

ORDINANCE NO. 53-2025

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE CRESCENT CITY HARBOR DISTRICT,
AMENDING ARTICLE 1 OF THE CRESCENT CITY
HARBOR DISTRICT CODE RELATING TO GENERAL
PROVISIONS, AND ARTICLE 2 RELATING TO HARBOR
OPERATIONS AND USE OF DISTRICT PROPERTY, 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, Government Code sections 50022.1 to 50022.10 authorize a local agency to codify its ordinances;

WHEREAS, the Crescent City Harbor District (“District”) has adopted a comprehensive code of ordinances (“Code”) that has amended the District’s ordinances in a piecemeal fashion several times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code; and

WHEREAS, the District desires to amend and codify Article 1 “General Provisions” of the District Code and Article 2 “Harbor Operations, Use of District Property” and Article 3 “Fees and Procedures.”

**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 the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. 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, 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, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, 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, do 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 Restated and Amended. Article 1 “General Provisions” of the District Code is hereby is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. Article 2 Restated and Amended. Article 2 “Harbor Operations, Use of District Property” of the District Code is hereby is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 5. Article 3 Restated and Amended. Article 3 “Fees and Procedures” of the the District Code is hereby is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 6. CEQA. Based upon the whole of the administrative record before it, the Board of Commissioners of the Crescent City Harbor District hereby finds that the recodification, restatement, and amendment of the District Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, §21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen

with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” {Ibid.) Here, the recodification, restatement, and amendment of the District Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the District and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the Del Norte County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SECTION 10. 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 Special Meeting of the Crescent City Harbor District Board of Commissioners on the ____th day of _____ 2025, and ADOPTED, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED:

GERHARD WEBER, CHAIR

ATTEST:

DISTRICT CLERK

EXHIBIT 1: Restatement and Amendment of Article 1
“General Provisions” of the District ORDINANCE CODE