The authority to administer and enforce the provisions of this Code is hereby assigned to the Harbormaster and:

- 1) any District, City, County, or State of California employee appointed by the Harbormaster pursuant to Chapter 4.5, of Title 3, Part 2, of the Penal Code, who shall have the additional authority to enforce any ordinance of the County of Del Norte, or any statute of the State of California relating to the protection of persons and property, the preservation of peace, and the safe and enjoyable use of District lands.

- 2) any District, City, County, or State of California employee appointed by the Harbormaster pursuant to Section 836.5, of Chapter 5, of Title 3, Part 2, of the Penal Code, who shall have the additional authority to: (a) issue notices of violation of any ordinance of the County of Del Norte, or any statute of the State of California relating to the standing or parking of a vehicle, (b) remove or cause the removal of a vehicle from public property in accordance with the provision of Section 22669 of the Vehicle Code, (c) regulate and direct traffic in accordance with the provisions of Section 21100 of the Vehicle Code, and (d) make arrests, but only as specifically authorized by policies and procedures of the District.
- 3) any peace officer employed by the Del Norte County Sheriff's Office.

SECTION 5. California Environmental Quality Act.

The amendment of the District Code as set forth in this Ordinance is an administrative activity of the District and is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Res. Code, §21000 *et seq.*)

SECTION 6. Parentheticals.

Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the District Code.

SECTION 7. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Commissioners of the Crescent City Harbor District hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

SECTION 9. Publication.

The District Clerk has caused notice of this Ordinance to be advertised in a newspaper of general circulation as is required by law.

INTRODUCED AND ADOPTED at a Regular Meeting of the Crescent City Harbor District Board of Harbor Commissioners on the 21st day of November 2023, by the following vote to wit:

AYES:

APPROVED:

NOES:

ABSENT:

WES WHITE, PRESIDENT OF THE BOARD

ATTEST:

CLERK OF THE BOARD