

ORDINANCE CODE OF THE
CRESCENT CITY HARBOR DISTRICT

ARTICLE I

GENERAL PROVISIONS

Chapter 1 - Enactment. Applicability. Amendment

1.010 - Enactment

The rules and regulations contained in this Code shall constitute and be identified as “The Crescent City Harbor District Ordinance Code,” hereafter cited as “this Code.”

1.020 - Authority for Code

The provisions of this Code are adopted pursuant to the authority vested in the Crescent City Harbor District (hereafter referred to as the “District”) by the State of California, including but not limited to Article X of the California State Constitution, Sections 6000 *et seq.* of the Harbors and Navigation Code, and all other applicable state and federal laws.

1.030 - Applicability of Code

A) Affected area. The provisions of this Code apply to all areas of water, land and facilities under the ownership and/or jurisdiction of the District; as the District’s jurisdiction is defined by California State Law.

B) General rules for use of District property. All persons using District property, waters, lands, or facilities must observe and comply with the provisions of this Code and all applicable provisions of California State Law.

1.040 - Responsibility for Administration

This Code is administered by the Board of Harbor Commissioners of the District (hereafter referred to as the “Board”), the Chief Executive Officer (“CEO”)/Harbormaster, and all designees of the CEO/Harbormaster.

1.050 - Interference Prohibited

It is unlawful and a violation of this Code for any person to willfully resist, delay, or obstruct any District employee in the process of lawfully enforcing the provisions of this Code.

1.100 - Amendments to Ordinance Code

A) Procedure for amendments.

This Code may be amended whenever the Board determines that public necessity, convenience, or welfare requires. Amendments may be initiated by the Board or by the CEO/Harbormaster. Any such amendment to this Code shall be initiated and processed in a manner consistent with the Harbors and Navigation Code.

B) Distribution of completed amendments. The Harbormaster will provide a true copy of any amendments to this Code to the following persons and agencies within forty (40) days of the enactment of such amendments:

- 1) Del Norte County Board of Supervisors
- 2) Del Norte County District Attorney
- 3) Del Norte County Sheriff
- 4) Crescent City Chief of Police

1.200 - District Not Liable for Loss and Damage

The District, employees, and Board are not liable for loss or damage to any vessel or other property resulting from any cause.

1.300 - Severability of Provisions

If any chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Code is for any reason held to be invalid, unconstitutional or unenforceable, such decisions shall not affect the validity of the remaining portions of this Code. The Board finds that this Code and each chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion thereof would have been adopted irrespective of the fact that one or more of such portions of this Code be declared invalid, unconstitutional or unenforceable.

Chapter 2 - Definitions. Interpretation

2.010 - Purpose

This chapter determines how the provisions of this Code will be interpreted by those responsible for its administration, and defines the terms and

phrases used in this Code that are technical or specialized or that may not reflect common usage.

2.100 - Rules of Interpretation

The CEO/Harbormaster has the responsibility and authority to interpret the provisions of this Code. The terms and phrases used in this Code must be construed and interpreted as follows:

- A) Construction of language. When used in this Code, the words “must” and “will” are mandatory and “may” is discretionary. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
- B) Number of days. Whenever a number of days are specified in this Code, or in any permit, condition of approval or notice issued or given as provided in this Code, such number of days will be construed as calendar days except where this Code otherwise uses the terms “business days” or “working days.”
- C) Minimum requirements. When interpreting and applying the provisions of this Code, all provisions are considered to be the minimum requirements, unless stated otherwise.
- D) Conflicting provisions. In any case where two or more provisions of this Code may appear to conflict in terms of their specific requirements or applicability, the most restrictive provision prevails.
- E) Waiver of fees. When a public purpose would be served by waiving fees otherwise required by this Code, the CEO/Harbormaster may waive such fees up to \$500 (five hundred dollars), and the Board may waive such fees in excess of \$500 (five hundred dollars), provided that there is a legally binding duty on the recipient of the waiver to further a public purpose.

2.200 - Definitions

For the purpose of applying the provisions of this Code, the following terms will be construed and interpreted as they are defined here unless otherwise apparent from the context.

The following definitions are organized in alphabetical order:

- 1) Abandoned vessel. Any hulk, derelict, wreck, or parts of any vessel sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition within the District for a period longer than 30 days without a watchman or other person stationed upon or near, and in charge of the vessel.
- 2) Active Commercial Fishing Vessel means any commercial fishing vessel which does produce revenues of \$500 (five hundred dollars) or more is considered “active” for the next thirty (30) days.

- 3) Anchor or anchoring. The use of weights, chains, cables, hooks, and other devices suspended from a vessel for the purpose of making a vessel reasonably stationary on the surface by providing a drag on the sea floor. Anchors are taken onboard the vessel when it gets underway.
- 4) Anchorage area. An area of water overlying the tidelands of the District designated by the Board as a location for the anchoring of certain classes of vessels for particular periods of time.
- 5) Berth. The act or condition of tying or making fast to or otherwise docking adjacent to any dock, slip, wharf, pier, landing or other related structure.
- 6) Berthing arrangement. That condition wherein the owner or master of a vessel has sought and been given permission to berth within the harbor. Berths assigned on a day-to-day basis are “transient” berths. Berths assigned on a month-to-month basis are “temporary” berths. Berths assigned in the expectation that the assignee will remain for an extended period are “assigned” berths. An assigned berth is an assignment to a berth granted by the District and giving the assignee the right to the preferential use of the berth described in the permit.
- 7) Board means the Board of Harbor Commissioners of the Crescent City Harbor District.
- 8) Camp means to pitch, erect, maintain, sleep in or occupy camp facilities temporarily or to use camping equipment for the purpose of cooking, sleeping and/or living accommodation.
- 9) Camp Facilities means and includes, but is not limited to; tents, huts, other temporary shelters, trailers, Recreational Vehicles and vehicles.
- 10) Camping Equipment means and includes, but is not limited to, collapsible shelters, cots, pillows, mattresses, sleeping bags, blankets, tarps and cooking instruments.
- 11) Commercial fishing vessel means a vessel engaged in fishing as its primary commercial activity. A commercial fishing vessel must be licensed to participate in a U.S. Fisheries or Department of Fish and Game regulated saltwater fishery. A Commercial Fishing Vessel providing accommodation space for master and crew is not considered to be a live-aboard vessel.
- 12) County. The County of Del Norte, California.
- 13) Crescent City Harbor or Harbor means all waters, submerged lands and tidelands and upland areas adjacent thereto situated in Del Norte County, granted in right, title and interest from the State of California to the District.
- 14) District means the Crescent City Harbor District, an independent enterprise special district with electoral boundaries coterminous with the boundaries of Del Norte County, California.

- 15) District permit means any written authorization required by this Code prior to a person conducting specified activities on water, land, or facilities under the District’s jurisdiction. Except as expressly exempted by this Code, activities requiring a district permit include all activities described in Chapter 15.
- 16) District Property means all real property that is held in trust by the Crescent City Harbor District for the people of the State of California, all property leased by the District, and all property owned by the District in fee.
- 17) Employee means an employee of the District unless the context requires another interpretation.
- 18) Fee Schedule. A schedule or collection of schedules, or fees charged by the District to any person for which collection of a fee is authorized by this Code. Fee also refers to an individual charge levied by the District for any privilege granted or service rendered by the District to any person, excluding privilege granted by lease or rental agreement. “Fees” include, but are not limited to: anchorage, dockage, wharfage, storage, commercial usage and noncommercial usage licenses.
- 19) Float means the floating portion of any wharf, pier, quay or landing.
- 20) Guest means a person who is lawfully occupying a recreation vehicle located in a Park, but who is not an Occupant.
- 21) Harbormaster means the CEO/Harbormaster of the District as provided for and defined in Chapter 3 of this Code.
- 22) Local Coastal Plan or LCP. The Local Coastal Program, adopted by the County of Del Norte and certified by the California Coastal Commission, pursuant to the California Coastal Act of 1976.
- 23) Live-aboard vessel means any vessel that has an assigned berth and is used or intended for use as a residence or overnight accommodation in the Harbor. A vessel holding a “transient” berthing permit is not considered to be a live-aboard vessel.
- 24) “Moor (verb)” means to fix a floating vessel to the bottom in one location, temporarily or permanently, by the use of cable, lines, chains, or other equipment remaining attached to the bottom at all times.
- 25) Mooring Block means a device of any shape, form or composition that is deposited and left in the harbor for the purpose of securing a vessel or vessels to that device.
- 26) Motor vehicle means any vehicle with an engine or motor, which engine or motor is powered means of an internal combustion, electric or other power source.
- 27) Occupant means the owner or operator of a recreational vehicle who has occupied a lot in a Park for 30 days or less.

28) Operable means a vessel meeting one of the following criteria: 1) a vessel making an excursion under its own power, either motor or sail, from its berth to the one-mile buoy, and back, or other excursion as specified by the Harbormaster; or 2) a vessel having undergone an inspection by the Harbormaster at the pump out station to confirm ahead and astern propulsion, full and proper rudder operation, an approved marine sanitation device, if fitted, plus a valid US. Coast Guard Auxiliary safety inspection decal.

29) Peddler means any seller of services or supplies doing business on District's lands, waters, docks, piers, wharves or other properties, who does not maintain a place of business on said lands, waters, docks, piers, wharves or other properties with the following exceptions: A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants or a commercial fisherman who catches seafood and sells only the seafood caught by him or her.

30) 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.

31) Pier. Any wharf or pier owned by the District, and any adjacent or adjoining landing, quay, float, structures or embarkment that is intended or normally used for securing a vessel while transferring foods, merchandise and/or passengers to and from land.

32) Person means any individual, firm, partnership, corporation, company, association, city, county, state, or district, or agency thereof; and includes any trustee, receiver, assignee, or other similar representative thereof.

33) Public purpose means any charitable, educational, safety, scientific or official purpose.

34) Recreational Vehicle (RV) has the same meaning as defined in Section 18010 of the California Health and Safety Code.

35) Slip means a berthing space for a single vessel alongside a pier, finger, float or walkway.

36) Sponson means a projection that extends outward from a vessel, usually from the hull, to improve stability while floating, or to act as a securing point for other equipment. Vessels with unstable body shapes or unevenly distributed weight are likely to feature sponsons to help prevent capsizing or other instabilities.

37) Tidelands. The State Tidelands area granted to the District pursuant to Chapter 1510 of the Statutes of 1963.

38) Trailer means a vehicle with or without motive power, designed or utilized for camping, sleeping, eating, resting and for carrying persons or

property on its own structure, whether being drawn by motor power or and other means and includes, but is not limited to; travel trailers, campers, tent trailers, house cars or recreational vehicles.

39) Transient Vessel means a vessel using mooring space on a temporary (less than 30 days) basis.

40) Unauthorized Mooring Blocks means any mooring block deposited in the harbor without a permit for that activity in that location is declared to be a hazard to navigation, a nuisance, and will treated as abandoned property.

41) Underway means the condition of a vessel not at anchor, without moorings, nor made fast to the shore or ground.

42) Unseaworthy Vessel. A vessel without adequate and safe means of propulsion and/or a vessel certified by a licensed marine surveyor to be unsafe and/or which exhibits evidence of being in danger of sinking or otherwise becoming a hazard.

43) Vehicle means any devices by which any person or property may be propelled or drawn upon a street or highway, excepting a device moved exclusively by human power or upon stationary rails or tracks.

44) Vessel means a structure designed to float upon the surface of a body of water.

45) Vessel length. For the purposes of applying the fees or charges established by this Code, the length of a vessel is measured from the farthest point aft to the farthest point forward.

46) Visitor means a person invited by a Park Occupant to inhabit a recreational vehicle for three days or less.

47) Wholesale. The sale of goods or commodities in large quantities to a buyer who resells them to the final consumer at retail prices.

48) 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.

Chapter 3 - Administration and Personnel

3.010- Chief Executive Officer (“CEO”)/Harbormaster

A) Duties. The CEO/Harbormaster plans and supervises the operations of the District and oversees all departments of the District.

B) Powers.

- 1) The CEO/Harbormaster is authorized to issue citations, and to authorize other persons or law enforcement agencies to issue citations, for the violation of any provision of this Code. These citations must be issued in a manner provided by the California Penal Code.
- 2) The CEO/Harbormaster is authorized to post signs and other traffic-control devices within the District.
- 3) The CEO/Harbormaster is authorized to establish parking spaces and restricted parking zones.
- 4) The CEO/Harbormaster, the County Sheriff, or any duly appointed and acting peace officer has full authority in the enforcement of all laws, ordinances, and regulations affecting the use of District facilities, including the power of arrest for the violation of the provisions of such laws, ordinances, and regulations. All orders and instructions given by peace officers in the performance of their duties in compliance with this section have the same force as if issued by the CEO/Harbormaster.

3.100 - Harbor Commissioners

The Board consists of five (5) harbor commissioners (“Commissioners”) who serve four (4) year terms as set forth in Harbors and Navigation Code Section 6050, as amended from time to time.

3.110 - Commissioners’ Salaries and Expenses

The salary of the Commissioners will be fixed by a non-codified ordinance in compliance with Harbors and Navigation Code Section 6060, as enacted or hereafter amended. In addition to any salary received, Commissioners shall be allowed any actual and necessary expense incurred in the performance of their duties per standard District reimbursement procedures,

3.120 - Regular Meetings

Regular meetings of the Board will be held on the ~~first and third Tuesdays~~ ~~second and fourth Wednesdays~~ of each month at 2:00 p.m., unless cancelled ~~by the President of the Commission~~ in advance by a majority vote of the Board. The CEO/Harbormaster, in consultation with the Chair and Vice Chair, may cancel a meeting due to lack of agenda items or unplanned Commissioner absences. All regular and special meetings and cancellations of regular meetings shall be properly noticed to the public.

3.130 - Special Meetings

The ~~President~~ Chair of the Board, or the CEO/Harbormaster, or any two Commissioners may call a Special Meeting. Each Commissioner must receive written notice of the time and place of the meeting and the business to be

transacted or discussed. Written notice may be waived by written waiver or presence at the meeting at the time it convenes. Notice of the Special Meeting shall be posted as required by the Ralph M. Brown Act (Government Code section 54950 *et seq.*).

3.200 - Personnel Policies

The Board is authorized to adopt, amend, and modify personnel policies, rules, and procedures by means of a resolution.

ARTICLE II

DISTRICT OPERATIONS AND USE OF DISTRICT PROPERTY

Chapter 4 - General Regulations for Activities within the District

4.010 - Damage to District Property

- A) Willful or malicious damage prohibited. It is unlawful for any person to willfully or maliciously destroy, damage, deface or interfere with any property of the District.
- B) Liability for damage. Every person and every Vessel responsible for damage to any District property will be held liable for and charged with the cost of replacing or repairing the property. Any person deemed responsible for such damage, who fails to pay such cost in a timely manner may be cited by the Harbormaster.
- C) Report of damage required. In the event any damage is done to any District property, the Harbormaster must be provided a full report on the matter, including but not limited to the date and hour the damage occurred, the names and addresses or descriptions of witnesses and other persons and/or vessels involved in the damage, as well as all pertinent facts and other information that may be available. The required report must be provided to the Harbormaster by:
 - 1) Any person responsible for or connected with the damage;
 - 2) Any person to whom the damaged District property is assigned, leased, or by whom it is being used;
 - 3) The Master, owner, operator or agent of any vessel, vehicle or other instrumentality involved in the damage.

4.020 - Conducting Sales Without Permit

It is unlawful for any person to peddle or sell any goods, wares, merchandise or services upon any berthed vessel, or any dock, roadway, or other lands under District jurisdiction, without first obtaining any required county licenses and permits, and a peddler's permit from the District. The fee for a peddler's permit is the amount established under Section 13.100 and listed in Section 13.200, This section does not apply to the sale of fish by a commercial fisherman to a buyer licensed as such by the California Department of Fish and Game.

4.030 - Wholesale Seafood Prohibited Without Permit

It is unlawful for any person to peddle or sell any seafood to a wholesale purchaser within the District without first obtaining any required County licenses or permits and wholesale seafood permit from the District. The fee for a wholesale seafood permit is the amount established under Chapter 13 Sections 13.100 and 13.200.

4.100 - Dock Regulations

- A) Storage on docks. The storage of any object of any kind is prohibited on all docks in the Inner, Outer Basins and Administration docks of the harbor.
- B) Attachments to docks. No person may attach any object or apply any substance to any District property without the prior written approval of the District.
- C) Weight limit on Citizens Dock.
Limited to one (1) Semi-Truck with a maximum trailer length of 48 feet, on each of the three (3) sections (legs).
- D) Stairs in the Inner Basin. Any stairs or steps placed on any dock, float, or finger within the Inner Basin must not exceed two-thirds (2/3) the width of the dock, float, or finger on which the stairs or steps are placed.
- E) Wheeled Vehicles Prohibited. Bicycling, skateboarding or use of motorcycles or any other wheeled vehicles is not permitted on the District's docks, subject to the following exceptions: (1) dock-carts, hand-carts or wheelbarrows used for transporting supplies to and from vessels and (2) devices designed for use by a physically handicapped person to ambulate.
- F) Fish Cleaning Prohibition. No Fish or Shellfish cleaning is permitted within marina, outer boat basin waters or on any dock, mooring, walkway or promenade.

4.110 - Fishing

- A) Inner Boat Basin. Fishing from vessels, floats, docks or embankments of the Inner Boat Basin is prohibited.
- B) Citizens Dock, Work Dock, and Admin Dock. Fishing and crabbing are permitted on Citizens' Dock, the Work Dock and the Admin Dock only from sunrise to sunset, and so long as it does not interfere with commercial activity.
- C) Whaler Island. Fishing and crabbing is permitted from South West of Restroom to Launch ramp jetty.
- D) Outer Boat Basin - Eelgrass Mitigation Area Zone 1. (See Exhibit "A") Pole fishing only is permitted from interior shoreline, but not the use of nets or crabbing pots. Fishing is from sunrise to sunset. Fishing and crabbing after sunset and before sunrise are expressly prohibited.
- E) Launch Ramp, Recreational Boat Area.
Crab pots are prohibited within the waters of the boat launch area.

4.120 - Swimming and Diving

No swimming or diving is permitted within the vessel channels or basins. In the event that swimming or diving is necessary for vessel maintenance or any emergency, the Harbormaster is authorized to grant limited permission for that activity. Marker flags are required at the location of underwater maintenance activity.

Chapter 5 - Berthing Regulations and Permit Requirements

5.010 - District Approval Required for Use of Berths

- A) Locations designated by District. All vessels in the Harbor must berth or moor in the location designated by the Harbormaster or the Harbormaster's designee. The anchoring of vessels is prohibited in the Inner Boat Basin, federal channel, and designated traffic lanes.
- B) Method of docking. All vessels must be tied up in such a manner as will safeguard Harbor facilities and other vessels from collision or other damage, and not to obstruct navigation by other vessels, and as further provided by Section 5.100.

5.020 - Berthing Permit Requirements

No vessel may occupy a District berth or tie up at a District dock for longer than is necessary to obtain a berthing permit from the Harbormaster. Exceptions of up to four (4) hours may be granted by the Harbormaster.

5.022 - Berthing Permit Applications and Approval

Berthing permits must be applied for, issued, and maintained as provided by this section.

A) Application Filing. An application for a berthing permit must be made on the forms provided by the District and must be accompanied by the fee required under the fee schedule in Section 13.200.

B) Permit issuance.

Berthing is by assigned permits. The District may issue an assigned berth permit, provided that a vacant, unassigned berth of the right size is available.

C) Requirements for issued permits:

1) Changes of name or address. The owner of each registered vessel must notify the District in writing within ten (10) days of any change of the name, address, and telephone number of the vessel moored under an approved permit, and of any change in ownership or the owner's address.

2) Rental fees. Berth rental fees must be paid as required in the adopted District Fee Schedule set forth in Chapter 13.100 - 13.200.

3) Substitution of vessel. An owner may sell a vessel and substitute another while retaining the same berthing permit only when the new vessel is of a size appropriate to the slip and has the same registered owner, and the Harbormaster is notified in advance and approves of the vessel substitution.

4) Commercial vessels - annual certification. Every owner that was granted an assigned berth on the basis of having a commercial vessel may be required to provide documentation to the satisfaction of the Harbormaster that the vessel remains commercial and operable. (See Section 2.200)

5.024 - Transfer of Berthing Permits

A) Filing of request. Any person wishing to transfer a permit must first file a written request and obtain Harbormaster approval for the requested transfer.

B) Transfer upon death. Assigned berth permits may only be transferred upon the death of a permittee and may only be transferred to the estate of the deceased or to the deceased's business partner(s).

5.026 - Exchange of Berths

The exchange of assigned berths is permitted and limited to the time remaining on the existing berthing permits.

5.028 – Termination or Revocation of Berthing Permit and Removal of Vessel

Berthing permits may be terminated by the owner or revoked by the Harbormaster or designee.

A) Termination by owner. Berthing permits may be terminated by an owner by giving written notice to the District. Fees for berths will accumulate through and including the effective date of the notice or day that the notice is received, whichever is later.

B) Permit Revocation by District. Berthing permits may be revoked by the District as provided below:

1) Causes for revocation. A berthing permit may be revoked under any of the following circumstances:

a) Vessel condition. The vessel using the permit is determined by the District to be inoperable, unsafe, dilapidated, in danger of sinking, or meets the criteria set forth in Harbors and Navigation Code section 523.

b) Failure to pay; berthing permit fees. Failure to pay the monthly berthing permit fees required by Chapter 15, Section 15.010 of this Code for more than sixty (60) days.

c) Failure to comply with Code requirements. The vessel or its operation, or the vessel owner or operator, fails to comply with any applicable provision of this Code.

2) Procedure for removal:

a) Notice. The District will provide a written Notice of Termination to the owner in person or by Certified or Registered Mail, and by posting on the vessel if the vessel is in the Harbor. The Notice will also state that the vessel must be removed within the time given as indicated in paragraph 2(b).

b) Revocation of permit. The Harbormaster may revoke a berthing permit thirty (30) days after notice is given as provided above for (i) revocations based on the vessel condition or noncompliance with the Code, and (ii) for non-payment fourteen (14) days after notice is provided failure to pay berthing fees.

c) Failure to remove. If the owner fails to remove the vessel within the time specified by the District, then the District may move the vessel to another location with all expense and risk of loss or damage being the responsibility of the owner. In the event of such failure to remove the vessel, then the owner is to be liable to the District, at twice the daily rate, for the prevailing berth rental and any other applicable fees for as long as the vessel remains in the Harbor.

5.100 - Berthing Regulations

Violation of any of the provisions of this section is cause for the District to revoke a berthing permit and/or to issue a citation.

A) Attachment of lines to District property. No person may make fast any rope or cable to any dock, piling or other District Property, except to the bits,

rings or cleats provided for that purpose, without prior written authorization of the Harbormaster.

B) Posting of signs. No person may affix a sign to any District dock, float, wharf or other structure without the written authorization of the Harbormaster.

C) Display of name or registration number. A name or registration number must be displayed on every vessel and/or it's covering that is using a berth or mooring. The name or number must be clear, legible and unobstructed at all times. The state registration validation decal may not be expired.

D) District replacement of lines. All vessel owners must keep their vessels safely berthed or moored with adequate and sufficient mooring lines as determined by the Harbormaster. The District reserves the right to renew or replace any mooring lines found deficient or inadequate and to charge the owner of the vessel the costs of such renewal or replacement.

E) Floatable fenders required. All vessels moored in the Harbor must have attached floatable fenders appropriate, in the judgment of the Harbormaster, to the size and displacement of the vessel in order to prevent damage to the vessel, other vessels, District facilities, persons or property of any kind. The use of properly rigged fender boards is encouraged.

F) Making fast to dock. No person may make any vessel fast to any dock, slip, wharf, pier, or mooring except with such lines and in such manner as approved by the Harbormaster.

G) Mooring to the opposite dock. No person may lead any mooring line from any vessel lying at a dock across a slip to the opposite dock, without first obtaining permission from the Harbormaster.

H) Pedestrian hazards. No unattended lines, hoses, electrical cords, or other materials may be laid across any walkway so as to create a hazard to pedestrians.

I) Required movement of vessels. The District may require that any vessel be moved to a mooring or berth to which it has been assigned or reassigned at any time, as provided by Section 6.110.

J) Rafting. Vessels must not raft against another vessel unless authorized by the Harbormaster and the Master, Owner or Operator of the other vessel. In cases where the Harbormaster has authorized a vessel to raft, the Master, Owner or Operator of the rafting vessel must assure that the safety and integrity of the mooring does not rely solely on the mooring lines of the other vessel and that adequate and proper fenders are used to prevent damage to either vessel, harbor facilities, persons or property of any kind. The owners of every vessel rafting across the end of any pier or dock, or whose stern or bow extends beyond the edge or end of any berth, and every vessel lying alongside

another berthed vessel must, while occupying such a position, be responsible for any and all damage to itself or to any other vessel, any harbor facilities or to any persons or property of any kind resulting from occupying such position.

K) Electric service to vessels. The District does not guarantee electrical service and reserves the right to disconnect the electrical service to any vessel at any time. Should the District disconnect power, the District will notify the owner when this occurs. The reasons that the District may disconnect electrical service may be, but are not limited to: non-payment of berthing fees, stray currents, excessive power load, and other reasons necessary for safe and efficient harbor operations. It is prohibited for any person to perform or to contract with an electrician or electric service company for electrical service for District property without the prior authorization of the Harbormaster.

L) Prohibited discharges - penalty. No person may discharge or allow to be discharged any oil, sewage, grey water, or other materials into the waters or upon the lands of the District where the discharge is prohibited by laws, regulations or ordinances of the United States, the State of California, or the County of Del Norte.

5.105 - Vessel Berthing Size Limitation

A) Vessel length may not exceed the length of the assigned slip by more than 10% percent. Example: (60 foot assigned slip x 10% = 6 feet, as such the maximum vessel length is 66 feet.)

B) Vessels with beams exceeding 100% of the slip width may pay up to an additional 100% for their moorage space.

C) Vessels with beams exceeding 100% of the slip width will not be required to pay if the moorage space is made available to another vessel.

5.106 - Length and Beam

A) Vessel owners are required to contact the District when vessels length and beam are modified to facilitate safe mooring of vessels and to obtain proper mooring fees for the District.

5.110-Vessel Maintenance

A) Work dock. Vessels maintaining yearly slip rentals will be granted a four (4) day period to perform minor repairs free of charge at the work dock.

Reservations to the work dock must be obtained from the Harbormaster or designee prior to the commencement of work.

B) Maintenance work. Vessel maintenance work will be limited to that which is ordinarily required to keep a vessel seaworthy and in good operable condition. No maintenance, scraping or painting, except at the Self Help area or work dock area. Any maintenance work in these areas must use EPA Best Management Practices.

C) Sanding. The sanding of surfaces must be by hand or small power vacuum sander only. All persons sanding surfaces must use EPA Best Management Practices to control all paint and dust and keep the same out of the waters of the District. Sand blasting is strictly prohibited.

D) Spray painting. Exterior spray painting is not permitted.

5.120 - Docking at Citizens Dock

A) Permit required. No vessel of any description may tie up, moor or dock at Citizens Dock in the District without first obtaining a permit from the Harbormaster.

B) Unauthorized Moorage. Any vessel that, in the opinion of the Harbormaster and/or the Board, is causing or is likely to cause undue wear and tear by tying to Citizens Dock, must be moved immediately by the owner or operator upon written notice given by the Harbormaster.

5.130 - Live-Aboard Vessels and Persons Living Aboard

A) Limits. Living aboard vessels is prohibited except as provided for in this Section. No person may use a vessel moored or berthed within the District's Inner Boat Basin as a place of residence except the holder of a live-aboard permit issued by the District. Living aboard or overnight occupancy of any vessel in the harbor for more than three (3) nights in any seven (7) day period on the vessel by any person or persons at any time is strictly prohibited, except to the holder of a live-aboard permit issued by the District. No vessel may be used as a residence except a transient vessel occupying a berth under a temporary berth assignment for less than thirty (30) days or the holder of live-aboard permit issued by the District. For the purposes of this ordinance, any vessel used as an overnight accommodation for one or more persons in excess of three (3) nights in any seven (7) day period is considered a residence and a live-aboard permit is required.

B) Application.

1) Any non-transient vessel leasing a berth for a period of thirty (30) days or more is required to make application to the District for an annual live-aboard permit prior to persons residing or living aboard a vessel.

2) The application must identify the persons who will live aboard the vessel.

C) Permit.

- 1) Upon the filing of an application for live-aboard, an inspection of the vessel will be made by the District to determine vessel suitability for live-aboard.
- 2) Live-aboard vessels must be in a seaworthy condition and of a design suitable for recreational or commercial operation on the waters of the Pacific Ocean.
- 3) Each live-aboard vessel must comply with all local, federal and California state laws, rules and regulations, including those pertaining to navigational, marine sanitation devices, and safety equipment. No vessel may at any time discharge untreated sewage or wastewater into the waters of the Crescent City Harbor in violation of existing law. Live-aboard vessels in the District's Inner Boat Basin must be equipped with holding tanks and must deposit all sewage and wastewater into the sewage pumping system provided by the District.
- 4) Vessels holding a live-aboard permit may be inspected upon 24-hours written notice by the District at any time to determine if the vessel complies with all District, federal and state laws, rules and regulations.
- 5) The location of the live-aboard vessel berth assigned will be designated by the District and the assignment of space is at the discretion of the District.
- 6) Only the persons designated on the live-aboard permit are allowed to live aboard the vessel.
- 7) Vessels may not be leased or rented to third parties for the purposes of residency. Any transfer, assignment or subletting of the permitted live-aboard vessel without written consent of the District is prohibited and void.
- 8) Any transfer, assignment or subletting of the live-aboard permit without the written consent of the District is prohibited and void.
- 9) No appurtenances, structures, or writing may be placed on the exterior of a permitted live aboard vessel without the written permission of the District.
- 10) Upon a finding by the District that the applicant meets the requirements of this Chapter, and upon applicant executing a live-aboard permit agreement, the District may issue an annual permit for live-aboards on a vessel. The District may at any time terminate the live-aboard permit agreement or live-aboard status of a vessel for cause, non-compliance with the conditions of this ordinance or the live-aboard permit agreement. The District may terminate the live-aboard permit without cause by giving thirty (30) days written notice of termination to the permittee.
- 11) The District has the right in issuing the live-aboard permit to limit the maximum number of persons living aboard a vessel. The permitted number of

persons living aboard the vessel must not exceed the listed person capacity of the vessel.

12) The number of live-aboard permits is at the discretion of the Harbormaster.

D) Fees and Charges.

The applicant for a live-aboard permit must pay to the District an initial application and inspection fee as set forth in Section 13.200.

In addition to the regular monthly moorage rates and charges for the berthing permit and rental agreement set forth in Chapter 13, holders of live-aboard permits and live-aboard permit agreements must pay in advance such additional live-aboard fees as stated in the Fee Schedule set forth in Sections 13.100 - 13.200.

5.200 - Inoperable and Unseaworthy Vessels Prohibited

A) Operable and seaworthy condition required. Vessels berthed in the Harbor must be operable and maintained in a seaworthy condition, except when under active repair for no more than thirty (30) days.

B) Questions of operability or seaworthiness. In cases where the Harbormaster is concerned that a vessel may be inoperable or unseaworthy, the Harbormaster may act as follows:

1) Operability. The Harbormaster may request a demonstration of a vessel's operability by giving at least fourteen (14) days advance written notice to the vessel owner. Notice must be given to the owner in person or by Certified or Registered Mail, and by posting on the vessel if the vessel is in the Harbor. The owner may demonstrate the vessel's operability by any one of the methods defined in Section 2.200.

2) Seaworthiness. Seaworthiness must be determined by a qualified independent marine surveyor selected through mutual agreement between the Harbormaster and the owner. When a determination of seaworthiness is required by the Harbormaster, the expense of the surveyor will be paid by the District in cases where the surveyor determines that the vessel is seaworthy, and the expense of the surveyor will be paid by the vessel owner where the surveyor determines that the vessel is unseaworthy.

3) Repair required. Where a vessel is found to be inoperable or determined to be unseaworthy in accordance with this section, the owner will have thirty (30) days to effect repairs and bring the vessel into compliance. If after thirty (30) days the vessel is still inoperable and/or unseaworthy, the berthing permit may be revoked. This section is not intended to apply to brief periods of repair common to most vessels. See Section 5.120(A)

C) Berthing permit charges. If any vessel is found to be inoperable or unseaworthy, the District may, in addition to any other available remedy,

impose a surcharge on the berthing permit fee for the vessel in the amount provided by Chapter 13, a penalty of 10% of the permit fee will be imposed until the vessel is made operable or seaworthy, or is removed from the Harbor by the owner. The penalty is above and beyond the berthing permittee. Any period of time less than one calendar month shall be prorated to the end of the calendar month. The surcharge begins at the expiration of the fourteen (14) day period specified in paragraph (B) (1) above.

5.210 - Inspection of Vessels

The Harbormaster is authorized to go aboard any vessel in the Harbor for inspection, and the owner or operator, when present, must allow such inspection, in any case where the Harbormaster determines that:

- A) Conditions or activities on the vessel may cause immediate danger to life, property (including the vessel itself) or the environment; or
- B) There is reasonable cause to believe that the owner, operator, or other person aboard the vessel may be incapacitated, or otherwise in need of emergency assistance.

5.220 - Removal of Derelict or Dilapidated Vessels by District

If any vessel is found to be derelict, or subject to the provisions of the Harbors and Navigation Code section 522, in addition to the sanctions, remedies, and other provisions of Section 522, the owner of the vessel may be subject to forfeiture of all berthing privileges in the District and may be ordered to remove the vessel from the District waters. Notice of forfeiture will be included in the notices provided for under Section 522. No berthing privileges may pass to any person as a result of any sale or transfer under Section 522.

5.230 - Removal of Vessel with Due Charges Prohibited

- A) Pay before removal. No person may remove or cause to be removed from the Harbor any vessel upon which charges for berth rental or any other service are delinquent, without paying all the delinquent charges to the District, along with any late fees established by the District Fee Schedule, unless that person is ordered to remove the vessel by the Harbormaster.
- B) Urgency power. The District and its employees are hereby authorized to take any lawful action necessary to prevent the removal of a vessel in violation of this section, including locking, or otherwise fastening a vessel at its berth.

5.240 - Stray Vessels

Vessels found to be illegally moored or if, in the opinion of the Harbormaster, a vessel has been abandoned, may be taken into custody by the Harbormaster

and may be moved to a place of storage. The District is not liable for any damages to such vessel or liable to its owners before or after assuming custody. Vessels so taken into custody must be released by the Harbormaster after satisfactory proof of ownership has been presented, and full reimbursement made to the District for all costs incident to recovery, movement, and storage. Charges imposed by the Harbormaster for the recovery and/or movement of vessels will be in accordance with the fee schedule (Section 13.200-Table) for services rendered.

Chapter 6 - Vessel Operations

6.100 - Tying-On Prohibited

A) It is unlawful for any vessel, row-boat, skiff, or boating facility of any kind to tie onto any boat anchored or moored in the District. Vessels or equipment manned by law enforcement, District personnel, and fire suppression units are excepted from this prohibition.

B) Any person in violation of Section 6.100(A) is subject to a fine of two hundred dollars (\$200.00) per violation. Each calendar day that Section 6.100(A) is violated constitutes a separate violation.

6.110 - Movement of Vessels in the Harbor

A) A vessel must shift or go into the channel at its own expense whenever it is ordered to do so by the Harbormaster, who has the authority to enforce the removal of the vessel at its own expense at any time.

B) Every master, agent, or owner of any vessel who does not obey the lawful orders or directions of the Harbormaster in any manner pertaining to the regulations of the Harbor or the movement, removal or stationing of any vessel.

C) Vessels may be moved by the Harbormaster with or without the consent of the owner or other person in charge, for the protection of life or property or for proper utilization of District facilities, at the owner's expense.

6.120 - Obstructions to Navigation Prohibited

Every person who unlawfully obstructs or causes obstruction to navigation in the Harbor is guilty of a misdemeanor, as provided in Harbor and Navigation Code section 523.

6.130 - Public Peace, Vessel Owner Responsibility

A) Responsibility. The owner of a vessel is responsible for the conduct of those using it or visiting or occupying it, and of the master or other person in charge of it, and they are jointly and severally liable for any penalty established by law.

B) Disturbing the peace. Disturbance of the peace by those aboard any vessel in the Harbor is prohibited, and may be the basis for revocation of the vessel's berthing permit.

C) Drunk and disorderly conduct. Persons engaged in drunk and disorderly conduct that endangers themselves or others will be notified to vacate the premises and law enforcement will be contacted. Repeat offenders may be banned from the District.

6.140 - Sails on Vessels

No vessel may remain tied-up to any dock or slip with any sail hoisted on its mast. All sails on sailing vessels shall be dropped as soon as a vessel is tied-up, and must remain down until the vessel is being made ready for imminent departure. Sails may remain up temporarily while drying or being checked if the following conditions are met:

A) The sailing vessel is attended while any sail is up.

B) All sheets are left loose so sails are free in the wind;

C) No extra strain on the slip results from the sails being up; and

D) Such activity is deemed prudent, under the circumstances, by the Harbormaster.

6.150 - Emergency Pumping and Salvage

Any vessel that is determined by the Harbormaster to be in danger of sinking or is a hazard to other vessels or District premises, may be removed with all expense and risk of loss or damage being the responsibility of the vessel owner. If the District is required in an emergency to render salvage services, including pumping out water, to any vessel, all such costs shall be paid by the owner. The District shall be entitled to recover costs and expenses including reasonable attorney's fees and court costs incurred in removal or salvage.

6.160 - Wrecked or Sunken Vessels

In the event a vessel is wrecked and sunk within the Harbor, it shall be the owner's responsibility to mark its position and provide for the raising and disposition of such vessel and the vessel owner shall assume any and all liability for damage.

6.170 - Speed Limit

All vessels within the Harbor shall not operate at a speed greater than five (5) knots (nautical miles per hour), or at a speed that creates a wake, whether or not damage is caused. Any person operating a vessel contrary to this section shall be responsible for any damage caused by the vessel's wake, and the owner or operator may be cited and fined.

6.180 - Insurance - Boats

1) In addition to the other requirements for assignment of berth, any permittee to whom a berth is assigned, any permittee with a vessel greater than 35 feet in documented overall length or to whom a berth is assigned in the inner boat basin must demonstrate to the satisfaction of the Harbormaster that the permitted vessel is covered by one of the following types of insurance.

- a) Vessel Marine Liability (Protection and Indemnity), \$500,000.00 dollars value;
- b) Portside Liability (with or without navigation liability, \$500,000.00 dollars value;
- c) Recreational Watercraft Liability, \$500,000.00 dollars value.

2) In addition to the other requirements for assignment of a berth, any permittee with a vessel less than or equal to 35 feet in documented length to whom a berth is assigned in the inner boat basin must demonstrate to the satisfaction of the Harbormaster that the permitted vessel is covered by one of the following types of insurance:

- a) Vessel Marine Liability (Protection and Indemnity), \$300,000.00 dollars value;
- b) Portside Liability (with or without navigation liability, \$300,000.00 dollars value;
- c) Recreational Watercraft Liability, \$300,000.00 dollars value.

Chapter 7 - Motor Vehicle Regulations

7.100 - California Department of Motor Vehicles - Code Compliance

All drivers of motor vehicles within the District shall obey all traffic laws as set forth in the California Motor Vehicle Code, as currently enacted or hereafter amended.

7.110 - Speed Limit - The District has established the following lower speeds within the District:

- A) The maximum speed limit for motor vehicles on roads within the District is fifteen (15) miles per hour.
- B) The maximum speed limit for motor vehicles in parking lots within the District fifteen (15) miles per hour.
- C) The maximum speed limit in District R.V. Parks is five (5) miles per hour.
- D) No motor vehicle shall be operated on any beach at a speed in excess often (10) miles per hour.

7.120 - Motor Vehicles on South Beach

- A) Prohibition. No person shall drive or operate any motor vehicle over, upon, along, or across South Beach, located south of Anchor Way and continuing to the middle of Nickel Creek, unless such person has in his or her possession, a permit issued pursuant to this section.
- B) South Beach Exception - Permit. A permit to operate a motor vehicle on said portion of the South beach may be issued by the County or the District.
 - 1) Display. The permit shall be displayed on the dashboard of the permitted vehicle at all times while the vehicle is on the beach.

7.130 - Motor Vehicles on North Beach

- A) Prohibition. No person shall drive or operate any motor vehicle over, upon, along, or across that portion of North Beach located between the Harbor Boat Basin and the city limits of the City of Crescent City, unless such person has in his or her possession, a permit issued pursuant to this section.
- B) North Beach Exceptions - Permit. A permit to operate a motor vehicle on said portion of the beach may be issued by the Harbormaster or designee upon application.
 - 1) Application. An application for a permit must provide sufficient evidence that one or more of the following conditions exist:
 - a) The motor vehicle will be operated on the beach solely in connection with a special event, sanctioned by the Board;
 - b) The applicant, or a person for whom the applicant is a caretaker, is disabled to the extent that the disabled person cannot access the beach without a motor vehicle, and the applicant has medical verification of such disability; or
 - c) The applicant purpose for driving on the beach is to collect fire wood, driftwood, or kelp.
 - d) Duration. Annual Permits-Valid July-01 through June-30 of District's Fiscal Year.

- e) Liability. All applicants must present evidence of financial responsibility as required by California law.
- f) Display. The permit shall be displayed on the dashboard or windshield of the permitted vehicle at all times while the vehicle is on the beach.
- g) Fee. Fee pursuant to District Fee Schedule in Section 13.100 - 13.200.

7.140 - Enforcement

A) The Harbormaster may enter into agreements with any law enforcement agency to delegate the Harbormaster's authority to enforce this section to that law enforcement agency or its personnel.

7.150 - Emergency

A) In the event of an emergency, the Harbormaster may allow vehicles beach access without requiring permits.

7.200 - Parking Regulations

A) Application of Regulations. The provisions of this section prohibiting or regulating the stopping, standing or parking of a vehicle shall apply within the District, including Citizens Dock at all times, unless the operator of a vehicle is acting in compliance with the directions of the Harbormaster, District personnel, law enforcement, or an official traffic control device.

B) Authority. The Harbormaster is authorized to establish and maintain by appropriate signs and markings: parking spaces, disabled parking spaces, no stopping zones, restricted parking zones, and no parking areas.

C) Parking Permits. Parking is regulated 24 hours/7 days a week. All vehicles parked overnight, anywhere within the District shall have a District parking permit. With the exception of Harbor Resort(s) and other District approved overnight areas.

D) Time Limit. All operable vehicles may be parked in the same parking space for a maximum of fourteen (14) consecutive days without movement. If a longer stay is warranted, an extended stay parking permit may be received from the Harbormaster. Without such a permit, the violating vehicle may be towed at the owner's expense.

E) Parking Spaces. No vehicle shall be stopped, left standing or parked other than within a single marked space unless the size or shape of such vehicle makes compliance impossible.

F) Towing of illegally parked vehicles. The District may remove or caused to be removed any vehicle parked, stopped, or left standing contrary to this Section and, at the expense of the owner, may place such vehicle in a storage yard operated by a towing company or impound the same.

G) No Stopping Zones. The stopping of vehicles in any of the following spaces is prohibited:

- 1) in any intersection;
- 2) in any crosswalk;
- 3) within twenty (20) feet of any crosswalk or intersection;
- 4) at any place where the stopped vehicle would reduce the usable width of the roadway to less than eighteen (18) feet;
- 5) within fifteen (15) feet of a fire hydrant;
- 6) at any place where the vehicle would block the use of a driveway;
- 7) on any sidewalk;
- 8) at any place where official signs prohibit parking.

H) Restricted Parking Zones.

A) The following curb markings shall have the meanings set forth:

- a) Red: No stopping, standing or parking at any time.
- b) Yellow: No stopping, standing, or parking at any time for any purpose other than the loading or unloading of passengers (three minute maximum) or materials (thirty minute maximum).
- c) White: No stopping, standing or parking for any purpose other than the loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box (both have a three minute maximum).
- d) Green: Time-limited parking not to exceed ten (10) minutes unless a different maximum time limit is clearly posted.

I) Operable, registered vehicles required. All private vehicles and/or trailers parked in a parking lot (owned, maintained or leased by the District) shall be operable and shall be currently registered with the Department of Motor Vehicles. Failure to maintain an operable registered vehicle or trailer in a District parking lot shall cause the District to remove the vehicle at the owner's expense.

Chapter 8 - District Property Regulations

8.010 - Purpose and Applicability

The purpose of this chapter is to provide regulations for the use of District-owned properties by the public, vendors, concessionaires, renters or lessees. These regulations apply to the specific properties covered by this chapter in addition to all other applicable provisions of this Code.

8.100 - District Property Generally

A) Aircraft. It shall be unlawful for any type of aircraft to land, taxi, and park or take off on any District property, including beaches, roads, parking lots, waters and other open areas without prior authorization of the Harbormaster.

B) Public intoxication. It is unlawful for any person in an intoxicated condition to remain or be on any District property, regardless of whether such person is in or upon any vehicle or conveyance.

C) Fires and firearms:

1) No person shall light, use or maintain a fire on any District property except in a fireplace or containment vessel. No person shall abandon any fire without first having completely extinguished it with water; no fire, coals or ashes shall be covered with sand. Open fires are not permitted on any vessel in Crescent City Harbor.

2) Notwithstanding the above, camp fires are permitted on North Beach and South Beach.

3) No person shall fire or discharge any rifle, pistol or other firearm on District property without first having obtained permission in writing from the Harbormaster or the County Sheriff.

D) Public peace. Disturbance of the peace by any person on any District property is prohibited.

E) Wheeled conveyances on docks.

1) It is lawful to use dock-carts, hand-carts, wagons or wheelbarrows used for transporting supplies to and from a vessel and vehicles or devices designed for use by a physically disabled person.

2) It is unlawful to use motorcycles, roller skates, skateboards, bicycles, scooters or other similar conveyances on District docks, floats, ramps and gangways.

F) Personal Floatation Devices (PFD). All persons should, and all children under twelve (12) years of age shall wear a PFD when on District docks, floats, ramps and gangways.

G) Animals. See Section 9.100-Animal Control

H) Littering. No person shall leave, deposit, drop or scatter broken glass, ashes, waste paper, cans, animal carcasses or any other rubbish, refuse or other discarded material in any location other than an approved District trash receptacle, and no person shall discard on District property or in District trash receptacles such materials that originate from places other than District property.

D) Solicitation and advertising. No signs of any kind may be posted within the limits of the District without receiving prior approval of the Harbormaster.

8.150 - District Surplus Personal Property

A) Sale of Personal Property

1) The Board may sell or lease, for cash, any personal property owned by the District that is not required for public use or whenever the sale or lease of such property is necessary to the full or convenient exercise of the Board's power.

2) The sale or lease shall be reported to and confirmed by the Board.

3) No member of the Board, nor any officer, nor any management employee of the District, directly or indirectly, personally or through any third party, shall buy, lease, or bid on any personal property disposed of by the District. For purposes of this section, "management employee" means the Harbormaster, the Maintenance Supervisor, and any other person who participates in recommending or determining which personal property shall be declared surplus or sold.

B) Public Sales

1) The sale or lease of personal property shall be at public auction to the highest bidder. The Board may establish in advance the minimum acceptable bid.

2) Notice of the sale or lease shall be given at least once by publication in a newspaper of general circulation in Del Norte County at least five (5) days prior to the sale. Notice shall also be given by posting in a public place on District property.

3) The sale or lease may be made at any place on District property designated by the Board. If the Board determines by four-fifths (4/5) vote that it would be more convenient to sell the property elsewhere, it may designate that the sale take place somewhere other than on District property.

4) Any auction of property pursuant to this ordinance shall be conducted during the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, excluding legal holidays. The auction shall be conducted by a person designated by the Board. The person conducting the sale may postpone the sale to a later day and time at the same place by publicly announcing the new time and date for the sale at the time and place originally fixed for the sale.

C) Public Sale Not Involving an Auction.

1) In lieu of public auction, or for items not sold at public auction, the Board may authorize a public sale of items of surplus property at predetermined prices on a first-come-first-served basis. Such shall be held at the same times specified in paragraph (B) (4). Such sale may be held only after published

notice given in the manner specified in paragraph (B) (2). The sale shall be conducted by a person designated by the Board. The Board, at the time of authorizing the sale, may also authorize the person conducting the sale to reduce the previously determined sale price from time to time during the sale but not before three (3) hours after the sale commences.

D) Private Sale

1) If in the unanimous judgment of the Board members present at a meeting to consider the issue, the property, whether on item or a lot of similar items, does not exceed in value the sum of two thousand five hundred dollars (\$2,500), or the monthly rental value is less than five hundred dollars (\$500), the property may be sold or leased at a private sale without advertising if the Board makes a specific finding that it is in the best interest of the District or will further the District's mission to make such a private sale or lease. The Board shall designate, by majority vote, two Board members and one District employee to make the sale or lease.

2) Any item or items of property having previously been offered for public sale or auction pursuant to this ordinance, but which item or items were not sold thorough such process may be sold at a private sale without advertising by an employee of the District authorized to do so by the Board. Such sale shall be reported to the Board at its next meeting.

3) If the Board, by unanimous vote of those members present, finds that the property is of insufficient value to defray the cost of arranging a sale, the property may be donated to any other charitable or governmental organization deemed appropriate by the Board, or it may be disposed of in the local landfill or other disposal facility on order of the Harbormaster.

8.200 - District Property and Beaches

The requirements of this section apply to all public use of property and beaches owned or controlled by the District.

A) Alcoholic beverages. The possession or consumption of any alcoholic beverage is prohibited on any District property or beach with the exception of facilities with valid liquor licenses. It is unlawful for any person in an intoxicated condition to remain or be on any District property or beach, regardless of whether such person is in or upon any vehicle or conveyance.

B) Camping. Camping or overnight sleeping is prohibited on any District property or beach.

C) Closed areas. No person shall enter any portion of District property or a beach posted by the District as being closed to public access.

D) Glass containers. Glass containers are prohibited on all District beaches.

E) Restoration areas. Interference with or damage to areas being revegetated or otherwise restored is prohibited.

8.250 - Special Events - Exemptions.

A) Special Events

With prior approval of the Board, the Harbormaster is authorized to issue permits for the consumption of alcoholic beverages in otherwise prohibited areas.

B) Leased Property

With prior approval of the Board, the Harbormaster is authorized to issue permits for camping (and the associated storage of camp facilities and camping equipment) in otherwise prohibited areas in order to accommodate special events.

C) Camping

With prior approval of the Board, the Harbormaster is authorized to issue permits for camping (and the associated storage of camp facilities and camping equipment) and consumption of alcoholic beverages in otherwise prohibited areas in order to accommodate special events.

8.300 - Storage Yards & Areas

A) Storage Yard.

1) Establishment. The Harbormaster is authorized and directed to establish a storage yard(s) for storage of certain equipment and personal property as set forth in this section.

2) Use. Except as otherwise provided in this section, the storage yard shall be for use only by the District and eligible vessel owners who have valid written berthing permits for mooring their vessels in the Inner Boat Basin.

a) An owner shall be eligible to use the storage yard under this section if his or her vessel currently has a valid berthing permit. Preference will be given to semi-annual and annual berthing permit and rental agreement holders.

b) Vessel owners and operators shall remove any items from the storage yard within ninety (90) days after expiration of their berthing permits.

c) The Harbormaster may also authorize, but only in writing, tenants of the District to use the storage yard on such other terms and conditions as the Harbormaster may specify.

3) Permitted storage.

a) The only types of property that may be placed in the storage yard are appurtenances to vessels, each of which is of such bulk or weight as to be impractical to move, load onto a truck, or unload from a truck except with the help of a crane, forklift or other mechanical means. Such items include crab

tanks, large metal poles, and trawl winches. All such gear must be used at least on a seasonal basis. No gear shall be stored in the storage yard for more than one (1) year at a time without being removed from the storage yard and used on the vessel to which it is appurtenant. Without being exhaustive in the prohibition, such items as shrimp tables, and crab pots are specifically prohibited from being placed in the storage yard. In case of any question about whether a particular item may be stored in the storage yard, the Harbormaster shall be consulted prior to storage. The decision of the Harbormaster shall be final.

b) Notwithstanding subsection (a), the Harbormaster may place other types of property held, controlled or owned by the District within the storage yard, including property unclaimed or abandoned property being held by the District pending disposal.

4) Removal. The owner or operator of any vessel or equipment shall remove any item from the storage yard within twenty-four (24) to forty-eight (48) hours after receiving notice from the Harbormaster to remove such item.

5) Identification. No person shall place any item in the storage yard unless there is conspicuously and permanently painted on or attached to the item, the name of the vessel to which the gear belongs or is appurtenant. The name of the owner of the gear is also encouraged, but not required, to be so attached.

6) Access. Access to the storage yard shall be granted by the Harbormaster or designee. Persons placing items in the storage yard shall do so as to minimize blocking access to items stored by other users of the storage yard. The owner or operator of any vessel or equipment shall move or relocate within the storage yard any items as directed by the Harbormaster within twenty-four (24) hours or such longer time as the Harbormaster may specify.

7) Closure. The District reserves the right to modify, shut down, or close the storage yard at any time upon thirty (30) days' notice by posting said notice at an entrance to the storage yard and by mailing copies of the notice to the owners of vessels with current berthing permits in the Inner Boat Basin. It is the responsibility of any person placing an item in the storage yard to ensure that the District has a current mailing address to assure receipt of the notice. The notice will be deemed given when mailed or personally delivered.

8) Violation. All items left in the storage yard in violation of this ordinance shall be deemed "unclaimed" and may be disposed of as set forth in Section 8.400(D) of this Code.

9) Fee. Fees for storage shall be as set forth in the District's fee schedule.

B) Temporary Storage and Work Areas

1) Establishment. In addition to the storage yard, the Harbormaster is authorized from time to time to designate temporary storage and work areas on property owned or controlled by the District. These storage and work areas may be used only for such purposes and for such periods of time as authorized by the Harbormaster. Temporary storage and work areas may be designated for such purposes as repairing nets and other equipment and for storing crab pots during peak periods near the beginning of crab season.

2) Designation. The location and permitted uses of each temporary storage and work area shall be designated in writing by the Harbormaster and posted in the District Office.

3) Violation. No person shall use any temporary storage and work area except as authorized by the Harbormaster.

4) Removal. Any person who owns or exercises control over any property located in a temporary storage and work area shall remove such property immediately upon being directed to do so by the Harbormaster.

5) No littering. All persons using a temporary storage and work areas shall not litter and shall clean up after themselves. Persons working on nets or equipment shall sweep up and remove cable, pieces of netting, and other debris immediately upon removing the gear from the temporary storage and work area.

6) Identification. All items kept in a temporary storage and work area shall be conspicuously marked with the name of the owner or vessel to which they are appurtenant.

C) Liability of Lessee

1) Damage to District property. Tenant agrees to pay, on demand of the District, for all damage done to the District's property or facilities by tenant or the items stored, or by tenant's agents, employees or representatives.

2) District non-responsibility. The District shall not be liable in any manner or for any cause whatsoever for tenant's space or its contents, gear and equipment thereof, or for any loss or damage thereto howsoever occasioned by any use of District facilities, including storage and it shall be at the sole risk of tenant. Tenant acknowledges and agrees that the District has made and makes no warranties or representations, whether expressed or implied, with respect to the present or future suitability or condition of District storage yards, facilities, walks, ramps, equipment, buildings, premises or other property under the control of the District. Tenant understands that District premises and facilities are located on lands controlled by the District, and tenant agrees to indemnify and hold harmless the District, its respective officers, agents and employees from and against all claims, demands, liability, damage and loss including attorney's fees actually incurred for injuries or death to persons, or property (including the District)

by reasons of any matter, act, failure to act or omission arising out of or relating to the operation, use or possession by tenant or tenant's family, agents, employees, business visitors or invitees occurring at anytime during the existence of this storage yard permit and rental agreement.

3) Permits issued to individuals only. The storage yard permit and rental agreement shall be issued only with respect to a named individual or government entity and shall be valid only in respect to that individual or government entity.

4) Assignment and subletting. Tenant shall have no right or power whatsoever to assign this storage yard permit and rental agreement or sublet the space or

any part thereof to any person or party whatsoever or for use by any other person or party whatsoever. No attempted transfer or assignment, whether voluntary or involuntary, by operation of law, under legal process or proceedings, by receivership, in bankruptcy, or otherwise, and no attempted subletting, shall be valid or effective, but shall automatically terminate this storage yard permit and rental agreement.

5) Notice to District. As a condition of the issuance of a storage yard permit and rental agreement, the tenant thereof shall at all times keep the Harbormaster informed of the tenant's current mailing address and telephone numbers, along with any additional emergency telephone numbers. The tenant thereof shall also notify the Harbormaster immediately upon any change of ownership of items to which tenant's storage yard agreement applies, and further agrees to ensure that items transferred or sold shall be removed from the facility, and shall further notify the Harbormaster immediately upon vacating the storage space assigned to the individual. Failure to keep the Harbormaster informed as to the provisions set forth in this paragraph shall be grounds for revocation of the storage yard permit and rental agreement by the District.

6) Storage assignment.

a) Location. The location of the storage space shall be designated by the District and shall be at the convenience of the District.

b) Storage permit and rental agreement. No person shall store items at or in the District's storage yard without having first secured a storage yard permit and rental agreement from the Harbormaster in the form and manner provided therefore.

c) Waiting List. Storage assignments shall be made from a chronological waiting list. A vacant storage assignment will be offered first to that person highest on the list for that size storage assignment and then, if refused, in sequence to those next on the list.

d) Acceptance of storage assignment. Acceptance of a storage assignment must be acknowledged within five (5) days of notification by payment of rent and deposits, and execution of a storage yard permit and rental agreement.

7) Storage purposes only. A storage yard permit and rental agreement shall authorize the tenant thereof to use the designated storage area at the Crescent City Harbor for storage purposes only. District grants no further rights, privileges or uses. Additional or varying uses shall not be allowed except as provided in the ordinances and regulations of the District or under written authority by the District.

8) Property considered abandoned. All items will be considered abandoned when left at the Crescent City Harbor without a properly executed storage yard permit and rental agreement or when left after termination of the storage yard permit and rental agreement for more than twenty-four (24) hours. In the event items are deemed abandoned, the District shall post a thirty (30) day notice of intent to remove, sell, scrap or destroy such items at the expiration of the thirty (30) days. Within five (5) days of posting, the District shall mail, postage prepaid, a copy of the notice to the tenant who abandoned the property addressed to the most recent address provided to the District by the tenant. If items are claimed within the thirty (30) days, the owner shall pay the District for all temporary storage, relocation and re-securing of items plus all costs associated with the temporary storage of said items. If items are not claimed within the thirty (30) days, they shall become the property of the District and the District shall have the right to remove, sell, scrap or destroy such items.

9) Sale of items. Any sale or transfer of legal title in and to the items shall serve as an automatic termination of this storage yard permit and rental agreement.

10) Reassignment of storage spaces. Storage spaces may be reassigned at the discretion of the Harbormaster. Holders of a storage yard permit and rental agreement may apply for reassignment. However, reassignment is not a right or privilege inherent in the storage yard permit and rental agreement.

11) Temporary reassignment of storage spaces. Items to which a storage permit and rental agreement apply may be temporarily assigned or reassigned to other areas or spaces under control of the Harbormaster to accommodate repairs, improvements, maintenance, construction, emergencies, or when necessary in order to permit maximum efficient public utilization of the District facilities.

12) Notice of cancellation to the District. A storage yard permit and rental agreement may be cancelled by the holder thereof upon written notice to the Harbormaster.

13) Failure to comply, revocation and termination. If the Board or the Harbormaster determines that a tenant has failed to comply with the terms and provisions of the storage yard permit and rental agreement or with the ordinances, rules and regulations promulgated by the District, the storage yard permit and rental agreement may be terminated forthwith by the District and upon being so notified in writing by the District, the tenant shall immediately remove all items from the assigned space and out of and away from the District's facilities.

14) Refusal of storage. The District shall have the right at all times to refuse storage or to refuse to issue a storage yard permit and rental agreement to any individual.

15) Notice by mail. Upon notice by certified mail, return receipt requested, or by personal service delivered to the tenant of a storage yard permit and rental agreement that the storage yard permit and rental agreement has been revoked by the District pursuant to this ordinance, and after the expiration of three (3) days from the date when such notice was personally delivered or three (3) days from the date that certified mail was deposited with the United States Post Office, the Harbormaster may remove any item or other personal property left by the holder thereof upon the District's properties and dispose of the same in such manner as the District may deem proper.

16) Termination of rights.

a) Upon the expiration of the storage yard permit and rental agreement all rights thereunder shall automatically cease and terminate.

b) If the tenant holds possession of the premises after notice of termination by the District, the tenant's rental obligation to the District shall be at the monthly rental rate for tenant's original agreement or newest agreement, whichever is greater, until tenant actually vacates the space.

D) Storage Prohibited in Non-Designated Areas

1) Storage prohibited. No person shall store any item of personal property within the jurisdiction of the District except in temporary storage and work areas and the storage yard in compliance with this Code. No person shall abandon or leave unattended personal property, including vessels and appurtenances, on property owned or controlled by the District.

2) District removal. Any abandoned or unclaimed property and any personal property found within the jurisdiction of the District in violation of this Code may be removed to a place designated by the Harbormaster pending appropriate disposal as set forth in this Code or other law.

E) Temporary Crab Pot Storage.

1) The designated temporary crab pot storage area is divided into individual spaces and marked for identification. Crab pots may not be stored

in any other area, except when loading and unloading recovered crab pots as detailed below.

2) Registration. Any person wishing to use a designated area to store crab pots must first register with the District office.

3) Lottery/Drawing. Any person with a current annual berthing permit and is current in Crab Pot Storage Fees will be eligible to enter the lottery. Anyone submitting their name to the District office before 12:00 p.m. on the last Wednesday of October will be entered in a drawing for assignment of storage space(s) in the designated area discussed in Section 1. The Harbormaster or Designee will draw to assign spaces on or before the last working day of October. Fishermen may obtain lottery results by signing their temporary crab pot storage lease agreement at the District Office. Spaces assigned pursuant to this drawing are subject to space rent in accordance with the current fee schedule. Lottery priority will be given to tenants in good standing who are registered with the Crescent City Port of Registry. Starting the 1st of November, crab pots may be stored in the individuals designated fee storage area until the first day of crab season. The first day of crab season is determined by the California Department of Fish and Wildlife. After the first day of crab season, the individual has fifteen (15) days to clean and notify the District of a clean storage area. After fifteen (15) days, if an individual's storage area is not clean of pots pallets, or any other debris, a space fee in accordance with District's current fee schedule will be charged.

4) Rental. After the drawing is held and results posted all other persons may rent up to two unoccupied spaces on a first come first served basis. Rental fees will be based on the current fee schedule.

5) Cleaning. All persons must clean their storage area immediately upon removal of their crab pots at the end of the official crabbing season. If District staff is required to clean any space, the registered party will be charged reasonable district labor rates pursuant to the current fee schedule.

6) End of Season. All crab pots must be removed from the District within thirty days of the end of the official crabbing season. Lessee must notify the District that they have removed their crab pots and have cleaned their rented space of all pots, ropes, pallets, and debris. Failure to comply will result in the assessment of a monthly space fee in accordance with the Harbor's current fee schedule.

7) Recovered crab pots must be unloaded at the Citizens Dock hoist area and immediately transferred to the designated recovered crab pot area located at the southern corner of public hoist and cable dock seawall. The Department of Fish and Wildlife's designee will take the responsibility of

informing the crab pot owners and overseeing the return of the recovered crab pots.

8) Enforcement. Any crab pots or other gear stored in violation of this ordinance will be “Red Tagged” and may be removed by the Harbormaster and transferred to a designated storage area where the owner of the crab pots and gear will be charged a storage fee. Crab pots without proper identification will be removed and turned over to the Department of Fish and Wildlife and returned to their owners in accordance with Section 7.

9) Exemptions. If the crab season is impacted by a weather event, is officially delayed, or is otherwise effected by any outside imposed delay or stoppage, the Harbormaster may issue an exemption from rental fees for Temporary Crab Pot Storage.

8.400 - Disposal of Abandoned Vessels and Appurtenances

A) Abandonment. Any hulk, derelict, wrecked or parts of any ship, vessel or other water craft sunk, beached or allowed to remain upon submerged lands or tidelands for a period of more than thirty (30) days without a watchman or other person being maintained upon or near and in charge of the property shall be deemed abandoned property unless the Board, by resolution, gives consent to the presence of the property.

B) Disposition. Thereafter, the District may cause the property to be sold, destroyed, or otherwise disposed of in such a manner as the Board may determine is expedient or convenient. Any such sale shall vest complete title in the purchaser who shall forthwith take steps to remove the property. Any proceeds derived from the sale shall be the property of the District.

C) Claim of ownership. If the owner of the property securely affixes to the property a notice in plain view setting forth the owner’s name and address and claim of ownership, together with the name and address of an agent or representative whom the owner may designate to act within the State of California if the owner does not reside in the state, and files a copy of the notice with the District at least ten (10) days prior to removal, the District shall not sell, destroy, or otherwise dispose of the property until the District has first given the owner or the owner’s agent , at the address specified in the claim of ownership, fifteen (15) days’ notice to remove or cause the property to be removed, and then only if the property is not removed within that time or such reasonable extensions of time that the Board may grant. If the registration number appears on the watercraft, the District shall send notice to the last registered owner and the disposition shall be handled as a lien sale as authorized by law.

D) Disposal of Unclaimed Personal Property

- 1) Generally. Except as otherwise provided in this ordinance or by statute, any personal property found, saved, or left unclaimed within the confines of the property owned or controlled by the District shall be disposed of in compliance with this section.
- 2) Personal property (other than vessels) shall be deemed unclaimed if:
 - a) The property is left unattended for a period of twenty-four (24) hours;
 - b) The property presents an immediate threat to the safety of other property or persons, or
 - c) The property poses a threat or hazard to navigation.
- 3) Public Auction.
 - a) Unclaimed personal property shall be held by the District for at least ninety (90) days after which time the District may sell the property to the highest bidder at public auction.
 - b) Personal property shall be deemed “held” by the District beginning when any of the following has occurred.
 - (i) It has been removed by the District from the location where it was originally found to a place of storage;
 - (ii) It has been marked or tagged by the District in such a way as to give notice to persons inspecting the property that it is considered unclaimed or stored in violation of this ordinance; or
 - (iii) The owner has been notified in any other manner by the District either to remove the property or that the property is considered unclaimed.
- F) Title to the property shall vest in the purchaser at either; sale or public auction.
- G) The District may require as a minimum opening bid at any public auction an amount sufficient to reimburse the District for all costs reasonably incurred and related to the property including removal, storage, notice and sale costs.
- H) The proceeds from the sale shall belong to the District.
- 4) Notice.
 - a) No public auction shall be held under this section until the Harbormaster has given notice of the intended sale at least five (5) days prior to the time fixed therefore by publication once in a newspaper of general circulation published in Del Norte County. In addition, if the owner or last owner of the property is known, or if there is a name of a vessel affixed to the property, the Harbormaster shall cause to be mailed to the owner, at the last known address, a notice of said auction. Said notice will be mailed at least ten (10) days prior to the auction.
 - b) Prior to sale owners may reclaim property held by the District by paying to the District all reasonable costs incurred by the District, including the costs of removal, storage and giving notice.

- 5) Retention by District. Notwithstanding any other provision of this section, if the Board determines that the property is unclaimed and subject to sale, the property may be retained by the District and need not be sold if needed for a public use. Notice in the manner set forth in the previous section shall be given for all items that the Board reasonably determines to have a fair market value in excess of five hundred dollars (\$500).
- 6) No bidder. Property remaining unsold after being offered at public auction may be destroyed or otherwise disposed of by the District.
- 7) Abandoned property. Notwithstanding any other provision herein, this section shall not apply to items of personal property that have been intentionally abandoned by the owner. Disposition of such items shall be as otherwise set forth by law, including appropriation by the District.

Chapter 9 - General Health and Safety Regulations

9.100 - Animal Control

- A) Dogs - Leashes required. No person owning or having charge, care, or custody of any dog shall cause, permit or allow the same to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, or custody of such dog, within the District, unless the dog restrained by a substantial chain or leash and under general control. It shall be unlawful for pet owners to allow their pets to roam freely anywhere on District property. When not confined to a vessel, vehicle or building, the animal must be on a leash no more than six (6) feet long.
- B) Strays. Any animal found running loose may be taken up by authorized District personnel and delivered to the County Dog Pound, provided that District personnel will attempt to locate the owners of licensed animals before impounding them.
- C) Cleanup. No person shall allow their animal to defecate on any District property without the person properly depositing the waste in a receptacle designed for trash disposal.
- D) Noise. It shall be unlawful for pets to cause excessive noise or disturb the peace. Pets are not to be allowed or placed on private property within the Harbor without the express permission of the property owner.
- E) Licensing. All persons owning, caring for, or controlling any pet shall comply with all applicable rules, regulations, laws or statutes requiring the licensing, tagging, and vaccinating of pets.

9.110 - Explosives, Acids, Flammable Liquids

A) General requirement. Except as expressly authorized by the Harbormaster, explosives, acids, and containers that have been used for the storage or transportation of diesel, oil, gasoline, distillate, kerosene, or other flammable products or toxic chemicals, shall not be permitted to remain overnight in the Harbor.

B) Explosives. It shall be unlawful for any person to store, place, or handle within the Harbor Class 1; explosives (Divisions 1.1, 1.2, 1.3, or 1.4) as defined in Title 49 of the U.S. Code of Regulations. Small arms ammunition is permitted, provided it does not violate any Federal, State or local laws or ordinances that may apply, and provided it is not loaded in a weapon. State-approved seal bombs, or equal, may be stored and handled but not detonated in the Harbor. U.S. Coast Guard approved flares may be stored and handled but not fired (except in emergencies) in the Harbor.

C) Flammable liquids. No person shall handle or store more than one gallon of any Class II, flammable liquid on the docks or waters of the Harbor or on vessels docked or berthed at the Harbor (excluding U.S. Coast Guard-approved liquids in U.S. Coast Guard-approved fuel tanks, and No. 2 diesel oil in approved type drums or tanks).

9.120 - Fire-Fighting Apparatus

It shall be unlawful for any person to obstruct or interfere with the free and easy use of fire lanes or access thereto, or to use, remove or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or any part of any fire sprinkler system or any other fire-fighting appliances or apparatus installed in or upon any dock, warehouse or other building, structure or premises under the jurisdiction of the District except for the prevention of or suppression of fire; provided, however, that nothing herein contained shall prevent the making of necessary repairs or tests by any person duly authorized to do so.

9.130 - Flames, Fire and Welding

A) Fire shall not be used on board any vessel to heat pitch, tar or other flammable substances, while such vessel is in any slip, basin, channel, or canal, or moored to any dock or other vessel; however, fire may be used for such purposes on vessels at the work dock or in the self-help area provided that sufficient emergency firefighting equipment and fire watchmen, to the satisfaction of the Crescent City Fire Marshall, are present at all times.

B) Neither bonfires nor open fire for the burning of rubbish or refuse materials, or for any other purpose, shall be allowed on any of the property under the jurisdiction of the District, except as otherwise provided by this

section. Such fires on District beaches are subject to the same regulations and restrictions as set forth in the relevant City and County Codes.

C) No work to be started without appropriate dock surface protection and unless the Crescent City Fire Marshall determines that sufficient emergency firefighting equipment, properly manned, is present and ready for immediate use.

D) When a vessel is taking on or discharging fuel, petroleum products through a pipeline, or otherwise transferring fuel or petroleum products, all fires including fires in boilers, shall be extinguished, and no gas or electric welding shall be performed on or within one hundred (100) feet of the vessel. At least one U.S. Coast Guard approved fire extinguisher shall be present and ready for use at all times when fueling or transferring fuel or petroleum products.

9.140 - Refuse Disposal

The following provisions address refuse disposal within the Harbor.

A) It shall be unlawful to discharge or deposit or cause the discharge or deposit, either from any vessel, or from the shore, dock, or other facility, any meat, fruit, vegetable, dead animal or putrefying matter, garbage, tires, paper, plastic, litter, waste, or any rubbish or refuse of any kind, in or upon the waters of the District, or on the land, (excludes dumpsters) adjacent to any navigable waters. Navigable waters may include waters extended either by ordinary or high tides, or by storms or floods or other events.

B) All registered vessels shall only be allowed to dispose of vessel refuse and shall dispose in approved refuse containers that are regularly serviced and removed from the District. The Harbormaster is authorized to order any person violating this section to immediately clean up and remove such refuse, at their expense.

C) In the event of failure by any such person to immediately remove refuse, the Harbormaster shall remove the refuse at the expense of such person. Failure to remove and properly dispose of refuse and/or failure to pay for the expense of removal and disposal shall be grounds for revocation of permits. All such charges for removal and disposal shall remain due until paid, notwithstanding revocation of permits.

D) It shall be unlawful for any person to enter into any trash or rubbish receptacle, or recycling container for purpose of scavenging, collecting, reclaiming or recovering materials deposited in such receptacle or container by others. The practice of “dumpster diving” is not allowed on District property.

9.150 - Refueling Limited

No vessel shall be refueled at any District berthing dock, and no fuel pipeline or hose line shall be maintained or used on the property of the District. This section shall not prohibit the use of U.S. Coast Guard-approved closed systems and automatic coupler devices for portable fuel tanks, and shall not prohibit shifting fuel between tanks on the same vessel by a closed system. Fueling of vessels at any location other than the fueling dock shall require a permit issued by the District.

9.160 - Smoking

It shall be unlawful for any person to smoke, or to light, use, or carry any match, open flame or lighted lantern, upon any dock in the District or where a "No Smoking" notice is displayed.

9.170 - Transfer of Hazardous Substances

No person without a permit shall cause the open transfer of any petroleum, chemical, or other hazardous substance from one container or vessel to another, including but not limited to fuel tank of a vessel, within the Harbor other than at an authorized dock for the transfer of such substance.

9.180 - Safety Equipment

It shall be unlawful for any person to tamper with, alter, modify or otherwise disturb any piece of safety equipment or safety system installed by the District or upon District property. This section does not apply to authorized persons engaged in repairs or installation of said equipment.

9.190 - Backflow Devices

It shall be unlawful to connect to any hose connection on any dock, unless such connection is fitted with a back flow device.

9.200 - Electrical Service

a) All electrical cords and wiring shall be properly grounded and meet underwriter's laboratory (UL) approval for marine related service. No person shall make any electrical connection to any electrical outlet of the District except through the use of underwriter's laboratory (UL) approved cords and plugs, which are in good condition and repair.

b) Owner or operator may, with the express consent of the District, connect to electrical service at the moorage location subject to the following:

1) The District specifically does not guarantee continuity of electric service to any vessel, the characteristics of any service that is provided, or the characteristics of the vessel service circuit breaker.

- 2) Use of electrical service shall be at the vessel owner and its operator's own risk. The District shall not be liable for any damages caused or resulting from inadequate, excessive, or a surge in the electrical voltage or amperage.
- 3) Vessel owner and its operator do indemnify, defend and hold the District harmless from any claims or damages arising out of or resulting from owner/operators use of electrical service.
- 4) No person shall permit or suffer the drawing of more voltage or amperage than posted at the point of connection.
- 5) No cords or wires shall be placed on the dock or fingers in such a manner as to cause or contribute to damage or injury to people or to facilities or property of the District.
- 6) The Harbormaster has the authority to inspect for compliance and condemn any electrical connection or component in violation of this section.

9.210 - Battery Chargers

Only marine grade battery chargers shall be used within the District. The equipment must be approved by the Harbormaster.

9.300 - Boxing or Unloading of Seafood Products

No boxing of seafood products or keeping of seafood products shall be allowed within the District, except for seafood products contained within or aboard a vessel or in designated areas.

9.310 - Consumption of Alcoholic Beverages Prohibited

A) Prohibition.

No person may consume alcoholic beverages, as that term is defined in Business and Professions Code section 23004, which is from time to time amended or supplanted, on District property.

B) Exemption - Special Events.

With prior approval of the Board, the Harbormaster is authorized to issue permits for the consumption of alcoholic beverages in otherwise prohibited areas.

C) Exemption - Leased Property.

This prohibition expressly does not apply to District property that has been leased; provided, that the consumption of alcoholic beverages is not prohibited under the terms of the lease agreement.

9.320 - Disorderly Conduct & Trespass Prohibited

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.

9.330 - Acts of Solicitation and/or Abusive Panhandling - Prohibited

A) It is unlawful for any person to make any type of solicitation in any manner while on District Property, including but not limited to:

1. Approaching, speaking to, or following a person within three (3') feet, before, during, or after a solicitation, if that conduct is likely to cause a reasonable disabled or elderly person (a reasonable disabled or elderly person being an objective standard which applies to all persons regardless of age or actual disability) to:

- 1) Fear bodily harm to oneself or to another, damage to or loss of property;
- 2) Fear the commission or a criminal act upon one's person or property in one's immediate possession, or
- 3) Otherwise be intimidated into giving money or other thing(s) of value.
2. Physical contact with another person or an occupied vehicle without that person's consent.
3. Intentionally blocking or interfering with the safe, free passage of a pedestrian or vehicle by any means including causing a pedestrian or vehicle to take evasive action to avoid physical contact.
4. Approaching within three (3') feet of the door of another's vehicle or to render unsolicited services to the vehicle.
5. Extending any portion of one's body into a car window.
6. Knocking on the car window.
7. Soliciting in a loud voice or using violent or threatening gestures toward a person being solicited.
8. Approaching individuals from behind, as they are exiting their vehicle.
9. Wearing or displaying an indication of physical disability, when the solicitor does not suffer from the disability so indicated.
10. Stating that the solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donations on its behalf.
11. Making any false statement about how the funds will be used if they are given.
12. Soliciting from customers inside a store or restaurant.
13. The use of insult, profanity, or veiled threats, which are inherently likely to provoke an immediate violent reaction before, during or after making a solicitation.
14. Demanding more money after a donation has been given.
15. More than one Solicitor approaching an individual at one time.
16. "Camping out" by a business to encourage the business owner to give money to a person to go away.

CHAPTER 10 – Informal Bidding Procedures for Public Projects

10.010 Informal Bid Procedures

Public projects, as defined by the Uniform Public Construction Cost Accounting Act, under the dollar amount set forth in Public Contract Code Section 22032 may be let to contract by informal procedures prescribed in the Public Contract Code Section 22030, *et seq.*, as enacted or hereafter amended.

10.020 Contractors List

A list of contractors shall be developed and maintained by the CEO in accordance with the provisions of Section 22034 of the Public Contract Code and criteria established by the California Uniform Construction Cost Accounting Commission (“Commission”).

10.030 Notice Inviting Informal Bids

A) Contractors to be Notified. Where a public project is to be performed which is subject to the provisions of this Chapter, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 10.020 of this Code, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and construction trade journals may be notified at the direction of either the Board or Harbormaster soliciting bids; provided that:

1) If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

B) Timing of Notice. All mailing of notices to contractors and construction trade journals shall be completed not less than ten (10) calendar days before bids are due.

C) Contents of Notice. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

D) High Bids. If all bids received on the project are above the amount specified in Public Contracts Code section 22032, the Board may award the contract to the lowest bidder as provided in Public Contracts Code section 22034(f), as enacted or hereafter amended.

10.040 - Award of Contracts

The Harbormaster is authorized to award informal contracts pursuant to this section upon the advance approval of the Board.

Chapter 11 - Harbor Recreational Vehicle Parks

11.010 - Rules and Regulations

All visitors, guests, and occupants are required to follow all rules and regulations in recreational vehicle parks and villages owned and operated on District property (“Parks”).

A) Space Agreement. All Park users are required to enter into a space agreement for the use of a recreational vehicle site and must abide by the terms contained in the agreement.

B) General. The speed limit within a Park is five (5) miles per hour. Quiet hours are from 10:00 p.m. to 8:00 a.m. Each recreational vehicle may only use one site and one hook-up.

C) Length of Stay. Occupants are limited to no more than a thirty (30) day maximum stay at a Park.

D) Occupants. A maximum of four (4) people are allowed to inhabit a single recreational vehicle site without prior authorization and permission of Park management.

E) Visitors. Overnight visitors are permitted to stay up to three (3) consecutive nights in any seven-day period without registering with Park management. Visitors who stay for longer than three (3) consecutive days must obtain prior authorization from Park management. Occupants are responsible for the conduct of their visitors. Visitors must follow these rules and regulations.

F) Children. Parents are responsible for the supervision, conduct, and behavior of their children at all times. An adult must accompany children under the age of fourteen while in a Park.

G) Vehicles. Occupants are allowed a maximum of two (2) vehicles per recreational vehicle site. No additional trailers, boats, or other vehicles are allowed in the space. Unlicensed or non-operable vehicles of any kind are not permitted in the Park. Occupants are not allowed to wash their personal vehicles or their recreational vehicle in a Park. No vehicle maintenance, oil changes or repairs are allowed in the Park. Emergency repairs may be allowed with prior Park management approval. Off-road or all-terrain vehicles are not permitted to operate in the Park.

H) Parking. All parking is limited to rented spaces only, and no portion of a vehicle may extend beyond the boundary of the space being rented. Furthermore, parking that obstructs the free flow of traffic on Park roadways is prohibited. The Park does not provide any public or free parking anywhere on the premises. Vacant RV lots, along with all other unrented areas of the Park, are not to be used for parking. Overflow parking is available in a lot off Park premises, across from the Park entrance. Vehicles not in compliance

with parking rules may be towed at the owner's expense, and without prior notice..

I) Site Use/Restrictions. Outdoor patio furniture, potted plants, etc. may be allowed on the patio as long as the site is kept neat and uncluttered. No landscaping (plants/bushes/fences/gardens/lawn jockeys) may extend beyond the patio. No indoor furniture may be left on the patio. All personal property must remain within the confines of the site. No temporary buildings, structures, outside appliances, window air conditioners, etc. are allowed in a recreational vehicle site without prior Park management approval. The following are not allowed: tents, clotheslines, mats or rugs on the lawn.

J) Site Maintenance. The outside of the recreational vehicle and lot area must be kept clean and free of debris. Dumpsters have been provided for depositing household trash of paying Park customers only. Excessive deposits of trash may result in additional charges. Before placing items in dumpsters, all trash must be bagged, and all cardboard boxes must be fully broken down until flat.

K) BBQs/Grills/Fire Pits. No open fires are allowed in the Park, except in barbeque grills or in small fire pits that are at least six inches above the ground. Homemade fire pits are not allowed.

L) Sanitation. A positive sewer seal is required at both ends of sewer or gray water line. Sewer and gray water lines must be straight, and not kinked. Sewage and gray water must not run or leak onto the ground.

M) Registration. All recreational vehicles and other vehicles must have current license, registration and insurance at all times. Licensing and registration should be prominently displayed at all times. Failure to demonstrate current license, registration and insurance will be cause for termination of occupancy.

N) Soliciting/Commercial Use. A recreational vehicle and the Park premises shall not be used for any business nor shall any commercial activity of any nature be conducted in or on either.

O) Renting And Subletting. Short-term leasing or subleasing of recreational vehicles within the Park is strictly prohibited.

P) Fireworks. No fireworks may be lit on Park property. Storage of fireworks should be accomplished in a safe and secure way so as to avoid unintentional fires or use by unauthorized persons.

Q) Personal Conduct. Rowdiness, loud music, abusive language, violent behavior, public drunkenness, vandalism, theft, possession, sale, or use of drugs, or other disruptive or illegal behavior is strictly prohibited. Objectionable conduct or the violation of any Park rule or local, state, or federal law will be cause for termination of occupancy.

R) Property Damages. Users of Park property are liable for any property damages they cause or allow to be caused. All local, state and federal laws are applicable to all persons on Park premises.

S) Smoking. Smoking is allowed on Park property but not in Park buildings. Cigarette butts must be disposed of in an appropriate receptacle and not on the ground.

T) Fees. Park fees must be paid as required in the adopted District Fee Schedule set forth in Chapter 13.100- 13.200

U) Liability. Occupants and visitors of the Park use the facilities at their own risk. The District assumes no responsibility for accidents, injuries, or personal property loss due to theft, fire, storms, accidents, or rushing or rising water or any other cause. Park management encourages occupants to carry and maintain adequate property and liability insurance for their recreational vehicles.

V) Compliance With Laws. Visitors, guests, and occupants must adhere to all Park rules and regulations and all federal, state, and local laws at all times. Failure to do so may result in termination of occupancy. The Park management reserves the right to evict or refuse to rent in compliance with California Civil Code Sections 799.20-799.79, also known as the Recreational Vehicle Park Occupancy Law (“RVPOL”).

W) Laundry Facilities. Park provided laundry facilities are available for use by Park Occupants and Guests only.

X) Bathrooms. Park provided bathroom facilities are not a guaranteed amenity. All RVs must have at least one working toilet and one working shower. Dry camping is not permitted anywhere on Park premises. “Dependent” RVs are not permitted in the Park (25 CCR§2112).

11.020 Pet Rules and Regulations

All visitors, guests, and occupants are required to follow all rules and regulations.

Special permission is required to keep a pet in the Park, and must be obtained from Park management prior to bringing a pet into the any portion of a Park.

A) General. Only indoor, domestic companion animals will be considered (e.g. dogs, cats, fish or birds). Exotic animals and farm animals are specifically prohibited. If approved, up to two dogs or two cats or two birds, and up to one aquarium per recreational vehicle or tent site.

B) Limitations. The Park reserves the right to require additional documentation of good behavior for dogs over 50 pounds or dogs resembling those typically referred to as an “aggressive breed.” Park management

reserves the right to deny permission if a pet would pose a health or safety threat to other pets or occupants.

- C) Care And Control. Pets are not allowed in Park buildings. All dogs must be on leash when not inside the recreational vehicle. All pets are to be kept inside at night and pets can never be left unattended. Animal Control may impound any pets running loose and unattended in a Park. Pet owners will be solely responsible for any impound, licensing, or other associated fees.
- D) Restrictions. Pets may not cause any disturbance that might annoy neighbors, such as barking, growling, biting, or running at large. Pets may not cause damage to other occupants' site, including flowerbeds, shrubs, valuables, etc. Pet owners will be solely responsible for any such damage.
- E) Housing. No exterior pet housing, such as a barricade or permanent structure, is permitted in the Park. Small temporary pet pens may be used as long as they are stowed inside when not in use.
- F) Stray Animals. Stray animals should be reported to Park management, and the feeding of such animals is strictly prohibited.
- G) Tethering. In accordance with State law, pets may not be tethered outside without direct supervision of an adult owner or other responsible adult. Even with supervision, pets may never be tethered for longer than three (3) hours in any 24-hour period, and must always have access to water and shelter.
- H) Scoop Law. Pet owners must immediately pick up after their pets.
- I) Breeding Restrictions. Pet owners are not allowed to breed their pets on Park Property.
- J) Violations. Any violation of the above rules may result in termination of occupancy.
- K) Exceptions. Park management reserves the right to make exceptions to these rules on a case-by-case basis.

Chapter 12 - Environment

12.010 Protecting Habitat, Restoration and Mitigation Areas

- A) The District has set aside an area of the Outer Boat Basin for Eelgrass Mitigation.
- B) Intent. This District' intent is to provide protection for areas within the jurisdiction of the District that set are aside and designated for habitat enhancement or mitigation

C) Damage. It is unlawful for any person knowingly to damage, destroy, degrade, contaminate, modify or remove any area set aside and designated as a “habitat mitigation area”.

D) Fishing is permitted in the area designated as ZOMA-1. Fisherpersons may only use fishing poles.

12.020 Outer Harbor Eel Grass Mitigation Area

A) The area described in the map marked Exhibit “A” is set aside and designated as a habitat known as Eel Grass Mitigation area.

Exhibit “A” - Eel Grass mitigation area

ARTICLE III

FEES AND PROCEDURES

Chapter 13 - Fees, Charges, and Permit Requirements

13.010 General Rules for Fees and Charges

A) Fees and Charges - when Due. All fees and charges established by Section 15.100 or other District ordinance are payable in advance of the service rendered, and shall be paid whether or not a statement is provided by the District. Berthing permit fees are due on the first day of the first month of any renewal period when paid annually.

B) Personal Checks. The District may accept personal checks drawn in its favor for any license, permit, fee, charge or fine, or in payment of any obligation owing to it, or any trust deposit, if the person issuing the check furnishes to the authorized representative of the District satisfactory proof of identification by driver’s license, or if the person issuing the check has his or her driver’s license number on file with the District.

1) If any personal check is returned to the District without payment, for any reason, the District may impose a return check charge and may thereafter prescribe a different method of payment for that payment and future payments made by such person.

2) The acceptance of a personal check constitutes payment of the obligation owed to the District to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.

3) The dishonoring of any check received shall be grounds for the District to terminate the provisions of any service or facility to the person whose check is returned.

C) Late Payment.

1) Interest. Any amount remaining due and unpaid to the District after the payment was due shall accrue interest as set forth in the District Fee Schedule.

2) Late fee. In addition to the interest accrued on late payment, any person who fails to pay an amount due to the District by the due date may be assessed a late fee as set forth in the District Fee Schedule, to cover the costs incurred for additional staff time, accounting work, and other expenses reasonably incurred in collection of overdue accounts.

3) Collections. The District may refer any overdue account to a collection agency, at the discretion of the Harbormaster, or may pursue collection by civil suit, which shall include the amount due, together with an amount equal to court costs, reasonable attorney's fees, and a penalty as set forth in District Fee Schedule.

4) Guarantees from persons owing past due charges.

a) Prior to granting a permit or performing a service for a person owing past due charges to the District, the Harbormaster or Board may require from such person deposits or prepayment of charges in amounts greater than those set by Section 15.100, up to and including the amount reasonably necessary to protect the District against future financial loss occasioned by the applicant. In processing permit applications by persons owing past due charges to the District, the District shall be guided by the confidentiality provisions of applicable law.

b) Persons owing money to the District shall not be entitled to continuing use of the facilities or services of the District except on a "cash" basis, payment of which shall include an amount agreed to by the Harbormaster that shall be applied to satisfaction of the prior debt. Persons having a judgment against them in favor of the Crescent City Harbor District issued by a court of competent authority shall not be entitled to use of the facilities or services of the District until such time as said judgment is satisfied. This section shall not apply to the use of facilities or services of the District that are available to members of the general public such as meeting attendance, public parking, shoreline access, but does include each and every use of the facilities or services that requires a permit or entails a fee from the District or uses District resources.

5) Installment payments. The District may, at the discretion of the Harbormaster, enter into an installment agreement for overdue charges due to the District. Such agreement shall be negotiated between the

Harbormaster and the responsible party for the overdue charges, and shall contain at a minimum, the following provisions:

- a) The annual rate of interest as set forth in the District Fee Schedule.
 - b) The amount owing under the installment agreement shall be secured by a maritime lien on the vessel.
 - c) The responsible party shall agree to be personally responsible for the amount owed or accruing under the installment agreement.
 - d) The responsible party shall agree to pay all attorney's fees which may be incurred should the responsible party fail to comply with the terms and conditions of the installment agreement.
 - e) The responsible party shall agree to maintain the underlying account current. The installment agreement shall become due and payable on demand immediately if the underlying account goes into arrears.
- D) Boaters Lien Law. The possessory vessel lien procedures of Harbors and Navigation Code sections 500 to 509 shall govern sale of vessel for unpaid storage vessel fees.
- E) Penalty for Failure to Pay Dockage. Any vessel which leaves any wharf, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather or by order of the Harbormaster, without first paying the dockage due is liable to pay a penalty as set forth in the District Fee Schedule.

13.100 District Fee Schedule

The Board hereby establishes the fees and charges for services provided by the District as set forth in Table 13.200 attached to this Chapter.

13.120 Service Fee to Retrieve or Copy Public Records

A request to the District for copies of public records must be accompanied by payment of the fee as set forth in the District Fee Schedule.

13.140 Service Fee for CEQA Compliance

A permit application subject to review under the California Environmental Quality Act (CEQA) shall be accompanied by the CEQA review deposit established under Section 13.100, or such greater amount of deposit which the Environmental Coordinator estimates as the cost of environmental review. Should the deposit be expended conducting environmental review, the applicant shall be liable to the District for additional fees and costs in the amount actually incurred by the District for the consultant and studies, and for the costs to publish and distribute public notices related to the application. Failure to pay environmental review costs within thirty (30) days after receiving the bill shall constitute an unreasonable delay by the applicant in the environmental review process and shall result in cessation

by the District of the environmental review process until billing is made current.

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.

Table 13.200 – District Fee Schedule

Chapter 14 – Hearing and Appeals

14.010 Public Hearings; Procedures and Exceptions

The provisions of this section shall apply to public hearings by the Board and meetings of standing committees, except as provided in Sections 16.020, 16.100, and 16.200 of this Code, or otherwise required by State Law.

A) Notice. The District shall give notice of the time, place, and subject matter of public hearings and meetings of standing committees by posting the agenda for the meeting at which the hearing will be held at the Harbor District offices at least seventy-two (72) hours in advance, and mailing notices to persons who have paid the fees required by Section 14.100. Any special meeting shall be noticed at least twenty-four (24) hours in advance.

B) Conduct of hearing. At the time and place set for the hearing or meeting, the Board shall hear all persons wishing to be heard in accordance with the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) (“Brown Act”), as amended from time to time. The presiding member of the Board conducting a meeting or their designee, has the authority to remove, or cause the removal of, an individual disrupting the hearing or meeting.

However, prior to any removal, the presiding member of the Board must warn the individual that their behavior is disrupting the meeting and that such failure to cease the behavior may result in their removal. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to the following: (a) a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Government Code section 54954.3, or any other law.

C) Hearings on Board-reviewed permit applications. At hearings on permit applications required by this Code to be reviewed by the Board, the

Board shall receive all pertinent evidence in connection with the application. At the conclusion of the hearing, the Board shall make such findings of fact as appear from the evidence, and shall grant, conditionally grant, or deny the application. Examples of permit applications required to be heard by the Board are applications for construction permits for structures affixed to the land (Section 17.300) and special activities use permits (Section 17.200).

D) Appeals of Harbormaster-reviewed permit applications. Appeals of the Harbormaster's decisions on permit applications shall be heard in accordance with Sections 14.100 and 14.200. Examples of permit applications required by this Code to be heard by the Harbormaster include applications for: live-aboard permits (Section 5.130), construction permits for structures not affixed to the land (Section 17.300), short-term activities using District facilities (Section 17.100), commercial vessel facilities use permits (Section 17.100), and peddling permits (Section 4.020).

14.020 Public Hearings on Proposed Ordinances

Prior to adopting ordinances, the District shall provide notice concerning the proposed ordinances not less than 20 days from the date of publication of such notice, on which the board will meet for the purpose of adopting the ordinance. The ordinance shall become effective immediately upon adoption by the board, unless another effective date is set forth by the board. (Harbors and Navigation Code section 6070.2.) At the time and place set for the hearing, the Board shall hear all persons wishing to be heard, in accordance with the Brown Act, as amended from time to time.

14.100 Public Hearings on Appeals of the Harbormaster's Decisions

Decisions or interpretations of the Harbormaster pursuant to this Code may be appealed to the Board by an applicant or any aggrieved person as provided by this section.

A) Timing and form of appeal. An appeal request shall be made within ten (10) business days of the decision that is the subject of the appeal. At the discretion of the Harbormaster, appeal requests may be accepted verbally. The Harbormaster reserves the right to request that more complicated appeals be made in writing, and using appropriate forms provided by the Harbormaster if applicable. The appellant is encouraged to submit any supporting materials that would help to establish the merits of their appeal.

B) Hearing and report. When an appeal has been tendered, the Harbormaster will cause the appeal to be scheduled for consideration by the Board at the next available Board meeting at least seventy-two (72) hours after the appeal is filed. Leases under Harbors and Navigation Code Section 72.2 shall be scheduled for hearing in accordance with the requirements of

that Section. At the discretion of the Board, a public hearing may be continued from time to time. The Harbormaster may optionally prepare a report on the matter in advance of the hearing.

C) Notice. An appeal hearing shall be noticed in accordance with Government Code section 54954.2. Additionally, if a permit application is involved in the appeal, notice shall be posted at the site of a proposed permit. If Harbors and Navigation Code section 72.2 applies, notice shall be posted at the site of the proposed leasing. If posting at a particular site is impractical, then posting at the District office shall suffice.

D) Action and findings. At the public hearing, interested persons may present information and testimony relevant to a decision on the matter being discussed. After holding a public hearing, the Board shall make findings and state the reasons for the action on the appeal, and determine the compliance or noncompliance of the subject of the appeal with the provisions of this Code.

CHAPTER 15 – PERMIT REQUIREMENTS AND PROCEDURES

15.010 Purposes, Conditions, and Limitations of District Permits

District permits are required for the activities described in Section 15.020 insofar as the activities are not otherwise regulated by federal, State, or County agencies, and insofar as the conditions of the permits are required for the safety and protection of persons or the property of persons using District facilities or the waters subject to the jurisdiction of the District.

15.020 Permits Required

A) Permit requirement. No person shall conduct any of the following activities within the Harbor or from the properties of the Crescent City Harbor District without first obtaining the permit required by the District.

- 1) Berthing or mooring at any District berth or designated mooring area.
- 2) Construction or repairs of structures in, on, or over lands or waters, including pipelines under District jurisdiction.
- 3) Living aboard a vessel berthed within the Harbor.
- 4) Special Activities Use Permits.
- 5) Facility Uses Permits.
- 6) Construction Permit.
- 7) Storage Yards and Areas Permits
- 8) Peddler's Permit
- 9) Wholesale Seafood Permit.
- 10) Launching of vessels from District owned or operated launch ramps.

B) Waiver of Liability and Indemnity Agreement. Permittees assume liability to the maximum extent permissible under applicable law for activities carried out pursuant to District permits. The conditions of waiver and release are set forth in the District application form entitled “Waiver of Liability and Indemnity Agreement.” Further, the permittee and, if applicable, the responsible party, shall defend, indemnify and hold harmless the District, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the District or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the District’s approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities of the permittee or, if applicable, a responsible party’s agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the District becomes aware of any such actions or claims the District shall promptly notify the permittee and, if applicable, the responsible party and shall reasonably cooperate in the defense. The District shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the District’s defense, and the responsible party and/or permittee (as applicable) shall reimburse the District for any costs and expenses directly and necessarily incurred by the District in the course of the defense.

C) Activities allowed without District permit. Activities allowed without District permits include activities not described in paragraph A, or have no potential to interfere with the safety and protection of persons or the property of persons using District facilities or the waters subject to the jurisdiction of the District, or have no potential to interfere with public use of the Harbor for all purposes of commerce and navigation, or with the right of the public to fish or navigate in Harbor waters.

15.030 Application Requirements

All applications for permits required by this Code shall be filed using the forms provided by the District, including any additional materials required by the Harbormaster, and accompanied by the fees as set forth in the District Fee Schedule.

15.100 Facilities Use Permits

- A) Permit. Owners of vessels operated for hire in District waters and using District facilities, and persons who desire to use District property or facilities shall first obtain a Facilities Use Permit. The Harbormaster may grant the Permit for a maximum of one (1) year, or for the duration of the event, and may renew the permit.
- B) Permit application. Applications for a Short-term Facilities use Permit shall include the same information required for a Special Activities Use Permit under Section 15.200(B).
- C) Time of filing application. Applications for a Short-term Facilities Use Permit shall be filed within the same timelines as a Special Activities Use Permit under Section 15.200(C).
- D) Application review and approval. Applications for a Short-Term Facilities Use Permit shall be reviewed by the Harbormaster, who may then approve the Facilities Use Permit if such permit is categorically exempt from CEQA. The Harbormaster shall then request that the issuance of the permit be ratified at the next regular meeting of the Board. If, in the opinion of the Harbormaster the Facilities Use Permit is not exempt from CEQA, the application shall be referred to the Board at the next regularly scheduled meeting for further review and determination under the CEQA process. The Harbormaster's decision is appealable in accordance with Sections 14.100 and 14.200. The Harbormaster may issue the Short-term Facilities Use Permit upon the same findings specified for a Special Activities Use Permit (Section 15.200(D)).
- E) Notification. The Harbormaster shall act upon the application within fourteen (14) days after the application is deemed complete, or fourteen (14) days after completion of CEQA review. The Harbormaster shall, if disapproving the application, mail the applicant a notice of the decision, stating the reasons for denial, within five (5) days after the application was denied.
- F) Duration of permit. Facilities Use Permits will be issued for a maximum of one year, or for the duration of the event or activity. Extensions of permit shall be reported to the Board at its next regular meeting in the same manner as original permits.
- G) Conditions of permit. A Facilities Use Permit issued as provided by this section shall include conditions of approval covering the same requirements specified for a Special Activities Use Permit in Section 15.200(G).
- H) Conduct of permittee. A person who is granted a Facilities Use Permit shall ensure that persons using District facilities under the permit comply with all terms, conditions and provisions of the Permit, with all applicable laws of the State of California, and with this Code. Data accumulated

through scientific experiments or tests conducted in District waters shall be released to the District for its review.

I) Revocation of permit. The Harbormaster shall have the authority to revoke a Short-term Facilities Use Permit if the Harbormaster finds that any term, condition, restriction or limitation of the Permit has been violated or is being violated.

J) Fee. The permit fee shall be in the amount established under Section 13.100. as set forth in the District's Fee Schedule.

15.200 Special Activities Use Permits

Special Activities Use Permit required. No person shall use District waters for any of the following purposes without a Special Activities Use Permit:

- 1) Organized fishing derbies lasting over twelve (12) hours and/or having over 100 participants;
- 2) Organized boating races, competitions, or regattas lasting over 12 hours and/or having over 100 vessels;
- 3) Marine-culture operations; or
- 4) Any other organized activity (including scientific experiments) with the potential for restricting harbor operations, public fishing, commercial or recreational navigation, public access and recreation on District land or waters.

B) Permit application. Applications for a Special Activities Use Permit shall be filed as provided by Section 1715.020, and shall also include the following information:

- 1) The name, address and telephone number of the person seeking the Special Activities Use Permit and identifying the specific proposed use.
- 2) If the Special Activities Use Permit is to be held by an organization, the name, address and telephone number of the organization, and of its officers.
- 3) The date when the activity will be held.
- 4) A description of the specific area(s) to be used (i.e., location within the Harbor, route to be used including starting and termination points, etc.).
- 5) The approximate number of people and vessels or vehicles, and the kinds and types of vessels/vehicles that will participate in the activity.
- 6) The approximate times of day when the activity will start and end.
- 7) The location of any assembly areas for people participating in the activity.
- 8) A copy of the insurance policy to be used by the applicant for coverage of the activity.
- 9) Any additional information deemed necessary in determining whether the Permit shall be issued.

C) Time of filing application. An application for a Special Activities Use Permit shall be filed with the District at least sixty (60) days before the event. An application shall not be deemed complete until the Harbor District has received all required information.

D) Application review and approval. All Special Activities Use Permit applications shall be reviewed by the Board at a public hearing. Notice of the Board's review shall be posted outside the District office at least seventy-two (72) hours before such review. The Board's decision is final and there shall be no right of appeal. The Board may issue the Special Activities Use Permit upon finding that:

- 1) The conduct of the activity will not interrupt the safe and orderly movement of vessels in Harbor waters.
- 2) The conduct of the activity is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance.
- 3) The conduct of the activity will not prevent the normal activities of District employees.
- 4) If the activity is one which shall move from place to place within the Harbor, it will do so expeditiously and without unreasonable delays en route.

E) Notification. The Board shall act upon the application for a Special Activities Use Permit within forty-five (45) days after completion of environmental review. If the Board disapproves the application, it shall mail the applicant a notice of its action, stating the reasons for denial of the Permit, within five (5) days after the denial is final.

F) Duration of permit. Special Activities Use Permits will be issued for a fixed time period, up to a maximum of one year. Continuation of approved activities for more than one year may be approved by the Board as an extension of the permit.

G) Conditions of permit. A Special Activities Use Permit issued as provided by this section shall include conditions of approval covering the following, where applicable:

- 1) The starting time of the activity.
- 2) The minimum and maximum speeds to be maintained by vessels, if any.
- 3) The maximum length of components of the activity in miles or fractions of miles.
- 4) The safe and appropriate separation distance to be maintained between people or vessels participating in the activity.
- 5) The specific areas of the Harbor that may be utilized or occupied by the activity.

6) Mitigation measures recommended by the negative declaration or final EIR for the activity shall be a condition of the Permit, unless otherwise specified.

7) Any other restrictions, conditions or limitations that the Board may find necessary.

H) Conduct of permittee. A person who is granted a Permit by the Board shall comply with all terms, conditions and provisions of the Permit, with all applicable laws of the State of California, and with this Code. Data accumulated through scientific experiments or tests conducted in District waters shall be released to the District for its review.

I) Revocation of permit. The Board shall have the authority to revoke a Special Activities Use Permit if it determines that any term, condition, restriction or limitation of the Permit has been violated or is being violated.

15.300 Construction Permits

A Construction Permit shall be obtained prior to commencing construction within the Harbor. The permit shall be obtained by filing an application as provided by Section 15.020.

A) Review of application. Applications to construct or repair structures affixed to real property shall be reviewed by the Board at a public hearing. Examples include, but are not limited to, the installation or repair of pipelines, pilings, and seawalls. Applications to construct or repair hulls and other structures not affixed to real property shall be reviewed by the Harbormaster. The Harbormaster's decision is appealable to the Board in accordance with Sections 14.100 and 14.200.

B) Permit conditions. Construction permits shall be conditioned to ensure that the use of public trust lands and waters are not given away without appropriate compensation to the public, and to protect the right of fishing and navigation held by the people of the State of California:

1) Construction affixed to public trust lands in District waters. Permits to construct structures on public trust lands shall be conditioned on a lease or agreement between the applicant, the State Lands Commission, and/or the Harbor District for the affected area. The permit may be conditioned on the permittee posting a bond to ensure removal of the construction. The bond shall be of a type and in an amount approved by the Harbormaster.

2) Pipeline discharge. To the extent that pipelines are likely to contaminate the Harbor in a manner not otherwise regulated by State or federal agencies, the permit shall be conditioned on the permittee paying the reasonable cost to clean-up the contamination, as determined by the Board.

- 3) Mitigation measures. Mitigation measures recommended by the negative declaration or final EIR, if any, for the Construction Permit shall be a condition of the permit, unless otherwise specified.
 - 4) Expiration date. Construction permits may be conditioned to expire on a specific date, determined by the Board or Harbormaster as applicable.
 - 5) Other. Any other restrictions, conditions or limitations that the Board or Harbormaster may find necessary.
- C) Pipelines. A Construction Permit for a pipeline gives the permittee the privilege of running a pipeline in, under, or over District waters and gives the permittee the use of the pipeline(s) for the period stated in the permit subject to the limitations of paragraph A, payment of the fees required by this Code, and compliance with the requirements of this Code and other applicable law.
- 1) Board approval. Installation of the pipeline(s) will be at the expense of the permittee and the location and manner of installation shall be approved by the Board.
 - 2) Maintenance. The permittee shall at all times maintain the pipeline(s) in good condition and in a manner satisfactory to the Board.
 - 3) Fish receiving hoppers exempt. The construction and operation of fish receiving hoppers does not require a permit.
 - 4) Termination of permit. In the event of cancellation or termination of the permit, the pipeline(s) shall become the property of the District, or the permittee shall be required to remove the pipeline(s) at their own expense, at the option of the Board.
- D) Permit and application fees. The permit fee shall be in the amount established under Section 13.100. It shall be in addition to the application fee and other rates, tolls and charges required by this Code.
- E) Permit renewals. Renewal of a Construction Permit shall be consistent with requirements of this Code applicable at the time of the renewal.
- F) Exceptions. At the Harbormaster's discretion, applications to construct, repair, or establish structures may be exempted from the requirement for a construction permit provided the construction is (1) exempt from CEQA, (2) located on lands for which no lease or franchise is required from the State Lands Commission, (3) has no potential whatsoever to interfere with commerce, navigation or fishing, (4) is not affixed to structures affixed to land, located in, under, or above District waters, and (5) has no potential whatsoever to adversely affect the physical environment. Examples include the minor alteration of existing structures or replacement of existing structures on lands owned or leased by the applicant, minor trenching and backfilling on lands owned or leased by the applicant where the surface will be restored, and the placement on dry land of temporary use items. The Harbormaster's decision to exempt the construction from the requirement for

a construction permit shall be ratified by the Board at the next available meeting. The decision may be appealed by any aggrieved person in accordance with Section 14.100.

Chapter 16 – Violations and Enforcement

16.100 – Violation of Ordinance Code: Policies and Procedures

A) Enforcement Authority. The authority to administer and enforce the provisions of this Code is hereby assigned to the Harbormaster, who shall be granted a public safety commission pursuant to Penal Code Sections 830.31, 830.9, or 836.5, depending on qualifications. 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 may be limited by the type of public safety commission granted.

Authority is also granted to:

- 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 Sheriffs Office.

B) Enforcement Procedures.

- 1) Administration Penalties. Any violation of any provision of the Code, any condition of approval of a permit, any condition or provision of an environmental review, or any term or condition of any District agreement by means of an administrative citation. Such fine or penalty is payable directly to the Crescent City Harbor District. Monetary fines and penalties will be

assessed in light of the criteria set forth below, to the extent allowed by law, statute, resolution or ordinance of the Board. The following amounts provide a guide and are not intended to replace the criteria below, which criteria may justify higher penalty amounts:

(a) \$50.00 per violation per day for the first violation within 12 months; (b) \$100.00 per violation per day for the second violation within 12 months; (c) \$200.00 per violation per day for the third violation within 12 months; (d) \$500.00 per violation per day for the fourth and any additional violations within 12 months.

(i) Criteria. In determining the type of administrative citation to issue, the amount of penalty to assess for a particular violation, and other actions that are part of enforcement proceedings, the enforcement officer may consider factors, including, but not limited to, the following: (1) The nature of the violation; (2) The level of seriousness or threat to public health, safety or welfare of the violation; (3) The duration of the violation; (4) Efforts by the responsible person to correct the violation; (5) The impact of the violation on the community; (6) Any instances in which the responsible person has been in violation of same or similar laws at the same or other locations in the District; (7) The good faith effort by the responsible person to comply; (8) The economic impact of the penalty on the responsible person; (9) The economic benefit of the violation to the responsible person; (10) Whether the violation is easy to correct; and (11) Any other factors that justice may require.

2) Violations Criminal Penalties. As provided by Section 6070.4 of the Harbors and Navigation Code and Penal Code section 853.6, anyone who violates any provision of this Code is guilty of a misdemeanor and may be subject to a fine. Except in cases where a different punishment is prescribed by this code or any ordinance of the District, any person convicted of a misdemeanor for violating any provision of this code is punishable by a fine or imprisonment or both in the amounts established by Penal Code Section 19 or such other provision of State law, as they currently exist or may hereafter be amended.

3) Civil Penalties. Any provision of this Code may be enforced by a civil enforcement action, including, but not limited to, an injunction issued by the Superior Court upon a suit brought by the District, an order for recovery of the District's enforcement costs in accordance with District's enforcement authority, and civil penalties sought by the District.

4) Revocation of Berthing Permits.

Any violation of this Code may include the revocation of berthing permits.

C) Cost Recovery. Generally. Any person who violates any provision of the Code, any condition of approval of a permit or entitlement, any condition or provision of an environmental review, or any term or condition of any District

agreement is liable for all costs incurred by the District to investigate, remedy, and prosecute such violation, including, but not limited to, the cost to compile the invoice and attorneys' fees.

D) Authority to enter and inspect. Enforcement officers are authorized to enter upon any District property or premises to determine whether the provisions of the Code or applicable State Codes are being obeyed, and to make any examinations and surveys necessary in the performance of their enforcement duties. These may include taking photographs, samples or other physical evidence. If an owner, occupant or agent refuses permission to enter or inspect, the enforcement officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Sections 1822.50 through 1822.59.

E) Administrative Hearing and Judicial Review.

1) Purpose. This subsection sets forth the procedures for hearings on appeals from any administrative citation, order, permit, or other action of the District where no other procedures are specified elsewhere in this Code.

2) Appeal of citation.

a) Except as otherwise provided in this Code, any recipient of an administrative citation may appeal that there was a violation of the Code, condition of approval of a permit or entitlement, condition or provision of an environmental review, or term or condition of any District agreement, or that he or she is the responsible person by completing a request for hearing form and returning it to the office of the Harbormaster within thirty (30) days from the date of service of the administrative citation, unless a different time is specified in this Code or in the administrative citation. A citation may specify a different time to appeal and seek a hardship waiver if a consideration of the factors below justifies a different time to appeal.

b) The request for hearing form must be accompanied by an advanced deposit of the fine, payment of an appeal fee in an amount established by resolution of the Board of Harbor Commissioners, or a request for hardship waiver. To be effective, the form requesting the hearing and hardship waiver, if any, together with all supporting documentation must be received by the Clerk for the Board, unless a different time is specified in the citation, no later than one day prior to the compliance deadline in the administrative citation, or if the administrative citation does not specify a deadline, within no more than 25 days after the date of service of the administrative citation or within thirty (30) days after the date of the administrative citation, whichever is later.

c) Any administrative citation fine which has been deposited must be refunded if it is determined, after a hearing, that the person charged in the

administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation.

3) Hardship waiver.

a) A person who files a request for a hearing pursuant this subsection may also request at the same time a hardship waiver of the fine deposit and any appeal fee. In order to initiate a hardship waiver request, the responsible person must indicate that they are making this request on the administrative citation appeal form and attach a sworn affidavit stating the grounds for the request.

b) The Harbormaster will consider the sworn affidavit and supporting documents or materials, determine whether the information demonstrates that advanced deposit of the fine constitutes a financial hardship and will inform the responsible person in writing of whether the waiver was approved, by serving a determination on the responsible person. The Harbormaster's determination is final and is not subject to appeal or judicial review.

c) If the hardship waiver is denied, the responsible person must pay the fine amount within 10 days of service of the denial. Failure to pay the fine by the time required is deemed an abandonment of the appeal and renders the fine delinquent

4) Hearing procedures.

a) No hearing may be held unless and until a request for administrative hearing form has been completed and submitted, and the fine or appeal fee, if any, have been deposited in advance, or a hardship waiver application has been approved. No hearing pursuant to this subsection must be held if the responsible party waives the right to a hearing.

b) Scheduling a Hearing. Within fifteen (15) days after receipt of a request for an administrative hearing subject to this subsection and accompanying deposit or waiver, or by a date mutually agreeable to the parties, the hearing officer will contact the appellant to schedule a hearing on the appeal. For hearings subject to Section 18.100(f)(4)(a)(2), the hearing officer will schedule a hearing as required by the administrative citation, this Code, or other applicable law.

c) Conducting the Hearing.

(i) The responsible person or representative and any other interested party may attend the hearing. The hearing officer may consolidate hearings on multiple administrative citations issued to the same responsible person. (ii)

At or before a hearing held pursuant to Section 18.100(f)(4)(a)(1), the responsible person must submit to the hearing officer copies of the citation, report, permit, order, or other District action at issue, and any other documents and evidence submitted or relied upon by the responsible person, and may submit any reasonable evidence relevant to whether an alleged

violation occurred, whether the responsible person has caused or maintained the violation(s), and whether the District action at issue is supported by facts. No other discovery is permitted. Formal rules of evidence do not apply.

d) At or before a hearing held pursuant to Section 18.100(f)(4)(a)(1), the District must submit to the hearing officer copies of the citation, report, permit, order, or other District action at issue. The responsible person may submit any other documents and evidence relevant to whether an alleged violation occurred, whether the responsible person has caused or maintained the violation(s), and whether the District action at issue is supported by facts. No other discovery is permitted. Formal rules of evidence do not apply.

e) Issuing a Decision. The hearing officer may issue an oral decision at the conclusion of the hearing, and must issue a written decision, which may be on a District form. A written decision will be provided to the responsible person within 10 days after the hearing and either affirm the issuance of the administrative citation, or modify or dismiss the administrative citation. The decision must briefly state the reasons for the hearing officer's conclusion and reference any relevant facts supporting the decision, including, but not limited to, facts relevant to the criteria listed above. (i) If the hearing officer affirms the issuance of the administrative citation, then the District will retain the deposit. If a hardship waiver was granted, the decision may set forth a payment schedule for the fine. (ii) If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the District, then the District will refund the deposit within 10 days after the decision. (iii) The hearing officer may reduce a monetary penalty and impose conditions and deadlines to correct any violations or require payment of any outstanding penalties.

f) Finalizing a Decision. If the Board is the hearing officer, the written decision of the hearing officer is the final action of the District. If the hearing officer is not the Board, then within 10 days of the issuance of the hearing officer's written decision, the responsible person may optionally file a request for a final hearing before the Board.

5) Judicial Review. Any responsible party may obtain review of the final decision of the District on an administrative citation by filing a petition with the Superior Court of Del Norte in accordance with the timelines and provisions set forth in California Government Code section 53069.4. Judicial review is not available without first participating in all hearing procedures as provided in this code.

6) Procedural compliance. Failure to comply with any procedural requirement of this Section, to receive any notice or decision specified in this Section, or to receive any copy required to be provided by this Section does

not affect the validity of proceedings conducted hereunder unless the responsible person is denied constitutional due process thereby.