

**ORDINANCE NO. 51-2022**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CRESCENT CITY HARBOR DISTRICT, AMENDING ARTICLES 1 AND ARTICLE 2 OF THE CRESCENT CITY HARBOR DISTRICT CODE, AND RESTATING, CODIFYING AND AMENDING ARTICLE 3 RELATING TO FEES AND PROCEDURES**

**WHEREAS**, pursuant to Harbors and Navigation Code section 6070, the board of a harbor district may pass all necessary ordinances for the regulation of a harbor district;

**WHEREAS**, Government Code sections 50022.1 to 50022.10 authorize a local agency to codify its ordinances;

**WHEREAS**, the Crescent City Harbor District (“District”) has adopted a comprehensive code of ordinances (“Code”) that has been amended the District’s ordinances in a piecemeal fashion several times, though has not been codified;

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

**WHEREAS**, the District desires to amend and codify Article 3 “Fees and Procedures” of the Code.

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

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

**SECTION 2. Miscellaneous.**

2.1. **Existing Law Continued.** The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the District’s business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance; and

2.1.3. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the District Code.

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

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

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

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

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

2.7. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other

applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

**SECTION 3. Article 1 Amended.** Section 2.200 “Definitions” of Article 1 “General Provisions”, is hereby amended to replace the definition of “tariff” with “fee schedule” or “fee”, as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point

**SECTION 4. Article 2 Amended.** Section 5.028 of Article 2 is hereby amended and replaced in its entirety as follows:

**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 removal 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 customarily charged.

**SECTION 5. Article 3 Codified, Amended and Restated.** Article 3 “Fees and Procedures” of the District Code is hereby codified, amended and restated as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

**SECTION 6. Renumbered Chapters of Article 3.** Chapters 13 and 14 of Article 3 that were reserved and now deleted, pursuant to Exhibit 2 of this Ordinance, and the subsequent chapters are renumbered accordingly. Any internal references or citations in Articles 1 and Article 2 to Chapters 15, 16, 17 or 18, shall hereby be renumbered to Chapters 13, 14, 15 and 16, respectively.

**SECTION 7. CEQA.** Based upon the whole of the administrative record before it, the Board of Commissioners of the Crescent City Harbor District hereby finds that the recodification, restatement, and amendment of the District Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid.*) Here, the recodification, restatement, and amendment of the District Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the District and is additionally exempt from CEQA on that basis.

(State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the Del Norte County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

**SECTION 8. Parentheticals.** Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the District Code.

**SECTION 9. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Commissioners of the Crescent City Harbor District hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

**SECTION 10. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**SECTION 11. Publication.** The District Clerk has caused notice of this Ordinance to be advertised in a newspaper of general circulation as is required by law.

**INTRODUCED AND ADOPTED** at a Regular Meeting of the Crescent City Harbor District Board of Commissioners on the 15th day of November 2022, and **ADOPTED**, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED**

\_\_\_\_\_  
RICK SHEPHERD, PRESIDENT

**ATTEST:**

\_\_\_\_\_  
DISTRICT CLERK

## EXHIBIT 1

### ARTICLE I FEES AND PROCEDURES

#### 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.

**Camp Facilities** means and includes, but is not limited to; tents, huts, other temporary shelters, trailers, Recreational Vehicles and vehicles.

9) **Camping Equipment** means and includes, but is not limited to, collapsible shelters, cots, pillows, mattresses, sleeping bags, blankets, tarps and cooking instruments.

10) **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.

11) **County.** The County of Del Norte, California.

12) **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.

13) **District** means the Crescent City Harbor District, an independent special district with electoral boundaries coterminous with the boundaries of Del Norte County, California.

14) **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 1547.

15) **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.

16) **Employee** means an employee of the District unless the context requires another interpretation.

17) **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.

18) **Float means** the floating portion of any wharf, pier, quay or landing.

- 19) Guest** means a person who is lawfully occupying a recreation vehicle located in a Park, but who is not an Occupant.
- 20) Harbormaster** means the Harbormaster of the District as provided for and defined in Chapter 3 of this Code, including any employees of the District designated by the Harbormaster to perform duties authorized or directed by this Code.
- 21) 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.
- 22) 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.
- 23) “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.
- 24) 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.
- 25) 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.
- 26) Occupant** means the owner or operator of a recreational vehicle who has occupied a lot in a Park for 30 days or less.
- 27) 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 U.S. Coast Guard Auxiliary safety inspection decal.
- 28) 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.
- 29) Park** means the Redwood Harbor Village and Bayside RV Park.

- 30) 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 goods, merchandise and/or passengers to and from land.
- 31) 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.
- 32) Public purpose** means any charitable, educational, safety, scientific or official purpose.
- 33) Recreational Vehicle (RV)** has the same meaning as defined in Section 18010 of the California Health and Safety Code.
- 34) Slip** means a berthing space for a single vessel alongside a pier, finger, float or walkway.
- 35) 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.
- 36) Tariffs.** ~~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. Tariff 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. Tariff includes, but is not limited to anchorage, dockage, wharfage, storage, commercial usage and noncommercial usage licenses.~~
- 36) Tidelands.** The State Tidelands area granted to the District pursuant to Chapter 1510 of the Statutes of 1963.
- 37) 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.
- 38) Transient Vessel** means a vessel using mooring space on a temporary (less than 30 days) basis.
- 39) 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 be treated as abandoned property.

- 40) Underway** means the condition of a vessel not at anchor, without moorings, nor made fast to the shore or ground.
- 41) 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.
- 42) 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.
- 43) Vessel** means a structure designed to float upon the surface of a body of water.
- 44) 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.
- 45) Visitor** means a person invited by a Park Occupant to inhabit a recreational vehicle for three days or less.
- 46) Wholesale.** The sale of goods or commodities in large quantities to a buyer who resells them to the final consumer at retail prices.

**EXHIBIT 2**

**ARTICLE III**

**FEEES AND PROCEDURES**

**Chapter 13 – Reserved.**

**Chapter 14 – Reserved.**

**CHAPTER 15 13 – FEES AND CHARGES**

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**1513.010 – 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, ~~etc.~~, 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) Sale for Charges Due the District.~~**

~~See Harbors & Navigation Code Sections 500 through 505 and Section 522.~~

**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.

(Ord. 35-2009; Ord. No. 51-2022)

**4513.100 – 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 as set forth in Table 4513.200 attached to this Chapter.

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

**4513.120 – 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 ~~established under Section 15.100.~~ as set forth in the District Fee Schedule.

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

**4513.140 – 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 4513.100, 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.

(Ord. No. 35-2009, Ord. No. 51-2022)

#### **1513.200 – 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 1513.200. ~~attached to this Chapter.~~

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

**Table 1513.200 – District Fee Schedule**

Administrative/Office	Fees
Copies	\$0.50 per page
Paper Copies of Public Documents	\$0.50 per page
Electronic Media Copies of Public Documents	Actual cost of <u>duplication media and staff time @ \$50 per hour</u>
Meeting agendas: email, fax or pick-up	No charge
Meeting Agendas: First Class Mail	Must provide stamped, self-addressed envelopes
Sending and receiving faxes	\$1.00 per page
Clerical Processing Fee for all those - proposing to do business with the District	<u>\$5075</u> per hour
Clerical and Legal Processing Fee for those proposing to enter or modify a lease with the District	<u>\$500750</u> fee and payment of all additional sums associated with the transaction within ten days of notice
<u>Paper Statement Fee</u>	<u>\$10 per mailed statement</u>
<u>CEQA Fee</u>	<u>\$500 deposit, subject to change depending on the extent of the CEQA review required.</u>
Interest on accounts due	1.5% interest per month. If interest is not timely paid the amount of interest unpaid will bear interest at 1.5% per month. The unpaid interest, so compounded, will not exceed an amount equal to simple interest on the unpaid principal at the maximum rate permitted by law. Each payment will ... ..be credited first to the interest then due. The remainder of each payment will then be credited to the outstanding principal, and interest will cease to accrue against any amounts so credited.
Late Fee	<p><u>A charge of \$50 per month for each invoice.</u></p> <p>If any payment shall not be made on its due date, a late charge of \$25.00 shall be charged by the District for the purpose of defraying the expenses incident to handling such delinquent payments. Proof of actual damages would be costly of inconvenient. Such late charge shall be paid without prejudice to the District's right to collect any other amount provided to be paid or to declare a default caused by virtue of the untimely payment or from exercising any of the District's other rights or remedies.</p>

<u>No Boat Insurance</u>	<u>Boat insurance is required by the harbor. If you do not provide proof of insurance a \$150 per month Fee will be added to your account until we receive your insurance policy. Charges will not be refunded for prior periods.</u>
Electric Administrative Fee	Administrative fee for meter reading, accounting and billing. This is a \$10 monthly charge
Key Card Charge	Up to \$20.00 per card
Electronic key fob	Up to \$35 per card.
Annual Parking Permit-Commercial Fishing Persons	\$2075 per year (2 permits included with annual slip rent).
<u>Annual Parking Permit-Recreational Fishing Persons</u>	<u>\$100 per year (1 permit included with annual slip rent)</u>
Returned check	\$25 for first returned check \$3550 for each subsequent check
Showers	Available to current marina tenants only
Washers	\$3.00 per load
Dryers	\$1.50 for 40 minutes
Soap	\$1.00 per box
<b>Storage Fees</b>	
Seasonal Rate Schedule For Gear up and Gear down at beginning and end of season Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft)	No charge during gearing up and down periods which are determined annually by the Board of Harbor Commissioners - normally a 30 day period before official opening and after official close
<u>Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft)</u>	<u>\$200 per month. Any Item left in space after 30 days from the start of crab season will be charged.</u>
<del>Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft) Seasonal Rate Schedule A</del>	<del>5 Cents per sq. ft. per month — which equals \$37.50 per month</del>
<del>Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft) Seasonal Rate Schedule B</del>	<del>10 Cents per sq. ft. per month — which equals \$75 per month</del>
<del>Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft) Seasonal Rate Schedule C</del>	<del>15 cents per sq. ft. per month — which equals \$112.50 per month</del>
<del>Storage in numbered spaces (+/- 50' x15' or +/- 750 sq ft) Seasonal Rate Schedule D</del>	<del>20 Cents per sq. ft. per month — which equals \$150 per month</del>

Long term gear storage in North Yard – per item or pair of items not to exceed 325 sq. ft.	\$2565 per month
Vessel Dry Storage	\$2.50 per foot per month 34’ and under. \$50 monthly minimum \$2.75 per foot per month 35’ and greater
Trailer inside of storage area	\$3565 per month
<b>RV and Camping / Services</b>	
<u>Reservation Fee</u>	<u>1 nights stay up front</u>
<u>Cancellation Fee</u>	<u>NON-REFUNDABLE</u>
<u>Bayside Fees</u>	<u>Pull Thru \$450/month, \$240/week, \$50/night</u> <u>Back in \$385/month, \$200/week, \$40/night</u>
<u>Redwood Harbor Village Fees</u>	<u>Spaces 1-26 \$50/day, \$330/week, \$500/month</u> <u>Spaces 27-83 \$45/day, \$300/week, \$400/month</u> <u>Spaces 84-101 \$45/day, \$300/week, \$450/month</u> <u>Spaces 102-117 \$50/day, \$330/week, No monthly</u>
<u>Water tank fill/dump station</u>	<u>Depends on size</u>
<u>Showers</u>	<u>Available to current registered RV tenants, cabin tenants and campers only</u>
<u>Pet Fees</u>	<u>RV \$30 per pet, per 30 days</u> <u>RV \$10 per day</u>
<u>Additional people</u>	<u>No charge for 1<sup>st</sup> 4 people Daily 2.00 per person</u> <u>Weekly 10.00 per person Monthly 30.00 person</u>
<b><i>Season is May 15 through October 15, December 15 through Jan 6, Easter Week</i></b>	
<u>Tent site, no utilities</u>	<u><del>\$38.00 season/ \$33.00 off season</del></u> <u><del>7 days \$249.00/\$229.00</del></u>
<u>Bike Hut lodging and locker</u>	<u>Half locker included in rental - \$19.00 per day</u> <u>season/ \$17.00 off season - 7 days</u> <u>\$119.00/\$99.00</u>
<u>Deposit</u>	<u>1 night stays up front</u> <u>Pet cabins/ tents/ Yurt \$50.00 No-refundable</u> <u>Cleaning deposit Cabins / Yurt 75.00 Refund able</u>
<u>Yurt</u>	<u>Daily \$85.00 Season/ \$75.00 offseason + TOT Tax</u> <u>Per week \$510.00/450.00+ TOT Tax</u>
<u>Tiny Camping Cabin, with electricity— Season</u>	<u>\$150.00+ TOT Tax \$900.00 per week+ TOT Tax</u>
<u>Tiny Camping Cabin, with electricity— Off-Season</u>	<u>\$130.00 + TOT Tax \$780.00 per week + TOT Tax</u>
<u>Park Model Cabin— Season</u>	<u>\$155 Daily + TOT Tax \$930 Weekly + TOT Tax</u>

Tiny House—Season	
Park Model Cabin—Off Season Tiny House—Off Season	\$135 Daily + TOT Tax \$810 Weekly + TOT Tax
RV Monthly Fees	Front row—Beach view \$500.00 Space 1-24 Middle rows—\$450.00 Space 84-117 Back rows—\$400.00 Space 25-83
RV site, back in—Season	\$45.00 per day \$300 Weekly
RV site, back in—Off Season	\$41.00 per day \$276 Weekly
RV site, pull through—Season	\$50.00 per day / \$ 330 Weekly
RV site, pull through—Off Season	\$46.00 per day / \$300 Weekly
Water tank fill	\$6.00
RV Pump out station	\$10 per use
Cancellation Fee	1 week in advance Full refund 72 hours or less 1 night if we are unable to fill the spot
Showers—tokens available in RV Office	Available to current registered RV tenants, cabin tenants and campers only
Pet Fees	RV 15.00 per pet per 30 days Yurt/ Cabins/ Tent 10.00 per day
Additional people	No charge for 1 <sup>st</sup> 4 people Daily 2.00 per person Weekly 10.00 per person Monthly 30.00 person
Washers RV Park	\$3.25 per load
Dryers RV Park	\$.25 for 6 minutes
Soap	-\$1.00 per box
<b>Concession Fees / Signage</b>	
Special Event Fee Schedule A: Event open to public or Community or Civic group requires little or no Harbor District Staff involvement - per day	\$100 per 4 hour event \$25.00 per day; Fee can be waived by Board of Harbor Commission. - Up to 1,000 square feet
Special Event Fee Schedule B: Event open to public requires no Harbor District Staff involvement - per day	\$150 per 4 hour event \$50.00 per day Fee can be waived by Board of Harbor Commission. - Up to 2,500 square feet.
Special Event Fee Schedule C: Public or private event with minimal involvement by Harbor District Staff . Maintenance Team - Regular time charges/Overtime to be charged at actual rates in addition to base \$250 \$500 fee	\$500 per day ; Plus actual time and expenses, \$250 non-refundable deposit. Fee can be waived by Board of Harbor Commission. Up to 5,000 square feet

Special Event Fee Schedule D: Public or private which Involves Harbor Security Staff presence and involvement by Harbor District Maintenance Team - Regular time charges/ Overtime to be charged at actual rates in addition to base \$5001,000 fee	<del>\$1,000 Per Day, Plus Actual Time And Expenses, \$500 Non-Refundable Deposit \$500 per day ; Fee can be waived by Board of Harbor Commission direction</del> Up to 10,000 square feet
Concession Fee for Food Carts – requires no electricity nor occupies more than 100 square feet; requires County Health Department inspection and approval	<del>\$15</del> \$25 per day (4 hours)
Concession Fee for self-contained Food Trucks – requires no electricity, occupies no more than 500 square feet, require County Health Department inspection and approval	\$25 per day (4 hours)
Concession fee for non-food sales on District property no electricity absent a lease for three days or more occupying no more than 100 square feet	<del>\$15</del> \$25 per day (4 hours)
Concession fee for food sales on District property no electricity absent a lease for three days or more; requires inspection and approval from County Health Department	<del>\$20</del> \$25 per day (4 hours)
Concession / Wharfage fee for dockside sales of seafood (NO Seafood cleaning on Dock)	<del>\$25/day (4 hours)</del> <del>\$125/calendar month</del> <del>\$1,000/ annual</del> <del>\$50 per month (in addition to moorage fees)</del>
Concession fee for wholesale purchase of seafood products without a hoist lease	\$500 Clerical and Legal Processing Fee  \$12,000 Annual fee Standard poundage fees apply
Daily Permit Fees – Commercial Activities	\$400 per day filming \$100 per day still photography
Commercial Displays or Demonstrations	<del>To be negotiated by Harbormaster per event</del> <del>Up to \$300 per day plus 20% of gross sales</del>
Commercial Vehicle, Vessel or RV displays	<del>To be negotiated by Harbormaster per event</del> <del>\$150 daily minimum for parking lot displays of new or used vehicles, vessels or recreational vehicles for 50' by 50' space; \$175 daily minimum for 75' by 75' space; \$200 daily minimum for 100' by 100' space. Specific display area to be designated by Harbor District in cooperation with vendor display plan.</del>
Wayfinding signage - single entry marker	\$100 Quarterly \$30 Quarterly

	\$100 Annually
<b>Maintenance and Crew Services</b>	
Personnel / Labor	\$65\$150 per hour between 0700 and 1530 (1 hour minimum) \$85\$250 per hour between 1530 and 0700 (1 hour minimum)
Forklift	\$70\$100 per hour - half hour minimum - includes operator
Backhoe	\$95\$125 per hour - half hour minimum – includes operator only – plus labor
Mobile Crane	\$150 \$200 per hour - half hour minimum – includes operator only
Port small boat	\$400 \$125 per hour - half hour minimum – includes operator only – plus labor
Port Landing craft	\$140 \$175 per hour – half hour minimum – includes operator only – plus labor
Travelift Emergency Haul out	\$185.00 /1 hour minimum plus 2 personnel
Travelift to trailer/from trailer	\$185.00 /1 hour minimum plus 2 personnel
Travelift One Way to water	\$4.50 per foot plus 2 personnel
Travelift Round Trip to and from water	\$6.50 per foot plus 2 personnel
Travelift Boat remaining in strap	\$185.00 /1 hour minimum
Lay days in Self-Help area	\$0.75 \$1.50 per foot per day \$20 per day minimum charge No charge for day vessel in returned to water
Boat Stands at Harbor	\$10 per stand per month
Boat stand offsite rental	\$10 per day w/\$125.00 per stand refundable deposit
Work Dock	\$25 \$40 per day in addition to other moorage charges as appropriate. Tenants are allowed specified periods of use without charge as provided by Harbor District policies (3 days per year).
Boat pump out	\$100 \$200 per hour includes 2 personnel
Public Hoist	\$40 per hour – half hour minimum
Boat pump rental- restricted to CCHD tenants	\$20 day for electric pump \$50 day for gasoline pump plus personnel charge
Sewage pump out fee	No charge
Waste Oil/ Bilge Water disposal	\$1.75 per gallon plus labor charge
Oil absorbing pads	\$2.50 per pad
<b>Vessels and Marina</b>	
Fish Sales Permit	\$50.00 per month

Launch Fee	\$6.00 Daily \$35.00 <u>\$50.00</u> Monthly \$90.00 <u>\$150.00</u> Annual
Live Aboard Application & Inspection fee (vessel must be judged safe and appropriate per manufacturers specifications for live aboard use including number of occupants)	<u>\$200 Vessel Inspection and Documentation Fee (Inspection can be required annually at Harbormaster's discretion)</u>  \$75 permit fee, includes Clerical processing fee \$125 Vessel review fee
Live Aboard Fees	\$150 <u>\$200</u> per month for up to 2 persons; <del>\$85</del> monthly for each person above base fee <u>\$100</u> per person thereafter.
<u>Charter Boat Fee 9 Passengers or less</u>	<u>\$500 annually w/annual moorage contract</u> <u>\$750 annually w/o annual moorage contract</u>
<u>Charter Boat Fee 10 Passengers or more</u>	<u>\$1000 annually w/annual moorage contract</u> <u>\$1500 annually w/o annual moorage contract</u>
<b>Mini-Storage Rates</b>	<b>Monthly/ Annual – paid in advance</b>
10' x 10'	\$70 / \$770
10' x 15'	\$85 / \$935
10' x 20'	\$95 / \$1,045
10' x 25'	\$110 / \$1,210
12' x 20'	\$110 / \$1,210
12' x 25'	\$125 / \$1,375
12' x 30'	\$190 / \$2,090
14' x 20' high roof	\$220 / \$2,420
20' x 30'	\$240 / \$2,640
<b>Landings (by species)</b>	<b>Poundage Fee</b>
Coonstripe Shrimp	0.025 <u>0.0275</u>
Crab	0.02 <u>0.022</u>
Hagfish	0.004 <u>0.0044</u>
Groundfish (Nearshore)	0.0125 <u>0.01375</u>
Groundfish (Trawl)	0.004 <u>0.0044</u>
Pacific Whiting/Hake	0.00025 <u>0.000275</u>
Pink Shrimp	0.0025 <u>0.00275</u>
Sablefish	0.015 <u>0.0165</u>
Salmon	0.03 <u>0.033</u>
Tuna	0.009 <u>0.0099</u>
[All Other]	0.005 <u>0.0055</u>

**Commercial Vessel Moorage Rates for the Inner Boat Basin**

Dock	Slip Length	Annual	Semi-Annual	Quarterly	Monthly	Daily
A	70'	\$4,410.00	\$2,478.00	\$1,505.00	\$665.00	\$44.00
B	60'	\$3,780.00	\$2,124.00	\$1,290.00	\$570.00	\$38.00
C	50'	\$3,150.00	\$1,770.00	\$1,075.00	\$475.00	\$32.00
D/E	40'	\$2,520.00	\$1,416.00	\$860.00	\$380.00	\$25.00
F/G	30'	\$1,890.00	\$1,062.00	\$645.00	\$285.00	\$19.00

**Recreational Vessel Moorage Rates for the Inner Boat Basin**

Vessel Length	Daily	Weekly	Monthly	Annual
20' and below	\$8 \$19	\$48 \$114	\$144 \$285	\$432 \$789
21' to 25'	\$9 \$19	\$54 \$114	\$162 \$285	\$486 \$986
26' to 30'	\$10 \$19	\$60 \$114	\$180 \$285	\$540 \$1,250
31' to 33'	\$11	\$66	\$198	\$594
33' to 44'	\$12	\$72	\$216	\$648

\*5% discount to seniors 65 and older and military veterans on all Moorage

Vessels with a length of 71 feet and over, must calculate at Overall Length times .63 cents, rounded to the nearest \$ whole dollar. When Inner Boat Basin is full, Commercial Vessels have preference over Recreational Vessels.

( Ord. No. 47-2017, Ord. No.48-2017, Ord. No.51-2022)

**CHAPTER 1614 – HEARINGS AND APPEALS**

**1614.010 – 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 1614.100. 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 ~~1614~~14.100 and ~~1614~~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).

(Ord. No.35, 2009.)

### **1614.020 – Public Hearings on Proposed Ordinances**

Prior to adopting ordinances, the District shall ~~give~~ 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. ~~in accordance with~~ (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 ~~Ralph M. Brown Act (Government Code Section 54950 et seq.)~~, as amended from time to time.

(Ord. No. 35, 2009.)

### **1614.100 – 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 shall be filed within ten (10) business days of the decision that is the subject of the appeal, using the form provided by the Harbormaster in addition to any other supporting materials the appellant may wish to furnish. An appeal shall be filed with the Harbormaster, who shall process the appeal pursuant to this section.
- B) Report and hearing.** When an appeal has been filed, the Harbormaster will prepare a report on the matter, and cause the appeal to be scheduled for consideration by the Board at its next available meeting.
- C) Action and findings.** After holding a public hearing in compliance with Section 16.200, the Board may ~~affirm, affirm in part, or reverse~~ consider only the action, decision or determination that is the subject of the appeal. The Board shall make findings stating the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this Code.
- D) Filing fee.** At the time of the filing of the appeal the appellant shall pay the required filing fee as established under Section 1412.100 and the cost of publishing the public notice required under Section 1614.200 (A)(2)(c).
- E) Appeals of the Harbormaster’s decision on permit applications.** The Harbormaster’s decisions on permit applications required by this Code to be reviewed by the Harbormaster shall be heard in accordance with this Section and Section 1614.200.

(Ord. No.35, 2009, Ord. No. 51-2022.)

### **1614.200 – Public Hearings on Appeals and Matters under Harbors & Navigation Code Section 72.2**

Public hearings on appeals under Section 16.100 shall be conducted as provided by this section. Where applicable, the public hearing required by this section shall also serve as the public hearing required by Harbors and Navigation Code Section 72.2.

- A) Notice of hearing.** Notice of a public hearing under Section 1614.100 or Harbors and Navigation Code Section 72.2 shall be given as follows:

- 1) **Content of notice.** The hearing notice shall include the date, time and place of the public hearing, describe the matter to be considered, and explain how interested persons may obtain additional information.
- 2) **Method of notice distribution.** Notice of public hearings under Section 16.200 or Harbors and Navigation Code Section 72.2 shall be given not less than fourteen (14) calendar days before the hearing, as follows:
  - a) **Mailed notice.** Notice shall be mailed to:
    - i. The appellant when Section ~~14~~14.100 applied, or the prospective lessee when Harbors and Navigation Code Section 72.2 applies, and
    - ii. Each person who has requested notice and has paid the fee for mailing notices established under Section ~~15~~13.100.
  - b) **Posted notice.** Notice shall be posted at the site of a proposed permit if a permit application is involved in the appeal or at the site of the proposed leasing if Harbors and Navigation Code section 72.2 applies, or at the District office if posting the site is impractical.
  - c) **Published notice.** Notice shall be published in a newspaper of general circulation published within Del Norte County.
  - d) **Additional notice.** Any notice in addition to that required above may be provided at the discretion of the Harbormaster.
- 3) **Scheduling of hearing.** Appeals shall be scheduled for public hearing on the next available Board meeting scheduled for at least seventy-two (72) hours 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.

**B) Notice of action when hearing continued.** If a decision is continued by the Board to a time that is neither previously stated in the notice provided pursuant to paragraph (A) above, nor announced at the hearing as being continued to a time certain, the Harbormaster shall provide notice of the further hearings or action in the same manner and within the same time limits as provided by paragraph (A).

**C) Conduct of hearing.** At the public hearing, interested persons may present information and testimony relevant to a decision on the matter being discussed.

(Ord. No. 35-2009; Ord. No. 51-2022)

## CHAPTER 1715 – PERMIT REQUIREMENTS AND PROCEDURES

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### 1715.010 – Purposes, Conditions, and Limitations of District Permits

District permits are required for the activities described in Section 17.020 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.

(Ord. No. 35, 2009)

### 1715.020 – 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, ~~described in Chapter 2.100 page 4, Chapter 5.105 page 15.~~
- 2) Construction or repairs of structures in, on, or over lands or waters, including pipelines under District jurisdiction. ~~Chapter 17.010 pages 61 – 66.~~
- 3) Living aboard a vessel berthed within the Harbor. ~~described in Chapter 5.130 pages 16 & 17.~~
- 4) All Special Activities Use Permits. ~~described in Chapter 17.200 page 63.~~
- 5) Facility Uses Permits. ~~All short-term activities using District facilities described in Chapter 17.100 page 62.~~
- 6) Construction Permit.
- 7) Storage Yards & Areas Permits
- ~~(7) Vessel Use Permits Use of the District facilities by for-hire vessels described in Chapter 17.100 pages 62-63~~
- ~~(8) Conducting Sales within the District described in Chapter 4.020 page 10.~~  
Peddler's Permit
- 8) Wholesale of Seafood Permit. ~~described in Chapter 4.030 page 10.~~

- 9) Launching of vessels from District owned or operated launch ramps. ~~see Chapter 15.200 page 56.~~

**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.

(Ord. No. 35, 2009, Ord. No. 51, 2022)

### **1715.030 – 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 ~~required by Chapter 15 of this Code.~~ as set forth in the District Fee Schedule.

(Ord. No. 35, 2009)

### **1715.100 – 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 1715.200(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 1715.200(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 ~~report out request that~~ the issuance of the permit ~~be ratified~~ at the next regular meeting of the Board, ~~who may then ratify or modify the permit~~. 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 1715.200(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 15.100.~~ as set forth in the District's Fee Schedule.

(Ord. No. 35, 2009)

### **1715.200 – Special Activities Use Permits**

**A) 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.

(Ord. No. 35, 2009, Ord. No. 51-2022)

### **1715.300 – 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 1715.020.

**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 ~~not~~ be final until reported to ratified by the Board at the next available meeting. The decision may be appealed by any aggrieved person in accordance with Sections 14.100. ~~and 14.200 or appealed by majority vote of the Board at the meeting where it is reported, in which case it shall be set for hearing at a special meeting of the Board, or at the next regularly scheduled meeting.~~

(Ord. No. 35, 2009, Ord. No. 51-2022)

## CHAPTER 1816 – VIOLATIONS AND ENFORCEMENT

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### 1816.100 – 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 and any District employees designated by the Harbormaster. It is unlawful for any person to violate or otherwise fail to comply with all applicable provisions of this Code. The Harbormaster or his/her duly authorized representative shall have the power to issue citations for violations in the manner provided by Chapter 5c, commencing with Section 853.6 of Title 3, Part 2, of the Penal Code section 853.6.

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:

1. \$50.00 per violation per day for the first violation within 12 months;
2. \$100.00 per violation per day for the second violation within 12 months;
3. \$200.00 per violation per day for the third violation within 12 months;
4. \$500.00 per violation per day for the fourth and any additional violations within 12 months.

a) **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.** ~~Section 5.028 of this Code~~ Any violation of this Code may include ~~establishes requirements and procedures for 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 the following types of hearings:
  - a) Hearings on appeals from any administrative citation, order, permit, or other action of the District; and
  - b) Hearings provided for in this Code where no other procedures are specified.
- 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) The procedures in this subsection apply to the following:

(i) An appeal from any administrative citation, order, permit, or other action of the District; and

(ii) Hearings required or authorized by this code or other law without an appeal or where no other procedures are specified.

b) Initiating a Hearing.

(i) No hearing pursuant to subsection (A)(1) 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.

(ii) No hearing pursuant to this subsection must be held if the responsible party waives the right to a hearing.

c) 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.

d) 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.
- e) 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.
- f) 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.
- g) Finalizing a Decision. The written decision of the hearing officer is the final action of the District, provided that the hearing officer is not the Board, unless within 10 days of the issuance of the hearing officer's written decision, the responsible person files a request for a 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.

(Ord. No. 51-2022)