

HUMBOLDT BAY HARBOR, RECREATION
AND CONSERVATION DISTRICT

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AMENDMENT TO ORDINANCE NO. 9

AMENDMENT TO ORDINANCE ESTABLISHING RULES,
REGULATIONS AND ENFORCEMENT PROCEDURES
FOR THE WOODLEY ISLAND MARINA

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION AND CONSERVATION DISTRICT DOES HEREBY AMEND
ORDINANCE NO. 9 AS FOLLOWS:

1. Article 6, Section 6.4, entitled "Use of Vessels as a Residence" is hereby deleted and the following wording is hereby inserted in place thereof:

No vessel moored or berthed within the Woodley Island Marina shall be used as a place of residence and no person shall use the same as a place of residence except the holder of a Live Aboard Permit issued by the District as provided in Article 10 hereafter. Living aboard or overnight occupancy of any vessel in the Harbor for more than 3 consecutive nights on the vessel by any person or persons at any time is strictly prohibited, except the holder of Live Aboard Permit issued by the District as provided in Article 10 hereafter. No vessel shall be used as a residence, except a transient vessel occupying a berth under a temporary assignment for less than thirty (30) days or the holder of Live Aboard Permit issued by the District as provided in Article 10 hereafter. For the purpose of this regulation, any vessel used as an overnight accomodation for 1 or more persons in excess of 3 nights in any 7 day period shall be considered a residence.

2. Article 6, Section 6.5(e) is hereby deleted and the following wording is hereby inserted in place thereof:

Article 6, Section 6.5(e) Pets shall not be allowed to commit any nuisance within the Harbor and the owners of said pets shall be responsible for cleaning up any nuisance or mess left by said pet. Dogs shall not be allowed on any dock, pier or on the Harbor grounds except while on leash, accompanied by its owner and going to and from a motor vehicle and vessel. Cats or other pets shall not be allowed on any dock, pier or on the Harbor grounds except while on leash or transported manually and accompanied

by its owner and going to and from a motor vehicle and a vessel. Dogs, cats and other pets are prohibited at all times on any vessel holding a Live Aboard Permit as provided for in Article 10 hereafter. Any person or vessel holding a Live Aboard Permit shall remove all dogs, cats and other pets from the vessel.

3. Article 10 entitled "LIVE ABOARD PERMIT AND USE OF VESSEL AS A RESIDENCE" is hereby added to Ordinance No. 9 as follows:

ARTICLE 10 LIVE ABOARD PERMIT AND USE OF VESSEL AS A RESIDENCE

Section 10.1 This article shall regulate persons living upon vessels within the Woodley Island Marina.

Section 10.2 Living Aboard Vessel Prohibited Except As Provided for Herein

Article 6, Section 6.4 is incorporated herein and made a part hereof as if fully set forth.

Section 10.3 Application for Live Aboard Permit

(a) Any non-transient commercial or recreational vessel leasing a berth for a period of 30 days or more shall be required to make application to the District for an annual Live Aboard Permit prior to persons residing or living aboard a vessel.

(b) The application shall identify the persons who shall live aboard the vessel.

Section 10.4 Live Aboard Permit

(a) Upon the filing of an application for live aboard, an inspection of the vessel shall be made by the District to determine vessel suitability for live aboard.

(b) Live aboard vessels shall be in a seaworthy (ocean cruising) condition and of a design suitable for recreational or commercial operation on the waters of the Pacific Ocean. Live aboard permits shall not be granted for vessels such as houseboats, barges, floating homes, or other vessels not designed for or safely capable of navigating open waters.

(c) Each live aboard vessel shall comply with all local, federal and State of California laws, rules and regulations, including those pertaining to navigational, marine sanitation

devices, and safety equipment. No vessel shall at any time discharge untreated sewage or waste water into the waters of Humboldt Bay in violation of existing law. Live aboard vessels in the Woodley Island Marine equipped with holding tanks shall deposit all sewage and waste water into the sewage pumping system provided by District.

(d) Pets shall not be allowed to commit any nuisance within the Harbor and the owners of said pets shall be responsible for cleaning up any nuisance or mess left by said pet. Dogs shall not be allowed on any dock, pier or on the Harbor grounds except while on leash, accompanied by its owner and going to and from a motor vehicle and vessel. Cats or other pets shall not be allowed on any dock, pier or on the Harbor grounds except while on leash or transported manually and accompanied by its owner and going to and from a motor vehicle and a vessel. Dogs, cats and other pets are prohibited at all times on any vessel holding a Live Aboard Permit. Any person or vessel holding a Live Aboard Permit shall remove all dogs, cats and other pets from the vessel.

(e) Vessels holding a Live Aboard Permit shall be inspected upon reasonable notice by the District at any time to determine if the vessel complies with all local, federal, State of California or District laws, rules and regulations.

(f) The location of the live aboard vessel berth assigned shall be designated by District and shall be at the convenience of the Marina.

(g) The number of permitted live aboard vessels shall not exceed twenty-four (24) in the Woodley Island Marina.

(h) Only the registered owner of the vessel, the registered owner's family and crew members and employees of the owner shall be allowed to live on permitted vessels to the numerical limit set by the District.

(i) Vessels shall not be leased or rented to third parties for the purpose of residency. Any transfer, assignment or subletting of the Live Aboard Permit without the written consent of the District is prohibited.

(j) No appurtenances, structures, or writing shall be placed on the exterior of a permitted live aboard vessel without the written permission of the District.

(k) Holders of Live Aboard Permits shall agree to enhance Woodley Island Marina security and surveillance assistance to District by calling attention to District

attendant or staff damage to any vessels on pier, unauthorized persons visiting piers, or possible violations of law.

(l) That upon a finding by District that the applicant complies with the provisions of this Ordinance and upon applicant executing a Live Aboard Permit Agreement, District may issue an annual permit for live aboards upon a vessel. District may at any time forthwith terminate the Live Aboard Permit Agreement or live aboard status of a vessel for cause, non-compliance with the conditions of this Ordinance or the Live Aboard Permit Agreement or by giving thirty (30) days written notice of termination to the Permittee/Lessee.

(m) The District shall have the right in the Live Aboard Permit to limit the maximum number of persons living aboard a vessel.

Section 10.5 Fees and Charges For Live Aboard Vessels

(a) The applicant for a Live Aboard Permit shall pay to District an initial application and inspection fee of Ten (\$10.00) Dollars.

(b) That in addition to the regular monthly moorage rates and charges for Berthing Permit and Rental Agreement set forth in Article 5 above and adopted by Resolution of the Board of Commissioners of the District, holders of the Live Aboard Permit and Live Aboard Permit Agreement shall pay in advance the following sums as a surcharge for the privilege of live aboard status upon a vessel and to cover the cost of utilities and other services provided to the live aboard tenants:

(1) For the first two (2) persons living aboard, a fee of One Dollar and twenty-five cents (\$1.25) per foot per month based upon the length of the slip used, length of vessel, or combined length of vessels, whichever is greater.

(2) For each additional person over the age of twelve (12) years, an additional fee of twenty-five cents (\$0.25) per foot per month based upon the length of slip used, length of vessel, or combined length of vessels, whichever is greater.

(c) That the fees and charges set forth in this Section 10.5 shall apply to those persons living aboard vessels on or after September 1, 1981, and for which a Live Aboard Permit is issued thereafter.

(d) That the rates, charges and fees for live aboard moorage as provided for in this Article 10 shall be modified, altered or changed upon Amendment to this Ordinance or resolution of the Board of Commissioners.

Section 10.6 Effective Date of this Amendment

That this ordinance is an urgency ordinance passed for the immediate preservation of the public peace, health or safety and shall take effect upon its publication in the Times-Standard newspaper, Eureka, California.

PASSED AND ADOPTED THIS 22nd DAY OF October, 1981, BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:


AYES: Commissioner Davenport, Commissioner Adkins, Commissioner Gast, Commissioner Blumer

NOES:

ABSENT: Commissioner Sparks


PRESIDENT, Board of Commissioners

ATTEST:


SECRETARY, Board of Commissioners