

## **Article VIII. - County of Sonoma Marinas.**

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### **Sec. 20-41. - Title.**

This article shall be known and may be cited as the County of Sonoma Marinas Ordinance.

(Ord. No. 3428 § 1.)

### **Sec. 20-42. - Definitions.**

The following words and phrases shall have the meaning ascribed to them by this section:

- (a) Berth: a place assigned by the Park Authority to secure a vessel.
- (b) To berth or anchor: to secure a vessel to or upon any land, submerged land, mooring, fixture or structure by any means.
- (c) Commercial fishing vessel: any vessel currently registered with the California Department of Fish & Game used to obtain fish or other seafood for profit or monetary consideration.
- (d) Day: any twenty-four (24) hour period of time.
- (e) Docking area: that portion of the Marina to which vessels are normally secured including but not limited to any float or the service or fuel dock area.
- (f) Emergency: a situation which poses an imminent danger to persons or property.
- (g) Float: any wharf, slip, pier, dock, quay, landing or floating platform used or normally used for

securing a vessel.

(h) Marina or Marinas: the marina and all auxiliary land and facilities owned and operated by County of Sonoma at Spud Point, Mason's Marina, and the Sonoma County Sport Fishing Center, Bodega Bay, California, and the waterways immediately adjacent thereto.

(i) Marina Supervisor: the person designated by the Park Authority to be responsible for the operation and maintenance of County of Sonoma Marinas.

(j) Pollutant: any substance that may cause harm to persons or property, including but not limited to any substance identified as a pollutant by state or federal water pollution, air pollution or hazardous waste laws.

(k) Public fishing area: any area posted and designated as such by the Park Authority.

(l) Refuse: human or animal waste, fish part, bilge water, garbage or other matter so designated by the Park Authority.

(m) Residence: a vessel used as a sleeping accommodation for more than three (3) days in any seven (7) day period.

(n) Vehicle: any machine or equipment used for transportation upon the land including, but not limited to, any automobile, truck, recreational vehicle, bicycle, motorcycle or motor-driven cycle.

(o) Vessel: every type of watercraft used or normally used for transportation on the water.

(Ord. No. 3428 § 1.)

**Sec. 20-43. - Duties of Park Authority and Marina Supervisor.**

(a) The Park Authority shall have full authority to enforce this Article and any rules and regulations affecting the Marina. His powers and duties include, but are not limited to:

(1) managing the operations of the Marina, including executing berthing permits, approvals and agreements and assigning berths;

(2) posting or restricting areas of the Marina for certain uses;

(3) boarding and moving, or ordering the owner or person in charge of any vessel to move, any vessel to another position as he determines necessary:

(i) to prevent harm to persons or property, including but not limited to, when necessary to reduce risks due to fire, sinking, spillage, breakaway or collision; or

(ii) for the safe and orderly operation of the Marina, including but not limited to, where necessary because of space limitations or traffic conditions.

(4) removing and impounding any vessel which has been abandoned, sunken, presents a hazard or nuisance to persons or property;

(5) issuing citations for violations of any provision of this Article or any rule or regulation implementing

this Article.

(b) Whenever a power is granted to, or a duty imposed upon the Park Authority, that power may be exercised or the duty may be performed by any person so designated by the Park Authority or by any person authorized by the Board of Supervisors.

(c) The Marina Supervisor and any assistants specifically designated by the Park Authority are hereby charged with the responsibility for enforcing this Article. They may issue citations for a violation of any provision of this Article or rule or regulation implementing this Article.

(d) The Board of Supervisors may, by resolution, designate the Marina Supervisor and any assistants to be regular harbor policemen within the meaning of Section 663.5 of the Harbors and Navigations Code. Any person so designated is hereby charged with the responsibility for enforcing both this Article and all applicable provisions of the Harbors and Navigation Code within the Marina and may issue citations for violation of applicable provisions of the Harbors and Navigation Code.

(Ord. No. 3428 § 1.)

**Sec. 20-44. - Violation of Article.**

(a) This Article is not intended to be the exclusive means of regulating activity at the Marina. Persons using the Marina are subject to all other applicable Local, State and Federal laws.

(b) Any person violating any provision of this Article or any rules or regulations implementing this Article shall be guilty of an infraction and subject to punishment by:

- (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; or
- (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of this Article within one (1) year; or
- (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of this Article within one year; or
- (4) such greater fine as may be authorized by State law.

(c) Every 24-hour period any violation of this Article shall continue constitutes a separate and distinct offense.

(Ord. No. 3428 § 1.)

**Sec. 20-45. - Owner's Responsibility to Pay.**

Any and all vessel owners, or any person in charge of a vessel shall be responsible to the County for the following:

- (a) all berthing fees, dockage services, rents and other charges;
- (b) all reasonable expenses incurred by County in attempts to secure or protect vessels or their contents from harm;
- (c) all damage to County property caused by such owner or person;

- (d) all costs arising from raising, moving, impounding and storing any vessel or vehicle.

Failure to pay all such charges shall subject owners, persons and vessels to legal action including, but not limited to, vessel impoundment and sale as provided for by State and Federal law.

(Ord. No. 3428 § 1.)

**Sec. 20-46. - Time of day restrictions.**

- (a) No person shall use a vessel moored or berthed within the Marina as a residence except as specifically authorized by the Park Authority, in writing, pursuant to Sections (1), (2), (3), (4), (5), (6) below:

(1) Commercial fishing vessel: Such a vessel may be used as a residence if it is determined by the Park Authority to be actively engaged in fishing activity during a legally established fishing season; except such a vessel may not be so used for more than ninety (90) days in any three hundred sixty-five (365) day period;

**(2) Transient vessel:** A vessel may be used as a Residence (as defined above) for no more than fourteen (14) days within any sixty (60) day period. This allowance is generally granted by the Park Authority when it is determined that the vessel is in transit between locations.

The Park Authority may authorize a limited extension of this residency period under exigent circumstances, such as inclement weather or mechanical failure, which temporarily prevent the vessel from safely departing the Marina. In such cases, the vessel owner or operator must demonstrate an intent to leave the transient berth by a specific date and show reasonable progress toward resolving the issue as determined by the Park Authority in its sole discretion.

(3) Marina security: 20 total vessels may be used as a residence when determined by the Park Authority to be necessary for the purposes of Marinas security;

(4) Emergency conditions: A vessel may be used as a residence when necessary, during a storm or other emergency, but only for the duration of the storm or emergency as determined by the Park Authority; and in no event for more than ninety (90) days in any three hundred sixty five (365) day period.

(5) Berth holders may sleep aboard their vessels for up to 3 days a week and no more than 90 days in any 365 day period.

**(6)** Short-term, lower-cost visitor serving lodging of up to thirty (30) berths may be approved by the Park Authority, subject to terms and conditions set by the Park Authority to ensure Marina operational needs are met.

- (b) No person other than a vessel owner, a person in charge of a vessel, or person in the Marina at the invitation of a vessel owner or person in charge of a vessel, shall be in the docking area between sunset and sunrise, and except as authorized by the Park Authority.

- (c) Amplified music, loud radios, shouting and any other noise which is not essential to the permitted use of any vessel is prohibited between the hours of 11:00 p.m. and 5:00 a.m.

- (d) No riding or storage of bikes or other personal transportation devices on docks.

(Ord. No. 3428 § 1.)

**Sec. 20-47. - Minors in Marina.**

No person under the age of sixteen (16) years shall go, remain or be upon any of the gangways, floats or vessels in the Marina unless such person is accompanied by an adult, or has the written permission of the owner or person in charge of any vessel located at the Marina to go upon such vessel, except as authorized by the Park Authority.

(Ord. No. 3428 § 1.)

**Sec. 20-48. - Pollution control restrictions.**

(a) No person shall throw, discharge or deposit from any vessel, or from any part of the Marina, any refuse or pollutant of any kind whatsoever into or upon the waters within the Marina, or in, or upon any area of the Marina.

(b) No person shall bring any dog, cat or other animal into the Marina unless such animal is on a leash and in the immediate control of such person at all times. Any person bringing such an animal into the Marina shall clean up any excrement left by such animal. Park Authority has the discretion to prohibit any nuisance or aggressive animal.

(Ord. No. 3428 § 1.)

(c) No person shall make or use any bonfire or open fire for the burning of refuse or for any other purpose.

(d) No person shall drive, operate, or permit to be driven or operated any motor vehicle, trailer, fork-lift, semi-trailer, or vessel in any manner that may or shall result in the discharge of gasoline, oil, hydraulic fluid or other pollutant from such vehicle or equipment onto the Marina.

(Ord. No. 3428 § 1.)

**Sec. 20-49. - Specific use and area restrictions.**

(a) No person shall operate any vessel:

(1) Within the main channel of the Marina in excess of five (5) miles per hour; or

(2) In any area within the Marina including between the piers and docking areas so as to create any water movement which may pose a hazard to persons or property.

(b) Gasoline, diesel oil, bulk lubricating oils and related petroleum products shall be handled only in areas within the Marina posted by the Park Authority for such use and only by persons so authorized in writing by the Park Authority. Any bulk fueling is prohibited.

(c) No person shall fish from any portion of the Marina unless such area is posted by the Park Authority for fishing.

(d) No charters and vessels carrying passengers for hire, shall be conducted in the Marina except under special permit of the County, upon payment of such rates as may be adopted by the Board of Supervisors and upon

compliance with any other applicable State or Federal laws.

- (e) No brokers, peddlers, agents or solicitors shall be permitted in the Marina except upon the prior written consent of the Park Authority.
- (f) No person shall launch or retrieve any vessel except within areas of the Marina posted by the Park Authority for such launching or retrieval.
- (g) No person shall use kayaks, paddleboards, sailboards, canoes, rubber inner tubes, foot-propelled water crafts, vessels powered solely by sail, jet skis and any non-self-propelled water craft in the Marina unless in a designated area authorized by Park Authority.
- (h) No person shall possess any loaded weapon within the Marina. This prohibition does not apply to a law enforcement officer in the performance of official duties. The Marina is hereby designated a prohibited area within the meaning of California Penal Code Sections 12031 and 25850.
- (i) No person shall allow any nets, reels, crabpots or other equipment to remain in any area of the Marina except as authorized by the Park Authority.
- (k) The Park Authority may prohibit use of some areas of the Marina by conspicuously posting signs authorizing or restricting certain uses. No person shall use any area of the Marina in violation of any signs posted by the Park Authority.

(Ord. No. 3428 § 1.)

**Sec. 20-50. - Tampering with property.**

- (a) No person shall willfully or negligently injure, break, remove or tamper with any part of the vessel of another.
- (b) No person shall go upon the vessel of another without the consent of the owner or person in charge of the vessel.
- (c) No person shall willfully or negligently destroy, damage, disturb, debase or interfere with any buoy, float, piling, berth, sign, notice or other property within the Marina.

(Ord. No. 3428 § 1.)

**Sec. 20-51. - Operation, maintenance and docking of vessels.**

- (a) No person shall, within the boundaries of the Marina, make major repairs or service any vessel except upon prior written authorization of the Park Authority.
- (b) Exterior power-spraying is prohibited in the Marina.
- (c) No person shall sand any vessel or equipment in the Marina except by hand or small power sander. Sanding shall not result in the deposit of sand, paint or dust into the water, onto adjacent vessels or onto the docking areas.
- (d) No person shall secure any vessel so that any part of the vessel, including bowsprit, boom, boomkin or

equipment, blocks any portion of the Marina walkways.

(e) No vessel owner or person in charge of any vessel shall allow:

(1) any vessel to extend beyond the fairway end of the slip unless the Park Authority determines the vessel does not create a hazard to navigation; or

(2) walkways and fingers to be obstructed in any manner except by a landing step as hereinafter provided. Landing steps must be floatable, may not be used for storage and shall not be more than one-half (1/2) the width of the finger. Landing steps shall be kept on board the vessel when not in use.

(f) Maximum length and width of vessel, including drag doors, crab block, bowsprits, outboard motors, fishing outriggers, or other extensions, shall not exceed the limits of the berths assigned, except as authorized by the Park Authority.

(g) No person shall attach any tire, rope, canvas or other material to fingers, piers, docks, piles or any part of the Marina without the written approval of the Park Authority. Dock lockers or similar dock storage are prohibited. Only floatable fenders are permitted within the Marina.

(h) No person shall build or extend any float, bulkhead or seawall, or structure of any kind whatsoever, to dredge, dig or excavate for bait or shellfish or any other purpose.

(i) No person shall display a "For Sale" sign in excess of one hundred fifty (150) square inches on the face.

(j) No person shall use welding or burning equipment within the Marina unless:

(1) the Park Authority is notified of the nature and extent of the proposed work, the workman or company doing the work and the date and time the work shall be performed prior to start of the work and whenever practical at least twenty-four (24) hours before the work is to be performed; and

(2) all such work is performed only at the Spud Point Marina work dock.

(k) No person shall berth or anchor a vessel in the Marina unless it is secured by mooring lines of sufficient number, strength and size to ensure the vessel remains securely moored under all conditions.

(l) Diver maintenance of a vessel is prohibited unless:

(1) the Park Authority is notified in advance of such diving to the extent practicable;

(2) a person other than the diver is attending the vessel during the dive; and

(3) diving complies with all applicable laws and regulations including provisions of the California Administrative Code.

#### **Sec. 20-52. - Use of parking area.**

All vehicular and pedestrian traffic in the Marina shall be subject to the provisions of the California Vehicle Code and to the following conditions:

(a) No vehicle, vessel or trailer shall be parked in such a manner that it obstructs access to any portion of, or interferes with, use of the Marina.

- (b) No vehicle or trailer shall be occupied overnight, except without written consent of the Park Authority and in designated areas.
- (c) No vehicle, vessel or trailer shall be left overnight or stored in the parking area, except with the written permission of the Park Authority.
- (d) No vehicle shall be permitted on any pier or float except while being manually transported to or from a vessel occupying a berth.
- (e) Vehicles parked in violation of this section or of any rule or regulation implementing this Article may be towed at owner's expense.

(Ord. No. 3428 § 1.)

**Sec. 20-53. - Rates and fees.**

The Board of Supervisors shall establish, by resolution, rates for services, rents, fees and such other charges as may be necessary for the orderly operation of the Marina.

(Ord. No. 3428 § 1.)

**Sec. 20-54. - Berthing.**

- (a) No person shall berth or anchor a vessel except as authorized by a berthing permit, berthing agreement or other written approval of the Park Authority. The Park Authority may move or secure or order moved or seamed, any vessel as authorized by Section 20.43(a)(3) of this Article.
- (b) No person shall berth or anchor a vessel in the Marina if it is determined by the Park Authority to be unseaworthy, improperly maintained or in any other manner determined to pose a hazard to persons or property.
- (c) No person shall bring a vessel into the Marina unless it is currently registered, numbered or documented if required by State and Federal law.
- (d) No person shall sublet a berth. (Ord. No. 3428 § 1.)

**Sec. 20-55. - Additional rules and regulations.**

The Board of Supervisors may, by resolution, adopt such additional rules and regulations as it determines are necessary to operate and manage the Marina. Such additional rules and regulations may provide for additional time of day, pollution control, use and area, operation and maintenance, or berthing restrictions. All such rules and regulations shall be conspicuously posted in a location convenient to Marina users. Copies of rules and regulations shall be available at the Marina office. No person shall use any portion of the Marina except as authorized by such rules and regulations. Any violation of a posted and adopted regulation is a violation of this Article.

(Ord. No. 3428 § 1.)



**Sec. 20-56. - Conflict with other laws.**

This Article is not intended, and shall not be construed, to apply to any substance or activity which is regulated by Federal or State law, to the extent that application of this Article would conflict with such law or would unduly interfere with the achievement of Federal or State regulatory objectives. It is the intention of the Board of Supervisors that this Article shall be interpreted to be compatible with Federal and State enactments, and in furtherance of the public purposes which those enactments express.

(Ord. No. 3428 § 1.)