

ORDINANCE NO. 4439

VENTURA COUNTY ORDINANCE CODE

DIVISION 6, CHAPTER 4

VENTURA COUNTY HARBOR ORDINANCE

REPEALED AND RE-ENACTED 8/9/2011

(FORMERLY ORD. NO. 4383, ADOPTED 5/6/2008)

The Board of Supervisors of Supervisors of the County of Ventura ordains as follows:

Ordinance No. 4383 is hereby repealed and the following provisions are hereby adopted:

Sec. 6400 - **NAME AND SCOPE OF CHAPTER** - The provisions of this Chapter, which shall be known as the "Ventura County Harbor Ordinance," shall apply only to the Channel Islands Harbor and the Silver Strand and Hollywood Beach areas.

ARTICLE 1 – DEFINITIONS

Sec. 6401 - **DEFINITIONS** - Unless otherwise stated herein, the following definitions shall apply to the provisions of this Ordinance:

Sec. 6401-1 - **Aid to Navigation** - "Aid to Navigation" means any "waterway marker" or other "aid to navigation" as defined in Title 14 of the California Code of Regulations, Section 7001(a) and (c), e.g., any device designed to be placed in, on or near the water to convey an official message to a vessel operator on matters which may affect health, safety, or well being.

Sec. 6401-2 - **Aquaplane, Water Skis, or Similar Device** - "Aquaplane, water skis, or similar device" includes all forms of water skiing, barefoot skiing, skiing on skim boards, knee boards, or other contrivances, parasailing, kite surfing, or any activity where a person is towed behind or alongside a boat.

Sec. 6401-3 - **Beach** - "Beach" means any beach in or adjacent to Channel Islands Harbor.

Sec. 6401-4 - **Board** - “Board” means the Board of Supervisors of the County of Ventura.

Sec. 6401-5 - **County** - “County” means the County of Ventura.

Sec. 6401-6 - **Director** - “Director” means that person appointed as Director of the Harbor Department or his or her delegee.

Sec. 6401-7 - **Fairway** - “Fairway” means the open waterway, space or path between slip fingers used for the ingress and egress of vessels to their slip.

Sec. 6401-8 - **Float** - “Float” means wharf, slip, pier, dock, quay or landing, which may be used for the transfer of passengers and/or goods and/or for mooring purposes.

Sec. 6401-9 - **Harbor** - “Harbor” shall mean the Channel Islands Harbor area as described in Exhibit A attached hereto and by this reference made a part hereof.

Sec. 6401-10 - **Moor** - To “Moor” means to secure, fasten, affix, or tie up any vessel to or upon any land, submerged land, mooring, fixture, or structure within the Harbor. To “moor” shall also mean to maintain or keep a place, space, float, fixture, or structure within said Harbor for the doing of any of the above acts.

Sec. 6401-11 - **Mooring** - “Mooring” means any weight, chain, rope, float, structure, or appliance used by a vessel for mooring purposes which is not carried aboard such vessel as regular equipment under way.

Sec. 6401-12 - **Motorvessel** - “Motorvessel” (or “motorboat”) means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by the United States Coast Guard or a federal agency successor thereto.

Sec. 6401-13 - **Outer Harbor** - “Outer Harbor” shall mean the Channel Islands Harbor area described in Exhibit B attached hereto and by this reference made a part hereof.

Sec. 6401-14 - **Permit** - “Permit” shall mean any agreement granted by and under the authority of the Harbor Director to a person to conduct a special event, commercial activity, or to reside on a vessel.

Sec. 6401-15 - **Person** - “Person” means an individual, partnership, firm, corporation, limited liability company, association, or other entity, but does not include the United States, the state, or a municipality or subdivision thereof.

Sec. 6401-16 - **Race** - “Race” means any contest of speed.

Sec. 6401-17 - **Refuse** - “Refuse” means anything within the meaning of “garbage” as defined in Health and Safety Code section 117475.

Sec. 6401-18 - **Seaworthy** - “Seaworthy” means a vessel is not an immediate threat to the public’s safety or welfare due to pollution or a lack of sanitation (or otherwise poses no immediate threat to the public or the marine environment). For example, a vessel is not seaworthy if it is leaking or spilling fuel, is listing or has so little freeboard that it is likely to capsize, or is otherwise unseaworthy for any reason specified in California Code of Regulations, Title 14, section 6550.5, subdivision (e).

Sec. 6401-19 - **Stray Vessel** - “Stray Vessel” means one that is:

- (a) abandoned;
- (b) of unknown ownership;
- (c) moored without permission; or
- (d) underway without a competent person in command.

Sec. 6401-20 - **Ultralight** - “Ultralight” shall be defined to be a vehicle that is used or intended to be used for manned flight by a single occupant; is intended to be used for recreation or sport purposes only, and does not have any United States or foreign airworthiness certificate.

Sec. 6401-21 - **Vessel** - “Vessel” includes every description of watercraft used or capable of being used as a means of transportation on water, except either of the following: (1) a seaplane on the water and (2) a watercraft designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or arm to which the watercraft is attached or by which the watercraft is attached or by which the watercraft is controlled.

ARTICLE 2 – POWERS AND DUTIES OF THE DIRECTOR

Sec. 6402 - **ENFORCEMENT OF ORDINANCES** - The Director shall be subject to the direction, authority, and control of the County Executive Officer. The Director shall have full authority for the enforcement of all ordinances and regulations affecting the Harbor. The Director’s powers and duties shall include but not be limited to the following:

- (a) To designate and mark by buoys or otherwise the areas within which vessels of different sizes and classes shall be anchored or moored;
- (b) To assign moorings for vessels within designated areas;
- (c) To assign berths or landing places for vessels;
- (d) To board and move or to order the owner or person in control of any vessel or mooring within the Harbor to move the vessel and its moorings to any other position the Director designates when determining that the change is in the interest of safety or is necessary because of space limitations or traffic conditions, or in order to reduce risks due to fire, sinking, breakaway, or collision;
- (e) To order unauthorized vessels to leave the Harbor area;
- (f) To promulgate regulations for the operation and administration of public facilities at the Harbor.

Sec. 6402-1- **DELEGATION OF AUTHORITY** - Whenever a power is granted to, or a duty imposed upon the Director, that power may be exercised or the duty may be performed by a deputy or an assistant to the Director, or by a person authorized by the County Executive Officer unless provided otherwise herein.

Sec. 6402-2 - **ENFORCEMENT OFFICERS** - The Harbor Master and those assistants designated as Harbor Patrol Officers are hereby designated as Public Officers for purposes of enforcing the provisions of this ordinance, as authorized by Penal Code Section 836.5 and Harbors and Navigation Code Section 650 et seq.

Sec. 6402-3 - **NOTICE TO APPEAR** - If any person is arrested for a violation of this ordinance and is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court on a date and at a time set forth in the notice. The officer shall deliver one copy of the notice to appear to the arrested person who, in order to secure his or her release, must give a written promise to appear in court at the date and time noticed by signing the duplicate notice which shall be retained by the officer.

ARTICLE 3 – APPLICABILITY AND AUTHORITY

Sec. 6403 - **APPLICABILITY** - This ordinance shall be applicable to and govern all public waters of Channel Islands Harbor situated within the County of Ventura over which the County of Ventura has police power jurisdiction, either exclusively or concurrently with the United States or the State of California, or with both, insofar as the provisions of this ordinance do not conflict with applicable statutes or regulations of the United States or the State of California.

Sec. 6403-1 - **Penalty** - It is unlawful for any person within Channel Islands Harbor to do any of the acts prohibited by this Chapter. Unless otherwise provided in this Chapter, any person who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor/infraction and, upon conviction thereof, shall be punished in accordance with Section 13-2 of the Ventura County Ordinance Code.

Sec. 6403-2 - **Permit Revocation** - A violation of the provisions of this Ordinance, or any other applicable ordinance or any condition or requirement of a permit, by any permittee shall be grounds for suspension or revocation of such permit in the discretion of the Harbor Director.

Sec. 6403-3 - **Federal and State Activities** - The provisions of this ordinance shall not be construed to apply to any activities of the Federal Government, the State of California, or any other public entity, or by any person acting under the direction, instruction or authority of the Federal Government, State of California, or other public entity.

ARTICLE 4 – REGULATIONS CONCERNING SPEED AND SAFETY

Sec. 6404-1 - SPEED LIMIT RULES -

- (a) No owner, operator or person in command of any vessel shall operate or permit a vessel to be operated within the Harbor at a speed in excess of five (5) miles per hour.
- (b) No person shall operate or permit to be operated a vessel at any speed that creates an unnecessary or excessive wake.
- (c) No person shall use any vessel or manipulate water skis, an aquaplane, or a similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
- (d) No person shall operate or permit to be operated a vessel at any speed that shows a willful or wanton disregard for the safety of persons or property taking into consideration the visibility and weather conditions occurring at that time.

Sec. 6404-2 - **Swimming and Bathing** - No person shall swim or bathe in the Harbor except within those areas designated for bathing and swimming by the Director as indicated on Exhibits A and B attached hereto.

Sec. 6404-3 - **Races and Exhibitions** - It is unlawful for any person to conduct or take part in any race, demonstration, exhibition, or contest of any kind that interferes with the free and easy uses of the Harbor, unless a written permit has first been procured from the Director.

Sec. 6404-3.1 - **Permits** - No person shall sponsor an organized event on the navigable waters of the Harbor or Outer Harbor, beaches, public areas, or private leasehold areas within the Harbor without first obtaining a permit from the Director.

Sec. 6404-3.11 – Organized events on land include, but are not limited to, weddings, car shows, memorial services, markets, art shows, performance programs, events that involve rental equipment, or gatherings where ten (10) or more persons are expected to attend.

Sec. 6404-3.12 – Organized events on water include, but are not limited to, competitions, boat shows, boat operation training, group boating, or any other similar activity involving two or more vessels that has the potential to impede traffic in the waterways of the Harbor, Outer Harbor, or beaches.

Sec. 6404-3.2 - **Application for Permits** - Any person wishing to sponsor or hold a race or exhibition on the navigable waters of the Harbor must first make application to the Director for a permit to engage in such activity. The permit application must be submitted at least ten (10) days prior to the earliest date on which the applicant proposes to engage in the specified activities and shall set forth:

- (a) The names and addresses of each of the applicants;
- (b) The proposed dates, times, and location for the activities;
- (c) A detailed description of the activity requested, (e.g. wedding, boat parade, car show, etc.);
- (d) A diagram showing the proposed location and its relation to the remainder of the Harbor; and
- (e) Any request that the above-stated 10-day period required for the submission of applications for such permits be, in the sole discretion of the Director, shortened.

Sec. 6404-3.3 - Unless the permit otherwise specifies, the activities specified in Section 6404-3.2 shall be allowed only between the hours of 9:00 A.M. and 6:30 P.M., and only on such days as shall be designated by the Director in the permit.

Sec. 6404-3.4 - All race or exhibition courses shall be adequately marked with buoys and, if required by the Harbor Director or the nature of the activity, safety boats. The adequacy of such markings and safety boats shall be determined by the Director.

Sec. 6404-3.5 - All race or exhibition courses shall be so marked and situated as to allow at least one hundred (100) feet of unobstructed navigable waters between such marks and the farthest extended pier along the shoreline adjacent to such events, in order to ensure free passage for the boating public.

Sec. 6404-3.6 - The Director shall inspect or cause to be inspected all courses and markings to determine whether they comply with all provisions of this ordinance and with the requirements of the permit issued by the Director pursuant to this ordinance.

Sec. 6404-3.7 - **Muffler System** - Vessels, including motorboats, engaging in any activity or event permitted under the terms of this ordinance may, subject to the regulations herein set forth and any applicable permit, engage in such events with vessels not equipped with a muffler system.

Sec. 6404-3.8 - Each permit issued for any trial or practice runs shall designate the area where the permittee may conduct such runs. The permittee and permitted vessel shall proceed, at a safe speed and in a reasonable manner, directly to such area using the shortest possible route, having in mind other traffic then present in the waters of the Harbor and along the shoreline.

Sec. 6404-3.9 - **Owner's Responsibility** - It shall be unlawful for any person owning, possessing, or in charge of any vessel to knowingly permit such vessel to be operated in violation of any of the provisions of this Ordinance or permits issued hereunder.

Sec. 6404-3.10 - **Appeal** - Any permit applicant shall have the right to appeal the denial or conditioning of a permit to the County Executive Officer. Such appeal may be taken by filing an appeal with the Clerk of the Board within ten (10) days from the date the Director denied or issued the conditioned permit. The Clerk of the Board shall notify the Director of any such appeal. Thereafter, after consultation with the County Executive Officer, the Clerk shall set a date, time, and place for a hearing on the appeal and shall notify the appellant and Director thereof. The decision of the County Executive Officer shall be final and conclusive. There shall be no appeal to the Board of Supervisors.

Sec. 6404-4 - **Launching Vessels from a Vehicle** - No person shall use a motor vehicle to launch or retrieve a vessel on or from a Harbor launch ramp unless the vessel trailer is attached directly to the control vehicle or attached to the control vehicle by a piece of solid material. See also subdivision (g) of Vehicle Code Section 21712, which provides that a person shall not drive a motor vehicle that is towing a trailer coach, camp trailer, or trailer carrying a vessel, containing a passenger, except when a trailer carrying or designed to carry a vessel is engaged in the launching or recovery of the vessel.

Sec. 6404-5 - **Operating Near Swimmers or Bathers** - No person shall operate any vessel or aquaplane within one hundred (100) feet of any bathers or swimmers, or in any areas designated by the Director for bathing and swimming, without a permit from the Director.

ARTICLE 5 – NAVIGATION

Sec. 6405 - **OBSTRUCTING OR ENDANGERING NAVIGATION** -

- (a) No person shall in any manner obstruct or endanger lawful navigation in the Harbor in violation of Harbors & Navigation Code Section 131.
- (b) No person shall anchor or moor a vessel in the Harbor or Outer Harbor except in areas authorized by the Director.
- (c) No person shall anchor or moor a vessel in the Harbor or Outer Harbor so as to obstruct or endanger other vessels.
- (d) No person shall “make fast” to any buoy or other aid to navigation or otherwise obscure any buoy or other aid to navigation in violation of Harbors and Navigation Code section 307 or 308.

Sec. 6405-1 - **Wrecked or Sunken Vessels** - Whenever a vessel is wrecked or sunk in the Harbor or Outer Harbor, the owner or operator of such vessel shall (a) immediately notify the Harbor Patrol office of the situation and (b) mark as soon as possible the location with a buoy by day and a lighted lantern by night, and (c) ensure that such mark is maintained until the vessel is safely removed. The owner of such vessel shall immediately and diligently effect its removal. Failure to take such measures shall be considered abandonment of such vessel under the terms of Section 6405-3 of this Article.

Sec. 6405-2 - **Seaworthy in Slips** - No vessel shall be moored in an assigned slip except when it is sound and in a seaworthy condition.

Sec. 6405-3 - **Stray or Abandoned Vessels** - Any stray, sunken, abandoned, grounded, or unauthorized vessel, float, or other obstruction shall be subject to immediate removal, destruction, and sale by the Director at the sole expense of the owner or owners pursuant to Section 6406-5 of this Chapter.

Sec. 6405-4 - **Seaworthy in Harbor** - Every vessel that enters the Harbor or Outer Harbor in such condition as to render her an immediate threat to persons, property, or the environment shall become immediately subject to the orders and directions of the Director with regard to the disposition of such vessel.

Sec. 6405-5 - **Destroying or Defacing Public Property** - No person shall destroy, damage, deface, or interfere with any buoy, aid to navigation, float, life preserver, sign, notice, or any other public property within the Harbor or Outer Harbor.

Sec. 6405-6 - **Throwing or Casting Adrift Navigation Hazard** - No person shall dump, throw, or set adrift material of any sort into the waters of the Harbor or Outer Harbor that is, or might become, obstructive or dangerous to navigation, or otherwise.

Sec. 6405-7 - **Operating Boats in Slip Area** - No person shall maneuver any vessel in the fairways of the Harbor except for the purpose of entering or leaving the slip.

Sec. 6405-8 - **Use Other than Vessels** - No person shall operate or use any surfboard, paddleboard, dugout, raft, laden sailing vessel with less than three inches of freeboard (or similar craft or device), or aquaplane within the Harbor or Outer Harbor areas. This section does not apply to Stand Up Paddleboards (SUPs), which are vessels as defined in Section 6401-21, above.

Sec. 6405-9 - **Ultra Light Vehicle** - No person shall cause an ultralight to take off within the Harbor, Outer Harbor, or beach areas.

ARTICLE 6 – GENERAL REGULATIONS

Sec. 6406 - **BOARDING ANOTHER'S VESSEL** - No person shall board any vessel moored or anchored in the Harbor without the consent of the owner unless in performance of official duties or in order to protect life or property.

Sec. 6406-1 - **Boarding by the Director** - Upon obtaining the consent of the owner or occupant of a vessel, or after securing a valid warrant, based on probable cause, for inspection of a vessel, the Director may stop and board any vessel in the Harbor to enforce the terms of this Ordinance or other laws,

including provisions of the Harbors and Navigations Code (see Harbors and Navigation Code Section 663).

Sec. 6406-2 - **Owner's Responsibility** - The owner of any vessel is responsible for that vessel, including the conduct of persons on that vessel, as set forth in Harbors and Navigation Code Section 661.

Sec. 6406-3 - **Furnishing Information** - To ensure that vessels are Seaworthy, are not sources of pollution nor posing an immediate sanitation threat, the owner or person in control of any vessel in the Harbor or Outer Harbor shall, upon demand of the Director, furnish information concerning that vessel, its cargo, and number of passengers, including its manifest.

Sec. 6406-4 - **Damaging, Removing, Tampering** - No person shall damage, remove, or tamper with any part of any vessel in the Harbor or Outer Harbor without the consent of the owner.

Sec. 6406-5 - **Taking Vessels into Custody** - Pursuant to Harbors and Navigation Code Section 510, et seq., the Director may take into custody any abandoned, lost, or unauthorized vessel, mooring, float, or other property, and retain custody thereof until claimed by the lawful owner or owners who shall pay all expenses incurred by the Director in connection therewith. The Director may sell vessels and other property not claimed within ninety days, pursuant to Section 514, et seq., of the Harbors and Navigation Code.

Sec. 6406-6 - **Launching and Removing** - No person shall launch or remove from the waters of the Harbor any vessel except at such public or commercial locations specifically designated by the Director for that purpose, unless permission to do so is first obtained from the Director.

Sec. 6406-7 - **Commercial Activities** -

Sec. 6406-7.1 - **Sale or Solicit** - No person shall post, distribute, or display signs, commercial advertisements, or circulars in any public area within the Harbor, Outer Harbor, or beach areas, without first receiving permission from the Director and without complying with all applicable ordinances of the City of Oxnard. Notwithstanding the provisions of this section an individual vessel owner occupying a slip in the Harbor shall not be required to obtain a permit to display a "For Sale" sign on a vessel occupying said slip in accordance with 6406-7.4 of this chapter. No person shall sell or publicly solicit the sale of any merchandise in the Harbor, Outer Harbor, or beach areas unless a permit is first obtained from the Director.

Sec. 6406-7.2 - **Service or Business for Hire** - No person shall conduct or operate a business or service for hire or compensation, or advertise or solicit business within the Harbor, Outer Harbor, or beach areas unless a permit is first obtained from the Director.

Sec. 6406-7.3 - **Use of Vessels** - Vessels within the Harbor or Outer Harbor shall not be used commercially unless a permit is first obtained from the Director.

Sec. 6406-7.4 - **“For Sale” Signs** - “For Sale” signs on vessels are not to be over one square foot in area.

Sec. 6406-8 - **Diving from Bridges or Structures** - No person shall dive or jump from any bridge or other structure within or adjacent to the Harbor without first obtaining the express written permission of the Director.

Sec. 6406-9 - **Fishing** -

Sec. 6406-9.1 - **Where Permitted** - Fishing in the Harbor or Outer Harbor shall not be permitted except from vessels or in authorized areas.

Sec. 6406-9.2 - **Live Bait** - Unless authorized by the Director, no person shall place or allow to be placed live bait in the waters of the Harbor or Outer Harbor except when the bait is being used for the purpose of fishing; and at no time, for any purpose, shall any person put dead bait in the waters of the Harbor unless it is attached to a hook or hooks during fishing.

Sec. 6406-9.3 - **Net or Seine** - No person shall set, draw, or use any fishing net or seine in the Harbor or Outer Harbor without first obtaining the express written permission of the Director.

Sec. 6406-10 - **Dogs** - Dogs will be governed in accordance with Division 4, Chapter 4 of the codified Ventura County Ordinance Code.

Sec. 6406-11 - **Permit Fees** - No permit required by this chapter shall be obtained from the Director except upon payment of a fee to cover the administrative costs of the issuance thereof. The schedule of permit fees will be in accordance with the most current rate and fee schedule approved by the Board of Supervisors.

Sec. 6406-12 - **Prohibition on Use or Distribution of Expandable Polystyrene Food Service Products** - No person shall use or distribute expandable polystyrene food service products in any portion of the Harbor, Outer Harbor, or

beach areas. Prohibited products include, but are not limited to, expandable polystyrene food containers, bowls, plates, trays, cartons, and cups that are not intended for reuse, on or in which any foods or beverages are placed and packaged.

ARTICLE 7 – REGULATIONS COVERING MOORING, FLOATS, AND OTHER HARBOR FACILITIES

Sec. 6407 - **CONTROL OF FACILITIES** - The Director is hereby vested with authority over and control of all floats, docks and other facilities owned, leased, controlled, constructed and maintained by a lessee in any of the County facilities under the jurisdiction of the Harbor Department.

Sec. 6407-1 - **Safekeeping of Vessels** - The lessee of any premises within the Harbor where privately owned vessels are regularly or occasionally berthed, moored, or stored shall take or cause to take all reasonable precautions to assure the safekeeping of such vessels at all times.

Sec. 6407-2 - **Construction, Excavation, Dredging** – No person shall build or extend any float, bulkhead, seawall, or structure of any kind whatsoever, or dredge or excavate or cause any dredging or excavating to be done within the Harbor or Outer Harbor, unless plans of the proposed work shall have been submitted to and a construction permit obtained from the necessary outside agencies and the Director prior to the commencement of any work.

Sec. 6407-3 - **Unattended Vessel** - No person shall leave any vessel or permit any vessel to remain unattended at or alongside any public float without first obtaining the written permission of the Director.

Sec. 6407-4 - **Moor a Vessel - Time Limit** - No person shall moor a vessel for more than two (2) hours in any County slip or mooring, unless prior to expiration of such time, the Director grants permission for the vessel to be moored for a longer time.

Sec. 6407-5 - **Moor a Vessel - More Than Two (2) Hours** - Every person, whether on official business or otherwise, who intends to moor or moors a vessel in any slip or mooring for more than two (2) hours shall, at the first opportunity, register the fact of such mooring with the Director.

Sec. 6407-6 - **Loading Zone** - No person shall make fast to public docks or landings marked "Loading Zone" for more than twenty (20) minutes, except with the permission of the Director.

Sec. 6407-7 - **Inflammable Materials and Fueling of Vessels** - No person shall store any highly inflammable material in lockers on marina docks, except that paint products in tightly closed metal containers may be stored in such lockers. The slip management will make periodic checks on the contents of such lockers. No person shall store oily rags or rags with paint in such lockers. No person shall fuel vessels at other than approved marine fuel facilities.

Sec. 6407-8 - **Use of Fire** - No person shall use fire on board any vessel in the Harbor or Outer Harbor for the purpose of heating pitch, tar, or other flammable substances. No person shall make or maintain a bonfire or open fire for the burning of rubbish or refuse material or for cooking in the Harbor at any time, except that the use of a hibachi or self-contained barbecue is permitted on the open deck of vessels provided conditions for such use are safe.

Sec. 6407-9 - **Paint Spray Guns** - No person, including an owner of any vessel in the Harbor, shall use or permit the use of paint spray guns. No person shall burn paint or permit its burning on topsides of vessels while in the Harbor or Outer Harbor, except in the designated boatyard work areas specifically provided therefor. No person shall weld or use a burning torch without first obtaining a permit for such work from the Director.

Sec. 6407-10 - **Obstructions** - No person shall store or leave equipment, materials, debris, etc., on docks or fingers. Any steps used for access to a boat shall not extend more than one-half the distance across the width of any fingers. No portion of a vessel shall overhang a dock or walkway nor extend more than three feet into a fairway.

Sec. 6407-11 - **Assumption of Risk by Vessel Owner** - As and to the extent set forth in Harbors and Navigation Code Section 661, the owner of any vessel assumes the risk of damage or loss of his property while it is within the jurisdictional limitations of the County. The County assumes no risk on account of fire, theft, act of God, conditions of the sea, or damages of any kind to vessels.

ARTICLE 8 – HEALTH AND SANITATION

Sec. 6408 – **DISPOSAL OF REFUSE** - No person shall throw, discard, discharge, or deposit any refuse, trash, sewage, or waste matter of any description upon the lands or into the waters of the Harbor or Outer Harbor or beach areas, or discharge or deposit any materials of any kind on or adjacent to the banks, shores, bulkheads, piers, wharves, or beaches of the Harbor or Outer Harbor where such material might be washed (or otherwise be deposited) into the waters of the Harbor or Outer Harbor by tides, floods, storms, waves, or accidental displacement.

Sec. 6408-1 - **Discharge of Petroleum or Paint Products** - No person shall spill, discharge, deposit, or permit to pass into the waters of the Harbor, Outer Harbor, or beach areas any coal, tar, oil, gasoline, diesel, sludge, or residual products of coal, petroleum, asphalt, bitumen, or other carbonaceous material or substance or any varnish, paint, or similar insoluble products, nor shall any person allow such materials or substances to accumulate in a bilge where they could be accidentally discharged in to the waters of the Harbor or Outer Harbor.

Sec. 6408-2 - **Removal of Refuse** - The Director may remove any refuse deposited into the waters of the Harbor or Outer Harbor. Any cost of removing such refuse may be recovered by the County from the person who cause such materials to be deposited into said waters in violation of Section 6408 of this Article.

Sec. 6408-3 - **Residing in the Harbor** -

Sec. 6408-3.1 - **Registration and Permits** - All persons intending to live aboard vessels within the Harbor for more than ten (10) days within any 30-day period shall so declare their intention and register with the Director and obtain a boat residence permit from the Director. All persons who have lived aboard vessels in the Harbor for ten (10) days within any 30-day period shall register with the Director and obtain a permit from the Director before the eleventh day of their occupancy. Boat residence permits shall be issued for a period of one year and must be renewed annually by persons continuing to live on vessels within the Harbor.

Sec. 6408-3.2 - **Permits and Inspections** - Boat residence permits shall be issued by the Director. Permits and permit renewals shall be issued only after an inspection of the vessel to be used or being used as a residence. The vessel shall be inspected to determine seaworthiness and that facilities and equipment on the vessel for engine operation, fuel storage, cooking, electrical appliances, heating, sanitation, and fire prevention do not pose an immediate threat to public health, safety, and welfare. Upon an inspection and a determination that the vessel does not constitute an immediate threat to public health, safety and welfare, and upon payment of the boat residence permit fee as adopted by the Board of Supervisors in the Rent and Fee Schedule, the Director shall issue the boat residence permit. The Director shall place appropriate conditions in a boat residence permit to insure that public health, safety, and welfare are maintained during the life of the permit.

Sec. 6408-3.3 - **Regulations** - The Director is hereby authorized to adopt and promulgate regulations for vessels used as residences to ensure that such vessels are maintained in a manner that preserves the public's

health, safety, peace, and welfare. A violation of such regulations or of the conditions of a boat residence permit shall be cause for revocation of a permit for using a vessel as a residence in the discretion of the Director.

Sec. 6408-3.4 - **Suspension and Revocation** -

A. **SUSPENSION.**

1. **Grounds.** The Director is authorized to suspend a live-aboard permit in the event that there is reasonable cause to believe that either of the following circumstances exists:
 - a. The permittee knowingly made a false, misleading or fraudulent statement of a material fact in an application for the permit or in any report or record required to be filed pursuant to this chapter; or
 - b. The permittee violated any provision of this chapter, regulations adopted pursuant thereto, or any ordinance relating to the permitted activity.
2. **Procedure.** Upon determining that grounds for suspension of a permit exist, the Director shall give written notice of intent to suspend (including the grounds therefor) to the permit holder or, if the permit holder cannot be located after reasonable efforts are made by the Director to do so, the Director shall give reasonable notice to any person aboard the vessel and by mail to the address of the permit holder on file at the Harbor Master's Office. The suspension shall be effective 60 days following the giving of such notice, during which period the Director shall give the permittee an opportunity to challenge the grounds for suspension and to present evidence on the permittee's behalf. The Director shall consider any such evidence and shall either rescind the notice of intent or impose the suspension on or before the aforesaid sixtieth day.

B. **REVOCAION.**

1. **Grounds.** The Director is authorized to revoke a live-aboard permit upon either of the following grounds:
 - a. If grounds for suspension exist pursuant Subsection A of this section and the permit has been suspended on two or more prior occasions; or
 - b. The revocation is necessary for the immediate preservation of the public peace, health, or safety.
2. **Procedure.** Upon determining that grounds for revocation of a permit exist, the Director shall give written notice of intent to revoke (including the grounds therefor) to the permit holder or, if the permit

holder cannot be located after reasonable efforts are made by the Director to do so, the Director shall give reasonable notice to any person aboard the vessel and by mail to the address of the permit holder on file at the Harbor Master's Office. The revocation shall be effective sixty (60) days following the giving of such notice, during which period the Director shall give the permittee an opportunity to challenge the grounds for revocation and to present the evidence on permittee's behalf. The Director shall consider any such evidence and shall either rescind the notice of intent or impose the revocation on or before the aforesaid sixtieth day.

3. Appeal. A decision by the Director to suspend or revoke a live-aboard permit pursuant to this section shall be appealable to the County Executive Officer. Any such appeal must be filed in writing with the Director within fifteen (15) days of the date of the suspension or revocation. The suspension or revocation shall be stayed while the appeal is pending, unless it is determined by the Director that immediate cessation of overnight occupancy of the vessel is necessary for the immediate preservation of the public peace, health, or safety. The appeal shall specify all grounds for the appeal. The County Executive Officer shall provide the permit holder an opportunity to present evidence on the permittee's behalf and to challenge the determination of the Harbor Director. Formal rules of evidence or procedure need not be followed. If the appeal is denied, suspension or revocation shall become effective three (3) days following the County Executive Officer's decision, which is final. There will be no appeal to the Board of Supervisors.

ARTICLE 9 – SEVERABILITY AND PREEMINENCE

Sec. 6409 - If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors of the County of Ventura hereby declares that it would have passed this Chapter, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. With respect to the scope of and area governed by this Chapter, any and all ordinances or parts of ordinances that are in conflict with the provisions of this Chapter are hereby repealed.

ARTICLE 10 – PARKING AREA REGULATIONS

Sec. 6410 - **CONTROL OF PARKING** - The Director is hereby vested with the authority over, and control of, any controlled parking areas at Harbor, Silver Strand, and Hollywood Beach parking lots.

Sec. 6410-1 - **Vehicles or Trailers Parked Overnight** - Launch Ramp Parking Complex, bounded by medians and barriers, is hereby set aside as a County-controlled overnight parking area administered by the Director.

Sec. 6410-2 - **Overnight Parking - By Permit Only** - No person shall enter into the overnight parking area without first securing a permit and thereafter displaying said permit in the designated portion of the vehicle's windshield or such place as may be stipulated by the Director.

Sec. 6410-3 - **Parking and Use Fees** - No person may park within any County-controlled parking facility without first paying the posted parking and/or use fees. Said fees shall be posted pursuant to the most recent Rate & Fee Schedule approved by the Board of Supervisors.

Sec. 6410-4 - **Parking Confined to Parking Stall** - No person shall occupy more than the parking space or spaces assigned by the permit.

Sec. 6410-5 - **Obey Posted Signs** - No person shall fail to observe and comply with any official sign indicating speed limit, direction, caution, stopping, parking use or fee which are posted for proper control and to safeguard life and property.

Sec. 6410-6 - **Penalty for Parking Violations** - Notwithstanding the provisions of Section 6403-1, any violation of the provisions of this Article 10 shall constitute an infraction. The schedule of fines shall be in accordance with the most recent Rate & Fee Schedule approved by the Board of Supervisors.

Sec. 6410-7 - **Enforcement Officers** - Pursuant to Section 6402-2 of this Chapter, Harbor Public Officers are authorized to issue notices of violation of the parking area regulations set forth in this Article 10 in accordance with the procedures prescribed in the California Vehicle Code.

PASSED AND ADOPTED this 9TH day of August, 2011 by the following vote:

AYES: SUPERVISORS BENNETT, LONG,
FOY, ZARAGOZA AND PARKS

NOES: NONE

ABSENT: NONE

Linda Parks
CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS,
Clerk of the Board of Supervisors,
County of Ventura,
State of California.



By [Signature]
Deputy Clerk of the Board

**CHANNEL ISLANDS HARBOR
COUNTY OF VENTURA
EXHIBIT A**



CHANNEL ISLANDS HARBOR
COUNTY OF VENTURA
EXHIBIT B

